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Veto Session

1-3	Day 01 - 09/12/07
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JOURNAL OF THE SENATE
NINETY-FOURTH GENERAL ASSEMBLY
OF THE
STATE OF MISSOURI
FIRST REGULAR SESSION

FIRST DAY—WEDNESDAY, JANUARY 3, 2007

The Senate was called to order at 12:00 noon by Lieutenant Governor Peter Kinder.

The Reverend Carl Gauck offered the following prayer:

“For where there is envy and selfish ambition, there will also be disorder and wickedness of every kind. But the wisdom from above is first pure, then peaceable, gentle, willing to yield, full of mercy and good fruits without a trace of partiality or hypocrisy.” (James 3:16-17)

Gracious God, we come together, some here for the first time, others established, but we do so humbled by the responsibilities and call to work for the people of Missouri. Let our actions this year be filled with wisdom so that disorder and partiality does not disrupt our call to service. And guide us, Lord, so that our efforts may truly bear good fruits. And Lord, we offer our prayers for President Ford as he is laid to rest this afternoon. We are thankful for his leadership during a time for healing in our nation and we pray for his family and all who will miss him, that you may comfort them with Your grace and mercy. In Your Holy Name we pray. Amen.

The Jefferson City Correctional Center Color Guard presented the Colors.

The Pledge of Allegiance to the Flag was recited.

The National Anthem was performed by Senator Rita Heard Days.

The President of the Senate stated that the Rules of the Senate would be the Missouri Senate

Rules of the 2nd Regular Session of the Ninety-third General Assembly until temporary or permanent rules are adopted.

Senator Shields announced that photographers from KMIZ-TV, the Senate and family had been given permission to take flash pictures and to video in the Senate Chamber and gallery today.

Senator Shields submitted the following appointments of officers for the temporary organization, which were read:

President Pro Tem	Michael R. Gibbons
Secretary of Senate	Terry L. Spieler
Sergeant-at-Arms	Bill Smith
Doorkeeper	Ken Holman

Senator Shields requested unanimous consent of the Senate that the above named officers be elected as temporary officers until permanent officers are elected, which request was granted.

**MESSAGES FROM THE
SECRETARY OF STATE**

The President laid before the Senate the following communication from the Secretary of State, which was read:

To the Honorable Senate of the 94th General Assembly, First Regular Session, of the State of Missouri:

In compliance with Section 115.525, Revised Statutes of Missouri 2002, I have the honor to lay before you herewith a list of the names of the members of the Senate for the 94th General Assembly (First Regular Session) of the State of Missouri, elected at the November 2, 2004 General Election, at Special Election held on November 8, 2005 and the November 7, 2006 General Election.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the official seal of my office this 3rd day of January, 2007.

/s/ Robin Carnahan

(Seal) SECRETARY OF STATE

MISSOURI STATE SENATORS

Elected November 2, 2004

District	Name
1st	Harry Kennedy
3rd	Kevin Engler
5th	Maida Coleman
7th	John Loudon
9th	Yvonne S. Wilson
11th	Victor Callahan
13th	Timothy P. Green
15th	Michael R. Gibbons
17th	Luann Ridgeway
19th	Chuck Graham
21st	Bill Stouffer
23rd	Chuck Gross
25th	Robert (Rob) Mayer
27th	Jason G. Crowell
29th	Jack Goodman***
31st	Chris Koster
33rd	Chuck Purgason

***Elected at Special Election held November 8, 2005 to fill

vacancy created by the death of Larry Gene Taylor.

MISSOURI STATE SENATORS

Elected November 7, 2006

District	Name
2nd	Scott T. Rupp
4th	Jeff Smith
6th	Carl M. Vogel
8th	Matt Bartle
10th	Jolie L. Justus
12th	Brad Lager
14th	Rita H. Days
16th	Frank Barnitz
18th	Wes Shoemyer
20th	Dan Clemens
22nd	Ryan McKenna
24th	Joan Bray
26th	John Griesheimer
28th	Delbert Scott
30th	Norma Champion
32nd	Gary Nodler
34th	Charlie Shields

The newly elected Senators advanced to the bar and subscribed to the oath of office, which was administered by the Honorable Judge Mary Rhodes Russell, of the Missouri Supreme Court.

On roll call the following Senators were present:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler

Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senator Green—1

Absent—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Absent with leave—Senators—None

Vacancies—None

Vacancies—None

The Lieutenant Governor was present.

Senator Gibbons was escorted to the dais by Senator Shields.

Senator Gibbons subscribed to the oath of office of President Pro Tem, administered by the Honorable Judge Mary Rhodes Russell of the Missouri Supreme Court.

President Pro Tem Gibbons assumed the dais and delivered the following address:

Opening Address

**Senator Michael R. Gibbons, President Pro Tem
First Regular Session, 94th General Assembly
January 3, 2007**

Lt. Governor Kinder, Judge Russell, Members of the Missouri Senate, our families, friends, and people of Missouri:

As we take our places in this magnificent chamber, I want to thank you for entrusting this position of leadership to me as we move into a pivotal time in our state's history. I particularly appreciate the support of the Senator from the 5th, who will also continue as our Minority Leader. Working together, we have made improvements to the civility in the Missouri Senate and will continue working together to maintain an environment where the difficult issues we face can be debated vigorously and decisions made with civility and respect.

We welcome back our returning members, and extend a special welcome to our five new members, the newly-elected Senators from Nodaway County, the 12th District; Monroe County, the 18th District; Jefferson County, the 22nd District; Jackson County, the 10th District; and the City of St. Louis, the 4th District. You are joining an institution that has served the people of Missouri for 186 years and is known as the place where complex issues come to find a common sense solution.

It may sound easy, but the issues that really matter generally do not have easy answers. It is a struggle for each of us on our own, and all of us together, to determine what is right and best for the future of all the people we represent.

It should come as no surprise that our work here involves struggle. We come from various backgrounds and beliefs. Each of us represents approximately 165,000 people from very different parts of Missouri, and we have different ideas on how to address the issues we face.

So, why are we here? We come together in this historic

RESOLUTIONS

Senator Shields offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1

BE IT RESOLVED, by the Senate of the Ninety-fourth General Assembly of the State of Missouri, First Regular Session, that the rules adopted by the Ninety-third General Assembly, Second Regular Session, as amended, insofar as they are applicable, be adopted as the temporary rules for the control of the deliberations of the Senate of the Ninety-fourth General Assembly, First Regular Session, until permanent rules are adopted.

Senator Shields moved that the Senate proceed to perfect its organization, which motion prevailed.

Senator Griesheimer nominated Senator Michael R. Gibbons for President Pro Tem. Senator Gibbons' nomination was seconded by Senator Coleman.

No further nominations being made, Senator Gibbons was elected President Pro Tem by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

chamber to give voice to the hopes and dreams of all the people of Missouri. We were elected so we could rise at our desk, to introduce bills, propose amendments, engage in debate, to offer our ideas on what we believe to be best. When we offer these ideas, we do not offer them for ourselves, but on behalf of the people we represent. As a result, each idea deserves to be heard; although, each idea does not necessarily deserve our support. Support for a proposition must be earned, and the success of the idea is demonstrated by our vote. We debate the idea and a decision is made. This is what the people expect. This is what the people deserve.

In the recent national election, the voters said very clearly that it is time to address serious issues in a serious way. Refusing to address key issues, whether by insisting that we "stay the course," or by the few using legislative maneuvers to prevent action, are wrong, and the people know it.

We are here in a position to make a difference at the dawn of the 21st Century. Our first two years have seen serious work done on the foundation for this future and it is proving to be a good start. More people are working, and the future looks bright. But there are trouble spots ahead that we must do something about.

Thomas Jefferson in the majestic words of the Declaration of Independence wrote:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,...

Governments in America exist to secure these fundamental rights, and in the Missouri Senate, the voters have entrusted this power to us. Therefore, we need to take bold action where great threats to these unalienable rights are found to protect the people of Missouri. One such threat is to our health. Without the opportunity for good health, our fundamental rights to Life, Liberty and the Pursuit of Happiness are diminished or lost. We have already said that the poor deserve better, and set a plan in motion with great urgency to reform our failing Medicaid system. Medicaid began in Missouri in 1968, but it is not 1968 anymore. It is the 21st Century, and a healthcare plan that only provides treatment when sickness or disease attacks is inadequate, dangerous and a direct assault on our unalienable rights. Today, all of us working together, Republicans and Democrats, can boldly enter the future, with a focus on the people rather than on big government, big healthcare providers, and big insurance companies. We can focus on protecting health by concentrating on prevention and wellness in addition to treatment. And this is not just a problem for the poor. We must declare war on the high cost of healthcare. The healthcare marketplace that exists today between big providers, big government and big insurance companies is creating a burden the people cannot carry. More are exposed to being uninsured because neither the people themselves nor their employers can afford the skyrocketing costs. We must

return the power over this critical part of life to the people, empowering them with knowledge about quality, cost and results, and focusing on prevention and wellness. We can take the people off of the healthcare conveyor belt and put them back in the driver's seat when it comes to choices and decisions on their health and the health of their families.

Another threat to our fundamental rights are the failing school districts in our state. In a rapidly changing global marketplace where the United States should be the leader in the new knowledge economy, education is the key to success. The future looks bright for those who have a good education. But those who do not, I'm sad to say, will be left behind with only poverty, prison, or an early death to look forward to. Such hopelessness is unacceptable. Failing to make positive changes now is criminal. Moreover, a good education belongs to the person who earned it. No one can take it away.

As we look at the Special Advisory Committee's report on the St. Louis City public schools, and knowing that the state school board will be considering what action to take in response, it has been interesting to see the attacks against a recent appointee to the State School Board. She apparently holds beliefs that the education establishment opposes. We know what they are against. But what are they for?

Looking at the City of St. Louis Schools, are they in favor of graduating barely one half of the students in the district? Are they pleased that only 1 out of 4 that do graduate go on to some post-high school program? Do they know that, according to the chancellor of the St. Louis Community College, that of those with diplomas that go to his school, many spend up to 18 months in remedial programs just to be able to start their 2-year associate's degree? We are allowing the St. Louis City public schools, which serve a large and very vulnerable population of students, to drive the final nail into the coffins of their futures. This failure is an outrage. Unfortunately, St. Louis is not alone. In fact, 12 other school districts across Missouri are in similar shape. It is an outrage in every failing district in Missouri.

So, what should we be for? We should be for reforms that give the students in failing districts a chance at a world-class education with a focus on academic achievement and accountability for results. We should be open to any solution, any solution, that will improve the opportunities for these students. We hear too much about school boards, administrators, principals, teachers or other employees. Our primary concern must be for the children. We challenge everyone interested in protecting these children to come forward to work with us to find common sense solutions today. A good education is the best hope for a life of liberty in which the people can truly have an opportunity to pursue happiness. We must protect their education and have high expectations for academic achievement in all of our schools, so that nearly every student in Missouri graduates with a diploma that means he or she has mastered the fundamental skills necessary to enter today's world, and that they are ready for the next step.

The students in failing districts need us to act now. Their lives and futures depend on us.

Many other critical issues will come before us this year and we will all, at some time, be challenged to our core on what is the right thing to do. And we will challenge each other and our ideas as we stand here on behalf of our constituents, struggling to take right actions for the future of the people of Missouri. When we come together in session, one of my goals is to have everyone pay more attention to the issues at hand. That means putting down BlackBerrys, cell phones and other distractions, and being prepared to debate the bills before us. Out of respect for the people who elected us, it is the least we can do.

Everyone here worked hard and devoted every ounce of energy to win their election. Millions of dollars and thousands of volunteers helped us win. Millions of dollars and thousands of volunteers worked hard to defeat us. At the end of the day, in each of our Senate Districts, the people chose us and have given us their consent to make decisions, to represent their interests, to secure their rights, and to provide for a hopeful future.

We have a solemn duty to find common sense solutions to the complex issues we face. In this effort we must succeed. Working together we will. It is what the people expect. It is what the people deserve.

President Kinder resumed the Chair.

Senator Gibbons nominated Terry L. Spieler for Secretary of the Senate.

No further nominations being made, Ms. Spieler was elected by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Gibbons nominated Bill Smith for Sergeant-at-Arms.

No other nominations being made, Mr. Smith was elected by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Gibbons nominated Ken Holman for Doorkeeper.

No other nominations being made, Mr. Holman was elected by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Terry Spieler, Bill Smith and Ken Holman advanced to the bar and subscribed to the oath of office, which was administered by the Honorable Judge Mary Rhodes Russell of the Missouri Supreme Court.

RESOLUTIONS

Senator Shields offered the following resolution, which was read:

SENATE RESOLUTION NO. 2

BE IT RESOLVED by the Senate, that the Secretary of the Senate inform the House of Representatives that the Senate of the First Regular Session of the Ninety-fourth General Assembly is duly convened and is now in session and ready for consideration of business;

BE IT FURTHER RESOLVED that the Secretary of the Senate notify the House of Representatives that the Senate is now organized with the election of the following named officers:

President Pro Tem	Michael R. Gibbons
Secretary of Senate	Terry L. Spieler
Sergeant-at-Arms	Bill Smith
Doorkeeper	Ken Holman

Senator Shields moved that the above resolution be adopted, which motion prevailed.

In accordance with Section 9.141, RSMo, the Bill of Rights was read.

Senator Bartle assumed the Chair.

FIRST READING OF PRE-FILED SENATE BILLS

As provided in Chapter 21, RSMo 2000, Sections 21.600, 21.605, 21.615 and 21.620, the following pre-filed Bills and/or Joint Resolutions were introduced and read for the first time:

SB 1—By Gibbons.

An Act to amend chapters 105 and 285, RSMo, by adding thereto two new sections relating to employee criminal background checks.

SB 2—By Gibbons.

An Act to amend chapter 570, RSMo, by adding thereto one new section relating to obtaining, receiving and selling personal health

information, with penalty provisions and an effective date.

SB 3—By Gibbons.

An Act to repeal sections 630.005, 630.155, 630.165, 630.167, and 630.755, RSMo, and to enact in lieu thereof fifteen new sections relating to mental health, with penalty provisions.

SB 4—By Gross.

An Act to repeal sections 198.439, 208.437, 208.480, and 338.550, RSMo, and to enact in lieu thereof four new sections relating to the health care provider tax, with an emergency clause.

SB 5—By Loudon.

An Act to repeal sections 573.025, 573.035, and 573.037, RSMo, and to enact in lieu thereof four new sections relating to child pornography, with penalty provisions.

SB 6—By Loudon.

An Act to amend chapter 163, RSMo, by adding thereto one new section relating to education.

SB 7—By Loudon.

An Act to repeal section 143.111, RSMo, and to enact in lieu thereof two new sections relating to an income tax deduction for certain health care expenses.

SB 8—By Kennedy.

An Act to repeal section 135.535, RSMo, and to enact in lieu thereof two new sections relating to tax relief for persons assisting disabled citizens, with an expiration date for a certain section.

SB 9—By Kennedy.

An Act to repeal section 250.140, RSMo, and to enact in lieu thereof one new section relating to delinquent water and sewer service bills.

SB 10—By Kennedy.

An Act to repeal section 621.045, RSMo, and to enact in lieu thereof twenty-six new sections relating to private investigators, with penalty

provisions.

SB 11—By Coleman.

An Act to amend chapter 660, RSMo, by adding thereto one new section relating to hot weather maintenance of utility service.

SB 12—By Coleman.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to a scholarship program for children and spouses of veterans killed in combat.

SB 13—By Coleman.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to radio frequency identification tags (RFID).

SB 14—By Scott.

An Act to amend chapter 660, RSMo, by adding thereto one new section relating to transportation services for the elderly.

SB 15—By Scott.

An Act to repeal sections 660.546, 660.547, 660.549, 660.551, 660.553, 660.555, and 660.557, RSMo, and to enact in lieu thereof six new sections relating to the long-term care partnership act.

SB 16—By Scott.

An Act to repeal section 192.935, RSMo, and to enact in lieu thereof two new sections relating to vision examinations for school children.

SB 17—By Shields.

An Act to repeal sections 301.132, 301.147, 307.178, 307.350, and 307.375, RSMo, ninety-third general assembly, second regular session, and to enact in lieu thereof five new sections relating to the regulation of motor vehicles, with penalty provisions and an effective date for certain sections.

SB 18—By Shields.

An Act to repeal section 84.830, RSMo, and to enact in lieu thereof one new section relating to prohibited activities by Kansas City police officers, with penalty provisions.

SB 19—By Shields.

An Act to repeal section 301.140, RSMo, and to enact in lieu thereof one new section relating to refund of motor vehicle registration fees.

SB 20—By Griesheimer.

An Act to repeal sections 99.805, 99.810, 99.820, 99.825, 99.845, 99.847, and 99.865, RSMo, and to enact in lieu thereof nine new sections relating to tax increment financing, with penalty provisions.

SB 21—By Griesheimer.

An Act to amend chapter 204, RSMo, by adding thereto thirty-four new sections relating to reorganized common sewer districts, with an emergency clause.

SB 22—By Griesheimer.

An Act to repeal sections 41.655, 50.565, 50.660, 64.090, 64.235, 64.620, 67.110, 67.410, 67.463, 67.797, 67.1003, 67.1360, 67.1451, 67.2500, 67.2510, 72.080, 89.010, 89.400, 100.050, 110.150, 137.055, 137.115, 206.090, 247.040, 250.140, 260.830, and 260.831, RSMo, and to enact in lieu thereof forty new sections relating to political subdivisions, with penalty provisions.

SB 23—By Champion.

An Act to repeal section 478.513, RSMo, and to enact in lieu thereof one new section relating to the thirty-first judicial circuit.

SB 24—By Champion.

An Act to repeal sections 302.272, 302.275, and 302.321, RSMo, and to enact in lieu thereof three new sections relating to school bus drivers, with penalty provisions and an effective date.

SB 25—By Champion.

An Act to repeal sections 210.145 and 210.183, RSMo, and to enact in lieu thereof two new sections relating to a child abuse or neglect investigation involving the death of a child.

SB 26—By Bartle.

An Act to repeal sections 226.010, 226.200,

and 226.220, RSMo, and to enact in lieu thereof thirteen new sections relating to the authority to construct, maintain, and operate toll facilities, with a contingent effective date.

SB 27—By Bartle and Koster.

An Act to repeal section 226.531, RSMo, and to enact in lieu thereof one new section relating to the regulation of sexually oriented billboards, with penalty provisions.

SB 28—By Bartle.

An Act to repeal sections 478.463 and 478.464, RSMo, and to enact in lieu thereof two new sections relating to the sixteenth judicial circuit.

SB 29—By Nodler.

An Act to repeal sections 173.005 and 173.616, RSMo, and to enact in lieu thereof three new sections relating to higher education, with penalty provisions.

SB 30—By Nodler and Ridgeway.

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to sales tax exemption for common motor carriers.

SB 31—By Nodler.

An Act to repeal sections 327.011, 327.111, 327.181, 327.201, 327.291, 327.441, 327.633, and 621.045, RSMo, and to enact in lieu thereof seven new sections relating to architects, professional engineers, land surveyors, and landscape architects, with penalty provisions.

SB 32—By Bray.

An Act to amend chapter 135, RSMo, by adding thereto twenty new sections relating to senior citizen homestead deferral of taxes.

SB 33—By Bray, Green, Kennedy and Days.

An Act to amend chapter 285, RSMo, by adding thereto six new sections relating to health care payroll assessments.

SB 34—By Bray.

An Act to repeal sections 143.121 and 143.431, RSMo, and to enact in lieu thereof two new

sections relating to nonresident income tax.

SB 35—By Days.

An Act to repeal sections 475.010 and 475.045, RSMo, and to enact in lieu thereof three new sections relating to standby guardianship of minors.

SB 36—By Days.

An Act to repeal section 160.930, RSMo, and to enact in lieu thereof one new section relating to the sunset provisions of the first steps program.

SB 37—By Days.

An Act to repeal sections 115.275, 115.289, and 115.637, RSMo, and to enact in lieu thereof four new sections relating to elections, with penalty provisions and an effective date for a certain section.

SB 38—By Ridgeway.

An Act to repeal section 578.255, RSMo, and to enact in lieu thereof one new section relating to prohibiting the possession, use or abuse of certain substances and devices.

SB 39—By Ridgeway.

An Act to repeal section 390.030, RSMo, and to enact in lieu thereof three new sections relating to motor carriers.

SB 40—By Ridgeway.

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof four new sections relating to tax incentives for certain energy uses.

SB 41—By Purgason.

An Act to repeal sections 563.011, 563.031, 563.036, and 563.041, RSMo, and to enact in lieu thereof four new sections relating to use of force.

SB 42—By Purgason.

An Act to repeal section 144.080, RSMo, and to enact in lieu thereof one new section relating to the collection of sales tax, with penalty provisions.

SB 43—By Purgason.

An Act to repeal section 70.655, RSMo, and to enact in lieu thereof one new section relating to

the Missouri local government employees' retirement system.

SB 44—By Mayer.

An Act to repeal section 50.565, RSMo, and to enact in lieu thereof one new section relating to the county law enforcement restitution fund, with penalty provisions.

SB 45—By Mayer.

An Act to repeal section 390.030, RSMo, and to enact in lieu thereof two new sections relating to carriers of household goods.

SB 46—By Mayer.

An Act to amend chapter 660, RSMo, by adding thereto one new section relating to faith-based organizations.

SB 47—By Engler.

An Act to repeal sections 320.200, 320.271, 320.300, and 320.310, RSMo, and to enact in lieu thereof eight new sections relating to fire protection.

SB 48—By Engler.

An Act to repeal sections 142.800 and 142.803, RSMo, and to enact in lieu thereof two new sections relating to the motor fuel tax.

SB 49—By Engler and Loudon.

An Act to repeal section 407.1095, RSMo, and to enact in lieu thereof two new sections relating to automated political solicitations, with penalty provisions.

SB 50—By Stouffer.

An Act to repeal sections 302.545, 302.700, 302.755, 302.775, and 311.326, RSMo, and to enact in lieu thereof five new sections relating to commercial drivers licenses, with penalty provisions.

SB 51—By Stouffer.

An Act to repeal section 304.170, RSMo, and to enact in lieu thereof one new section relating to the length of driveway saddlemount combinations.

SB 52—By Stouffer.

An Act to amend chapter 227, RSMo, by adding thereto two new sections relating to state highways and transportation commission authority to implement electronic bidding on state highway system projects.

SB 53—By Koster.

An Act to amend chapter 57, RSMo, by adding thereto one new section relating to deputy sheriffs' salaries.

SB 54—By Koster.

An Act to amend chapter 393, RSMo, by adding thereto five new sections relating to the green power initiative, with an effective date.

SB 55—By Koster.

An Act to amend chapter 210, RSMo, by adding thereto one new section relating to paternity determinations.

SB 56—By Graham.

An Act to repeal section 43.130, RSMo, and to enact in lieu thereof one new section relating to highway patrol uniforms.

SB 57—By Graham.

An Act to amend chapter 190, RSMo, by adding thereto one new section relating to automated external defibrillators.

SB 58—By Graham.

An Act to amend chapter 491, RSMo, by adding thereto one new section relating to the disclosure of news sources and information.

SB 59—By Wilson.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof one new section relating to an income tax exemption for social security benefits received by senior citizenry.

SB 60—By Wilson.

An Act to repeal section 571.030, RSMo, and to enact in lieu thereof one new section relating to the unlawful use of weapons, with penalty provisions.

SB 61—By Wilson.

An Act to repeal sections 571.010 and 571.090, RSMo, and to enact in lieu thereof two new sections relating to taser guns, with penalty provisions.

SB 62—By Goodman.

An Act to repeal sections 563.011, 563.031, 563.036, and 563.041, RSMo, and to enact in lieu thereof four new sections relating to the use of force.

SB 63—By Goodman.

An Act to repeal section 354.430, RSMo, and to enact in lieu thereof one new section relating to the issuance of health insurance coverage evidence.

SB 64—By Goodman.

An Act to repeal section 171.031, RSMo, and to enact in lieu thereof one new section relating to the opening date for all public schools.

SB 65—By Rupp.

An Act to repeal sections 407.1095, 407.1098, 407.1101, 407.1104, and 407.1107, RSMo, and to enact in lieu thereof six new sections relating to telephonic solicitations, with penalty provisions.

SB 66—By Rupp.

An Act to repeal sections 86.590, 375.320, 375.330, 375.340, 375.345, 375.480, 375.532, 375.534, 375.1070, 375.1072, 375.1075, 376.170, 376.190, 376.280, 376.300, 376.301, 376.303, 376.305, 376.307, 376.320, 376.672, 376.1012, 377.100, 377.200, 381.068, and 409.950, RSMo, and to enact in lieu thereof thirty-five new sections relating to insurance company investments, with penalty provisions.

SB 67—By Rupp.

An Act to amend chapter 650, RSMo, by adding thereto one new section relating to missing endangered person advisories.

SB 68—By Shoemyer.

An Act to amend chapter 266, RSMo, by

adding thereto one new section relating to the seed availability and competition act, with a penalty provision.

SB 69—By Shoemyer.

An Act to amend chapter 266, RSMo, by adding thereto one new section relating to private investigations for farm commodities, with a penalty provision.

SB 70—By Shoemyer.

An Act to amend chapter 285, RSMo, by adding thereto one new section relating to employers and wage requirements.

SB 71—By Justus.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to child care subsidies.

SB 72—By Justus.

An Act to amend chapter 338, RSMo, by adding thereto one new section relating to the duty of a pharmacy to fill prescriptions.

SB 73—By Justus.

An Act to repeal section 578.009, RSMo, and to enact in lieu thereof one new section relating to animal neglect, with penalty provisions.

SB 74—By Coleman.

An Act to amend chapter 443, RSMo, by adding thereto seven new sections relating to predatory lending.

SB 75—By Coleman.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to combat veterans.

SB 76—By Coleman.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to gift certificates, with penalty provisions.

SB 77—By Scott.

An Act to repeal section 178.930, RSMo, and to enact in lieu thereof one new section relating to sheltered workshop payments.

SB 78—By Scott.

An Act to repeal section 537.610, RSMo, and to enact in lieu thereof one new section relating to tort claim liability for government entities.

SB 79—By Scott.

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to the state fair escrow fund.

SB 80—By Shields.

An Act to repeal section 191.331, RSMo, and to enact in lieu thereof one new section relating to the metabolic distribution formula program.

SB 81—By Griesheimer.

An Act to repeal section 67.1360, RSMo, and to enact in lieu thereof one new section relating to a transient guest tax for funding the promotion of tourism.

SB 82—By Griesheimer.

An Act to repeal sections 301.010, 301.020, 301.196, and 301.227, RSMo, and section 301.190 as enacted by house committee substitute for senate substitute no. 2 for senate committee substitute for senate bill no. 583, ninety-third general assembly, second regular session and section 301.190 as enacted by senate substitute for senate committee substitute for house bill no. 487 merged with senate bill no. 488, ninety-third general assembly, first regular session, and to enact in lieu thereof five new sections relating to the regulation of motor vehicles, with penalty provisions.

SB 83—By Griesheimer.

An Act to repeal sections 163.011 and 163.031, RSMo, and to enact in lieu thereof three new sections relating to the establishment of a county municipal court in certain counties.

SB 84—By Champion.

An Act to repeal section 210.482, RSMo, and to enact in lieu thereof one new section relating to criminal background checks for emergency child placements.

SB 85—By Champion and Koster.

An Act to amend chapter 195, RSMo, by adding thereto eight new sections relating to a prescription monitoring program, with penalty provisions and an effective date.

SB 86—By Champion.

An Act to repeal section 135.327, RSMo, and to enact in lieu thereof one new section relating to the children in crisis tax credit program.

SB 87—By Bartle.

An Act to repeal section 287.905, RSMo, and to enact in lieu thereof one new section relating to the appointment of new directors to the board of Missouri employers mutual insurance company.

SB 88—By Bartle.

An Act to repeal sections 210.870 and 620.1580, RSMo, and to enact in lieu thereof six new sections relating to the creation of the office of enterprise technology.

SB 89—By Bartle.

An Act to repeal section 620.1878, RSMo, and to enact in lieu thereof one new section relating to business regulation.

SB 90—By Nodler.

An Act to repeal section 1.028, RSMo, and to enact in lieu thereof one new section relating to the official state language, with a referendum clause.

SB 91—By Nodler.

An Act to repeal sections 301.550 and 301.560, RSMo, and to enact in lieu thereof two new sections relating to the sole purpose of exempting dealers who sell emergency vehicles from certain dealer licensure requirements.

SB 92—By Nodler.

An Act to amend chapter 319, RSMo, by adding thereto one new section relating to damage to underground facilities.

SB 93—By Bray.

An Act to amend chapter 386, RSMo, by adding thereto one new section relating to the

public service commission.

SB 94—By Bray.

An Act to repeal section 386.266, RSMo, and to enact in lieu thereof one new section relating to alternate rate schedules.

SB 95—By Bray.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to health care disclosure.

SB 96—By Days.

An Act to repeal sections 408.500, 408.505, and 408.506, RSMo, and to enact in lieu thereof three new sections relating to unsecured loans of five hundred dollars or less, with penalty provisions.

SB 97—By Days.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to insurance coverage for morbid obesity.

SB 98—By Days.

An Act to repeal section 375.918, RSMo, and to enact in lieu thereof one new section relating to the use of credit scores by insurance companies.

SB 99—By Mayer.

An Act to repeal section 178.870, RSMo, and to enact in lieu thereof one new section relating to the property taxing power of junior college districts.

SB 100—By Mayer.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to the provision of certain claims information by health carriers.

SB 101—By Mayer.

An Act repeal sections 301.131, 301.150, 301.310, 301.420, 301.440, 301.716, 307.010, 307.015, 307.090, 307.120, 307.125, 307.155, 307.172, 307.173, 307.195, 307.198, 307.365, 307.375, 307.390, 307.400, and 556.021, RSMo,

and to enact in lieu thereof twenty-two new sections relating to penalties for motor vehicle-related offenses, with penalty provisions.

SB 102—By Stouffer.

An Act to repeal section 304.180, RSMo, and to enact in lieu thereof one new section relating to vehicle weight regulations.

SB 103—By Stouffer.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to the issuance of specialty license plates.

SB 104—By Stouffer.

An Act to repeal sections 43.251, 302.133, 302.134, 302.135, 302.136, 302.137, 302.178, 577.608, and 650.005, RSMo, and to enact in lieu thereof ten new sections relating to the authority of the state highways and transportation commission over certain highway safety programs previously administered by the division of highway safety or the department of public safety.

SB 105—By Graham.

An Act to repeal section 301.130, RSMo, and to enact in lieu thereof one new section relating to license plate covers.

SB 106—By Graham.

An Act to repeal sections 172.030, 172.035, 172.037, 172.040, 172.060, 174.055, 174.450, 174.453, 174.610, 174.620, and 174.621, RSMo, and to enact in lieu thereof ten new sections relating to the governing boards of certain state higher education institutions.

SB 107—By Wilson.

An Act to amend chapter 195, RSMo, by adding thereto one new section relating to distribution of a controlled substance near a park, with penalty provisions.

SB 108—By Wilson.

An Act to repeal section 208.047, RSMo, and to enact in lieu thereof one new section relating to public assistance for foster children.

SB 109—By Wilson.

An Act to amend chapter 196, RSMo, by adding thereto three new sections relating to youth smoking.

SB 110—Withdrawn.

SB 111—By Rupp.

An Act to repeal section 168.015, RSMo, and to enact in lieu thereof one new section relating to the commissioner's advisory council.

SB 112—By Rupp.

An Act to repeal section 160.930, RSMo, and to enact in lieu thereof one new section relating to the repeal of the special education sunset provision.

SB 113—By Shoemyer.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to durable medical equipment providers.

SB 114—By Scott.

An Act to amend chapter 320, RSMo, by adding thereto one new section relating to emergency drought conditions, with penalty provisions.

SB 115—By Scott.

An Act to authorize the conveyance of property owned by the state in Pettis County to the Girl Scouts - Heart of Missouri Council, Inc., with an emergency clause.

SB 116—By Griesheimer.

An Act to repeal section 169.070, RSMo, and to enact in lieu thereof one new section relating to the teacher retirement system.

SB 117—By Griesheimer.

An Act to amend chapter 537, RSMo, by adding thereto three new sections relating to duties and liabilities of ski area operators and skiers.

SB 118—By Griesheimer.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to mandated insurance coverage for computerized

prosthetic devices.

SB 119—By Nodler.

An Act to repeal section 1.028, RSMo, and to enact in lieu thereof one new section relating to the official state language.

SB 120—By Nodler.

An Act to repeal sections 144.805 and 305.230, RSMo, and to enact in lieu thereof two new sections relating to the aviation trust fund.

SB 121—By Nodler.

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to fiber optic networks.

SB 122—By Bray and Days.

An Act to amend chapter 354, RSMo, by adding thereto twenty-two new sections relating to the Missouri universal health assurance program, with a contingent effective date for certain sections.

SB 123—By Bray.

An Act to amend chapter 407, RSMo, by adding thereto eleven new sections relating to consumer protection for home owners, with penalty provisions.

SB 124—By Bray.

An Act to amend chapter 389, RSMo, by adding thereto four new sections relating to the local community rail security act of 2007, with penalty provisions.

SB 125—By Days.

An Act to amend chapter 103, RSMo, by adding thereto two new sections relating to the health plan for state employees, with an emergency clause and an effective date.

SB 126—By Days.

An Act to amend chapter 21, RSMo, by adding thereto one new section relating to contracts between legislators.

SB 127—By Mayer.

An Act to repeal section 104.040, RSMo, and

to enact in lieu thereof one new section relating to the highway patrol retirement system.

SB 128—By Stouffer.

An Act to repeal sections 306.114, 306.117, 577.020, 577.026, 577.037, and 577.208, RSMo, and to enact in lieu thereof six new sections relating to state highways and transportation commission authority to approve license personnel, methods, and devices for testing of blood alcohol content, with an emergency clause.

SB 129—By Stouffer.

An Act to repeal section 226.527, RSMo, and to enact in lieu thereof one new section relating to the regulation of billboards.

SB 130—By Stouffer.

An Act to repeal sections 226.530 and 226.580, RSMo, and to enact in lieu thereof two new sections relating to outdoor advertising.

SB 131—By Rupp.

An Act to repeal sections 160.900, 160.905, 160.910, 160.915, 160.920, 160.925, 160.930, and 376.1218, RSMo, and to enact in lieu thereof seven new sections relating to the elimination of the sunset provision of the early intervention program for infants and toddlers with disabilities.

SB 132—By Rupp.

An Act to repeal section 166.021, RSMo, and to enact in lieu thereof one new section relating to the state public school fund.

SB 133—By Rupp.

An Act to repeal section 162.963, RSMo, and to enact in lieu thereof one new section relating to special education due process hearings.

SB 134—Withdrawn.

SB 135—By Nodler.

An Act to repeal sections 173.355 and 173.385, RSMo, and to enact in lieu thereof two new sections relating to the Missouri higher education loan authority.

SB 136—By Nodler.

An Act to repeal section 168.015, RSMo, and to enact in lieu thereof one new section relating to the commissioner's advisory council.

SB 137—By Bray.

An Act to repeal section 169.560, RSMo, and to enact in lieu thereof one new section relating to employment of retirees of the public school retirement system.

SB 138—By Bray.

An Act to repeal sections 115.315 and 115.327, RSMo, and to enact in lieu thereof two new sections relating to formation of a new political party.

SB 139—By Bray.

An Act to repeal section 226.030, RSMo, and to enact in lieu thereof one new section relating to eliminating the annual state of the state transportation address.

SB 140—By Rupp.

An Act to repeal section 162.961, RSMo, and to enact in lieu thereof one new section relating to special education due process hearings.

SB 141—By Nodler.

An Act to repeal section 160.930, RSMo, and to enact in lieu thereof one new section relating to the repeal of the special education sunset provision.

SB 142—By Nodler.

An Act to repeal sections 160.900, 160.905, 160.910, 160.915, 160.920, 160.925, 160.930, and 376.1218, RSMo, and to enact in lieu thereof seven new sections relating to the elimination of the sunset provision of the early intervention program for infants and toddlers with disabilities.

SB 143—By Nodler.

An Act to repeal section 166.021, RSMo, and to enact in lieu thereof one new section relating to the state public school fund.

SB 144—By Bray.

An Act to amend chapter 571, RSMo, by adding thereto one new section relating to criminally negligent storage of a firearm, with penalty provisions.

SB 145—By Bray and Days.

An Act to repeal sections 193.085 and 193.087, RSMo, and to enact in lieu thereof three new sections relating to establishment of paternity.

SB 146—By Bray.

An Act to repeal sections 36.390, 106.010, 168.116, and 168.118, RSMo, and to enact in lieu thereof thirteen new sections relating to public employee due process.

SB 147—By Nodler.

An Act to repeal section 162.963, RSMo, and to enact in lieu thereof one new section relating to special education due process hearings.

SB 148—By Nodler.

An Act to repeal section 162.961, RSMo, and to enact in lieu thereof one new section relating to special education due process hearings.

SB 149—By Nodler.

An Act to repeal section 160.545, RSMo, and to enact in lieu thereof two new sections relating to higher education scholarships.

SB 150—By Mayer.

An Act to repeal section 409.107, RSMo, and to enact in lieu thereof one new section relating to law firm and investment firm contributions in support of general bond elections.

SB 151—By Engler.

An Act to repeal section 252.040, RSMo, and to enact in lieu thereof one new section relating to poaching, with penalty provisions.

SB 152—By Engler.

An Act to authorize the conveyance of property owned by the state in St. Francois County to the city of Park Hills.

SB 153—By Engler.

An Act to repeal sections 354.180, 354.210, 354.350, 354.400, 354.435, 354.444, 354.455, 354.460, 354.464, 354.475, 354.485, 354.500, 354.510, 354.530, 354.540, 354.545, 354.550, 354.600, 354.722, 374.210, 374.215, 374.280, 374.285, 374.512, 374.710, 374.715, 374.755, 374.760, 374.787, 374.789, 375.012, 375.020, 375.152, 375.236, 375.306, 375.310, 375.445, 375.720, 375.777, 375.780, 375.786, 375.881, 375.940, 375.942, 375.946, 375.994, 375.1010, 375.1014, 375.1016, 375.1135, 375.1156, 375.1160, 375.1204, 375.1306, 375.1309, 376.309, 376.889, 376.1094, 379.361, 379.510, 379.790, 380.391, 380.571, and 384.071, RSMo, and to enact in lieu thereof seventy-four new sections relating to various enforcement and regulatory powers of the department of insurance, financial and professional regulation, with penalty provisions.

SB 154—By Graham.

An Act to amend chapter 393, RSMo, by adding thereto five new sections relating to renewable energy.

SB 155—By Engler.

An Act to amend chapter 319, RSMo, by adding thereto sixteen new sections relating to blasting and excavation, with penalty provisions.

SB 156—By Engler.

An Act to repeal section 414.420, RSMo, and to enact in lieu thereof one new section relating to the Missouri alternative fuels commission.

SB 157—By Engler.

An Act to repeal sections 236.400, 236.410, 236.415, 236.420, 236.425, 236.435, 236.440, 236.445, 236.460, 236.465, and 236.500, RSMo, and to enact in lieu thereof eleven new sections relating to dam and reservoir safety, with penalty provisions.

SB 158—By Engler.

An Act to amend chapter 337, RSMo, by adding thereto one new section relating to licensed

professional counselors.

SB 159—By Engler.

An Act to amend chapter 337, RSMo, by adding thereto one new section relating to licensed professional counselors.

SB 160—By Rupp.

An Act to repeal section 160.545, RSMo, and to enact in lieu thereof two new sections relating to higher education scholarships.

SB 161—By Shields.

An Act to amend chapter 210, RSMo, by adding thereto one new section relating to quality rating system for child care facilities.

SB 162—By Vogel.

An Act to repeal section 143.782, RSMo, and to enact in lieu thereof one new section relating to income tax setoffs.

SB 163—By Mayer.

An Act to repeal section 477.650, RSMo, and to enact in lieu thereof one new section relating to the basic civil legal services fund.

SB 164—By Scott.

An Act to repeal sections 27.040, 44.237, 91.250, 103.008, 103.178, 104.220, 104.510, 105.711, 105.1075, 108.290, 135.508, 135.520, 135.815, 143.999, 148.330, 148.380, 148.410, 191.671, 191.828, 191.853, 192.068, 208.178, 208.437, 209.285, 209.319, 214.270, 219.091, 227.100, 256.453, 256.459, 285.230, 287.035, 287.037, 287.123, 287.129, 287.135, 287.241, 287.280, 287.282, 287.335, 287.690, 287.710, 287.715, 287.717, 287.730, 287.892, 287.894, 287.896, 287.902, 287.920, 287.930, 287.945, 287.975, 303.025, 303.026, 303.406, 303.412, 319.131, 320.082, 324.050, 324.065, 324.128, 324.159, 324.177, 324.200, 324.203, 324.240, 324.243, 324.400, 324.406, 324.475, 324.478, 324.526, 325.010, 326.265, 326.268, 327.011, 327.051, 328.030, 328.050, 329.015, 329.025, 329.028, 329.210, 329.240, 330.110, 330.190, 331.100, 332.041, 332.302, 332.306, 332.327, 333.221, 334.123, 334.240, 334.400, 334.430,

334.625, 334.702, 334.720, 334.735, 334.746, 334.749, 334.800, 334.840, 335.026, 335.036, 336.140, 336.160, 337.010, 337.050, 337.085, 337.090, 337.500, 337.535, 337.600, 337.622, 337.650, 337.700, 337.739, 338.130, 339.120, 339.507, 340.208, 340.212, 345.035, 345.080, 346.010, 346.120, 352.505, 352.520, 353.120, 354.010, 354.050, 354.055, 354.060, 354.065, 354.085, 354.152, 354.165, 354.205, 354.240, 354.275, 354.285, 354.305, 354.325, 354.340, 354.345, 354.355, 354.400, 354.405, 354.430, 354.442, 354.443, 354.444, 354.551, 354.558, 354.560, 354.562, 354.563, 354.565, 354.600, 354.603, 354.627, 354.700, 354.703, 361.010, 361.092, 361.140, 361.160, 362.109, 362.332, 362.910, 365.080, 367.500, 370.005, 370.366, 374.010, 374.020, 374.040, 374.045, 374.070, 374.075, 374.085, 374.110, 374.115, 374.120, 374.130, 374.150, 374.160, 374.180, 374.184, 374.194, 374.202, 374.216, 374.217, 374.220, 374.245, 374.250, 374.261, 374.263, 374.267, 374.270, 374.284, 374.310, 374.400, 374.410, 374.415, 374.420, 374.426, 374.450, 374.455, 374.456, 374.500, 374.503, 374.505, 374.507, 374.700, 374.740, 374.764, 374.790, 374.800, 375.001, 375.006, 375.018, 375.031, 375.033, 375.037, 375.039, 375.041, 375.146, 375.147, 375.164, 375.176, 375.198, 375.206, 375.221, 375.231, 375.246, 375.256, 375.251, 375.261, 375.271, 375.330, 375.345, 375.350, 375.355, 375.400, 375.422, 375.430, 375.440, 375.460, 375.500, 375.510, 375.537, 375.740, 375.772, 375.788, 375.789, 375.790, 375.791, 375.811, 375.892, 375.906, 375.908, 375.911, 375.916, 375.918, 375.920, 375.922, 375.923, 375.932, 375.950, 375.954, 375.958, 375.991, 375.992, 375.993, 375.1002, 375.1025, 375.1032, 375.1035, 375.1050, 375.1080, 375.1112, 375.1152, 375.1158, 375.1160, 375.1172, 375.1176, 375.1184, 375.1186, 375.1250, 375.1269, 375.1287, 375.1300, 375.1506, 375.1524, 375.1730, 376.020, 376.050, 376.070, 376.090, 376.130, 376.142, 376.143, 376.144, 376.170, 376.210, 376.220, 376.230, 376.240, 376.290, 376.300, 376.305, 376.307, 376.311, 376.320, 376.330, 376.350, 376.360, 376.370, 376.384, 376.390, 376.397, 376.405, 376.410, 376.423,

376.426, 376.442, 376.480, 376.510, 376.600, 376.670, 376.672, 376.675, 376.679, 376.693, 376.697, 376.704, 376.718, 376.756, 376.773, 376.775, 376.777, 376.779, 376.811, 376.826, 376.836, 376.854, 376.960, 376.964, 376.1002, 376.1005, 376.1012, 376.1020, 376.1075, 376.1092, 376.1100, 376.1199, 376.1219, 376.1220, 376.1253, 376.1275, 376.1305, 376.1315, 376.1322, 376.1350, 376.1361, 376.1550, 377.020, 377.030, 377.170, 377.220, 377.230, 377.260, 377.400, 377.420, 377.430, 378.604, 379.080, 379.083, 379.160, 379.343, 379.440, 379.445, 379.450, 379.475, 379.670, 379.680, 379.690, 379.720, 379.730, 379.750, 379.770, 379.800, 379.815, 379.882, 379.888, 379.930, 380.011, 380.021, 380.051, 380.061, 380.071, 380.081, 380.091, 380.201, 380.221, 380.521, 380.611, 382.010, 383.015, 383.020, 383.025, 383.030, 383.060, 383.075, 383.100, 383.110, 384.015, 385.020, 400.008, 407.020, 407.1085, 407.1200, 408.233, 408.280, 427.140, 427.145, 436.005, 443.803, 447.572, 525.050, 537.740, 537.756, 620.010, 620.105, 620.106, 620.111, 620.120, 620.125, 620.127, 620.130, 620.132, 620.135, 620.140, 620.145, 620.146, 620.148, 620.149, 620.150, 620.151, 620.153, 620.154, 621.045, 660.551, 660.553, and 660.555, RSMo, and to enact in lieu thereof four hundred sixty-five new sections relating to reorganization of the department of insurance, financial and professional regulation, with penalty provisions.

SB 165—By Scott.

An Act to repeal sections 407.1095, 407.1098, 407.1101, 407.1104, and 407.1107, RSMo, and to enact in lieu thereof five new sections relating to automated telephone calls, with penalty provisions.

SB 166—By Griesheimer.

An Act to repeal section 407.610, RSMo, and to enact in lieu thereof one new section relating to time-shares.

SB 167—By Bartle.

An Act to amend chapter 589, RSMo, by adding thereto one new section relating to the methamphetamine offense registry.

SB 168—By Mayer.

An Act to amend chapter 290, RSMo, by adding thereto one new section relating to employment at will.

SB 169—By Rupp.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to the new markets tax credit program.

SB 170—By Engler.

An Act to repeal sections 354.150, 354.495, 374.150, 374.160, 374.230, 374.261, 374.263, 374.265, and 374.267, RSMo, and to enact in lieu thereof five new sections relating to funding for the department of insurance, financial and professional regulation.

SB 171—By Nodler.

An Act to repeal section 621.045, RSMo, and to enact in lieu thereof one new section relating to the Missouri board for architects, professional engineers, professional land surveyors, and landscape architects.

SB 172—By Ridgeway.

An Act to repeal sections 86.1230 and 86.1600, RSMo, and to enact in lieu thereof two new sections relating to the police retirement system and the civilian employees' retirement system of the police department of Kansas City.

SB 173—By Ridgeway.

An Act to repeal section 537.035, RSMo, and to enact in lieu thereof one new section relating to peer review committees.

SB 174—By Green.

An Act to repeal sections 210.900, 210.903, 210.906, 210.909, 210.915, 210.921, 210.927, 610.010, 630.005, 630.165, 630.167, 630.410, 630.705, 630.715, 630.755, and 633.005, RSMo, and to enact in lieu thereof twenty new sections relating to private mental health facilities and group homes, with penalty provisions.

SB 175—By Green.

An Act to repeal sections 290.210, 290.220,

290.230, 290.250, 290.260, 290.262, 290.263, 290.265, 290.270, 290.280, 290.290, 290.300, 290.305, 290.315, 290.320, 290.325, 290.330, 290.335, and 290.340, RSMo, and to enact in lieu thereof twenty new sections relating to actions for prevailing wages on public works, with penalty provisions.

SB 176—By Green.

An Act to repeal sections 99.805, 99.810, and 99.845, RSMo, and to enact in lieu thereof eight new sections relating to tax increment financing, with an effective date.

SB 177—By Green.

An Act to repeal sections 409.5-508 and 409.6-604, RSMo, and to enact in lieu thereof two new sections relating to securities regulation, with penalty provisions.

SB 178—By Green.

An Act to repeal section 285.300, RSMo, and to enact in lieu thereof two new sections relating to employee misclassification, with penalty provisions.

SB 179—By Green.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to the public assistance beneficiary employer disclosure act.

SB 180—By Green.

An Act to repeal sections 285.025 and 290.560, RSMo, and to enact in lieu thereof two new sections relating to employment of unqualified labor on public projects, with penalty provisions.

SB 181—By Green.

An Act to amend chapter 37, RSMo, by adding thereto ten new sections relating to oversight of public privatization contracts, with penalty provisions and an emergency clause.

SB 182—By Green.

An Act to repeal sections 287.120 and 287.140, RSMo, and to enact in lieu thereof two new sections relating to reductions in workers'

compensation benefits, with penalty provisions.

SB 183—By Green.

An Act to repeal sections 105.483, 130.021, and 130.072, RSMo, and to enact in lieu thereof three new sections relating to ethics.

SB 184—By Green.

An Act to repeal sections 320.200, 320.271, 320.300, and 320.310, RSMo, and to enact in lieu thereof five new sections relating to fire protection.

SB 185—By Green.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the establishment and administration of a drunk driving memorial sign program.

SB 186—By Green.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof two new sections relating to small business health insurance expenses deduction.

SB 187—By Green.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof two new sections relating to a tax deduction for higher education expenses.

SB 188—By Green.

An Act to repeal sections 144.081 and 144.140, RSMo, and to enact in lieu thereof one new section relating to seller's retention of sales tax.

SB 189—By Green.

An Act to repeal section 170.011, RSMo, and to enact in lieu thereof one new section relating to a requirement that students tour a state correctional center.

SB 190—By Green.

An Act to repeal section 301.040, RSMo, and to enact in lieu thereof one new section relating to motor vehicle registration notices.

SB 191—By Days.

An Act to amend chapters 162 and 208, RSMo, by adding thereto two new sections relating

to children's mental health.

SB 192—By Crowell.

An Act to amend chapter 304, RSMo, by adding thereto four new sections relating to the enforcement of traffic control signal violations, with penalty provisions.

SB 193—By Griesheimer.

An Act to amend chapter 64, RSMo, by adding thereto fifteen new sections relating to the Missouri county planning act, with penalty provisions.

SB 194—By Crowell.

An Act to repeal section 1.028, RSMo, and to enact in lieu thereof one new section relating to the official state language.

SB 195—By Crowell.

An Act to repeal sections 338.010 and 338.095, RSMo, and to enact in lieu thereof three new sections relating to pharmacists.

SB 196—By Gross.

An Act to repeal sections 188.015 and 188.039, RSMo, and to enact in lieu thereof five new sections relating to the unborn child pain prevention act.

SB 197—By Loudon and Graham.

An Act to repeal sections 407.1200, 407.1203, 407.1206, 407.1209, 407.1212, 407.1215, 407.1218, 407.1221, 407.1224, 407.1225, and 407.1227, RSMo, and to enact in lieu thereof twenty-two new sections relating to service contracts, with an effective date.

SB 198—By Mayer.

An Act to repeal section 253.095, RSMo, and to enact in lieu thereof one new section relating to state parks.

SB 199—By Stouffer.

An Act to repeal section 144.062, RSMo, and to enact in lieu thereof one new section relating to

sales tax exemption for highway construction materials.

SB 200—By Stouffer.

An Act to repeal sections 390.071 and 622.095, RSMo, and to enact in lieu thereof one new section relating to implementing the unified carrier registration plan and agreement to conform with the Unified Carrier Registration Act of 2005.

SB 201—Withdrawn.

SB 202—By Stouffer.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for the use of idle reduction technology.

SB 203—By Lager.

An Act to repeal section 168.515, RSMo, and to enact in lieu thereof one new section relating to the career ladder program.

SB 204—By Stouffer.

An Act to repeal section 414.255, RSMo, and to enact in lieu thereof one new section relating to biodiesel.

SB 205—By Stouffer.

An Act to repeal section 260.750, RSMo, and to enact in lieu thereof two new sections relating to the transportation of radioactive waste, with an emergency clause.

SB 206—By Justus.

An Act to amend chapter 578, RSMo, by adding thereto fourteen new sections relating to the large carnivore act, with penalty provisions.

SB 207—By Gross.

An Act to repeal section 144.062, RSMo, and to enact in lieu thereof one new section relating to sales tax exemption for highway construction materials.

SB 208—By Gross.

An Act to amend chapter 33, RSMo, by adding thereto one new section relating to the

transfer of certain funds to the general revenue fund, with an emergency clause.

SB 209—By Griesheimer.

An Act to repeal sections 71.675, 92.074, 92.077, 92.080, 92.083, 92.086, 92.089, 92.092, and 92.095, RSMo, and to enact in lieu thereof eight new sections relating to municipal taxation of telecommunications companies.

SB 210—By Crowell.

An Act to repeal sections 407.1095, 407.1098, 407.1101, 407.1104, and 570.223, RSMo, and to enact in lieu thereof eight new sections relating to telephone communication, with penalty provisions and an emergency clause for certain sections.

SB 211—By Goodman.

An Act to repeal section 50.327, RSMo, and to enact in lieu thereof one new section relating to salaries of county officials.

SB 212—By Goodman.

An Act to amend chapter 59, RSMo, by adding thereto seven new sections relating to the uniform real property electronic recording act, with an effective date.

SB 213—By McKenna.

An Act to repeal section 67.320, RSMo, and to enact in lieu thereof one new section relating to county orders.

SB 214—By McKenna.

An Act to repeal sections 347.187, 355.020, 355.171, 355.631, 355.791, and 359.121, RSMo, and to enact in lieu thereof six new sections relating to Missouri small business organizations.

SB 215—By Loudon.

An Act to amend chapter 379, RSMo, by adding thereto twenty-five new sections relating to the regulation of captive insurance companies.

SB 216—By Crowell.

An Act to repeal sections 302.302, 302.309, 302.505, 302.525, 302.541, 302.545, 488.5334,

568.050, 577.020, 577.021, 577.023, 577.029, 577.037, 577.039, 577.041, and 577.049, RSMo, and to enact in lieu thereof seventeen new sections relating to driving with any controlled substance in the body, with penalty provisions.

SB 217—By Crowell.

An Act to repeal section 21.750, RSMo, and to enact in lieu thereof one new section relating to firearm ordinances.

SB 218—By Graham.

An Act to repeal section 67.797, RSMo, and to enact in lieu thereof one new section relating to regional recreational districts.

SB 219—By Graham.

An Act to repeal section 105.456, RSMo, and to enact in lieu thereof one new section relating to lobbying.

SB 220—By McKenna.

An Act to repeal section 260.225, RSMo, and to enact in lieu thereof one new section relating to construction and demolition waste reduction.

SJR 1—By Bartle.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 30 (b) of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the highways and transportation commission authority to finance, construct, operate, and maintain toll facilities.

SJR 2—By Bartle.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, relating to harvest heritage.

SJR 3—By Bartle.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article IV of the Constitution of Missouri, relating to the Missouri savings account fund.

SJR 4—By Nodler.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, relating to English as the official state language.

SJR 5—By Graham.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 36 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the presentation of a balanced budget by the general assembly to the governor.

SJR 6—By Graham.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 45 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to congressional apportionment.

SJR 7—By Graham.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 15 and 24 of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to duties of the state treasurer.

SJR 8—By Ridgeway.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 26 (b) of article VI of the Constitution of Missouri, and adopting one new section in lieu thereof relating to bonded indebtedness of school districts.

SJR 9—By Crowell.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 13 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to laws that are retrospective in operation.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 3**.

HOUSE RESOLUTION NO. 3

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-fourth General Assembly, First Regular Session, inform the Senate that the House is duly convened and is now in session ready for consideration of business.

BE IT FURTHER RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-fourth General Assembly is hereby instructed to inform the Senate that the House of Representatives is now duly organized with the following officers to wit:

Speaker	Rod Jetton
Speaker Pro Tem	Carl Bearden
Chief Clerk	D. Adam Crumbliss
Doorkeeper	Jerome Oligschlaeger
Sergeant-at-Arms	Ralph Robinett
Chaplains .	Reverend Monsignor Donald W. Lammers and Reverend James Earl Jackson

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 4**.

HOUSE RESOLUTION NO. 4

BE IT RESOLVED, that a message be sent to the Governor of the State of Missouri to inform His Excellency that the House of Representatives and the Senate of the Ninety-fourth General Assembly, First Regular Session of the State of Missouri, are now regularly organized and ready for business, and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

Also,

Mr. President:

I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 1**.

HOUSE CONCURRENT RESOLUTION NO. 1

BE IT RESOLVED, by the House of Representatives of the Ninety-fourth General Assembly, First Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 10:30 a.m., Wednesday, January 10, 2007, to receive a message from His Honor Chief Justice Michael A. Wolff, the Chief Justice of the Supreme Court of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Chief Justice of the Supreme Court of the State of Missouri and inform His Honor that the House of Representatives and the Senate of the Ninety-fourth General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that His Honor may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President:

I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 2**.

HOUSE CONCURRENT RESOLUTION NO. 2

BE IT RESOLVED, by the House of Representatives of the Ninety-fourth General Assembly, First Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 7:00 p.m., Wednesday, January 24, 2007, to receive a message from His Excellency, the Honorable Matt Blunt, Governor of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Governor of the State of Missouri and

inform His Excellency that the House of Representatives and Senate of the Ninety-fourth General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

In which the concurrence of the Senate is respectfully requested.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 8, 2006, while the Senate was not in session.

Daniel J. Abbott, 10125 Zenith Court, Saint Louis, Saint Louis County, Missouri 63123, as a member of the Seismic Safety Commission, for a term ending July 1, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2006, while the Senate was not in session.

Debra A. Adams, 116 Cedarcrest Drive, Lebanon, Laclede County, Missouri 65536, as a member of the Advisory Commission for Dental Hygienists, for a term ending March 22, 2011, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 14, 2006, while the Senate was not in session.

Stanley A. Archie, Democrat, 6013 Woodland Avenue, Kansas City, Jackson County, Missouri 64110, as a member of the State Board of Education, for a term ending July 1, 2014, and until his successor is duly appointed and qualified; vice, Thomas Davis, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 27, 2006, while the Senate was not in session.

Eric J. Aubert, D.M.D., 13413 Pardissi Court, Saint Louis, Saint Louis County, Missouri 63146, as a member of the Missouri Dental Board, for a term ending October 16, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and

consent the following appointment made and commissioned by me on October 31, 2006, while the Senate was not in session.

Patrick E. Barr, Republican, 207 West First Terrace, Lamar, Barton County, Missouri 64759, as a member of the Missouri Citizens' Commission on Compensation for Elected Officials, for a term ending February 1, 2008, and until his successor is duly appointed and qualified; vice, Grace Blaich, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2006, while the Senate was not in session.

Robert J. Barrientos, Democrat, 4377 Warwick Boulevard, Kansas City, Jackson County, Missouri 64111, as a member of the Missouri Citizens' Commission on Compensation for Elected Officials, for a term ending February 1, 2008, and until his successor is duly appointed and qualified; vice, Phyllis Markus, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 13, 2006, while the Senate was not in session.

Karen A. Bartz, 18403 East Moorland Street, Pleasant Hill, Cass County, Missouri 64080, as a member of the Coordinating Board for Early Childhood, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, 210.102, RSMo.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 13, 2006, while the Senate was not in session.

Virginia A. Beatty, 6736 State Road UU, Fulton, Callaway County, Missouri 65251, as a member of the Organ Donation Advisory Committee, for a term ending January 1, 2010, and until her successor is duly appointed and qualified; vice, Lori Darr, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 28, 2006, while the Senate was not in session.

Lloyalea W. Boettcher, 4 Tudor Square, Saint Peters, Saint Charles County, Missouri 63376, as a member of the Holocaust Education and Awareness Commission, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, 161.700 RSMo.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me

on July 2, 2006, while the Senate was not in session.

David T. Broeker, 714 Dean Drive, Jefferson City, Cole County, Missouri 65109, as the Director of the Division of Professional Registration within the Department of Insurance, Financial Institutions, and Professional Registration, for a term ending at the pleasure of the Governor and until his successor is duly appointed and qualified; vice, Alison Craighead, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 5, 2006, while the Senate was not in session.

Gerald T. Brouder, 1905 Fairview Road South, Columbia, Boone County, Missouri 65203, as a member of the Midwestern Higher Education Commission, for a term ending January 1, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 29, 2006, while the Senate was not in session.

James Buford, Republican, 1 Kingsbury Place, Saint Louis, Saint Louis County, Missouri 63112, as a member of the Missouri State University Board of Governors, for a term ending August 28, 2010, and until his successor is duly appointed and qualified; vice, James Buford, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 13, 2006, while the Senate was not in session.

Jean M. Cavender, 6425 Lloyd, Saint Louis, Saint Louis County, Missouri 63139, as a member of the Holocaust Education and Awareness Commission, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, 161.700 RSMo.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 29, 2006, while the Senate was not in session.

Deron L. Cherry, Republican, 13800 South Pebblebrook Lane, Greenwood, Jackson County, Missouri 64034, as a member of the Jackson County Sports Complex Authority, for a term ending July 15, 2011, and until his successor is duly appointed and qualified; vice, Anthony Romano, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me

on November 13, 2006, while the Senate was not in session.

Christine L. Chinn, 8498 Shelby 360, Emden, Shelby County, Missouri 63439, as a member of the Citizens' Advisory Commission for Marketing Missouri Agricultural Products, for a term ending April 10, 2010, and until her successor is duly appointed and qualified; vice, Joann Pipkin, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2006, while the Senate was not in session.

Leila L. Cohoon, 23-C, Lake Lotawana, Jackson County, Missouri 64086, as a member of the Board of Cosmetology and Barber Examiners, for a term ending May 1, 2009, and until her successor is duly appointed and qualified; vice, 329.015, RSMo.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 25, 2006, while the Senate was not in session.

David A. Cole, Republican, 1002 Chiquapin Woods, Cassville, Barry County, Missouri 65625, as a member of the Coordinating Board for Higher Education, Seventh Congressional District, for a term ending June 27, 2012, and until his successor is duly appointed and qualified; vice, Marie Carmichael, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 11, 2006, while the Senate was not in session.

Randy L. Cole, 7519 Twin Lake Drive, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Fire Education Trust Fund Board of Trustees, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, William Farr, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 20, 2006, while the Senate was not in session.

John A. Czuba, Republican, 28963 Westwood Drive, Macon, Macon County, Missouri 63552, as a member of the Missouri Citizens' Commission on Compensation for Elected Officials, for a term ending February 1, 2008, and until his successor is duly appointed and qualified; vice, Maureen Buscher, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me

on November 13, 2006, while the Senate was not in session.

Janis A. Deimeke, 12233 Audrain Road 725, Laddonia, Audrain County, Missouri 63352, as a member of the Citizens' Advisory Commission for Marketing Missouri Agricultural Products, for a term ending April 10, 2010, and until her successor is duly appointed and qualified; vice, Mark Kelley, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 31, 2006, while the Senate was not in session.

Herbert S. Dill, Democrat, 148 Bayhill Village Drive, O'Fallon, Saint Charles County, Missouri 63368, as a member of the Missouri Citizens' Commission on Compensation for Elected Officials, for a term ending February 1, 2008, and until his successor is duly appointed and qualified; vice, John Ebeling, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 10, 2006, while the Senate was not in session.

Judith K. Doss, Republican, 6217 Rhodes Avenue, Saint Louis City, Missouri 63109, as a member of the Regional Convention and Sports Complex Authority, for a term ending May 31, 2012, and until her successor is duly appointed and qualified; vice, James Buford, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 27, 2006, while the Senate was not in session.

Jane Drummond, 1525 Affirmed Drive, Columbia, Boone County, Missouri 65202, as the Director of the Department of Health and Senior Services, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, Julia M. Eckstein, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 10, 2006, while the Senate was not in session.

Rita K. Duncan, Republican, 37 Clarksburg Court, Weldon Spring, Saint Charles County, Missouri 63304, as a member of State Committee of Dietitians, for a term ending June 11, 2010, and until her successor is duly appointed and qualified; vice, Marie Carter, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and

consent the following appointment made and commissioned by me on October 18, 2006, while the Senate was not in session.

Frederick T. Dyer, Republican, 210 East Governor Place, Saint Charles, Saint Charles County, Missouri 63301, as a member of the Saint Charles County Convention and Sports Facilities Authority, for a term ending April 27, 2009, and until his successor is duly appointed and qualified; vice, Kevin Kast, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 13, 2006, while the Senate was not in session.

Janice C. Enfield, 4017 South Chrysler Number 1, Independence, Jackson County, Missouri 64055, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2007, and until her successor is duly appointed and qualified; vice, Terri Jo Fox, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 1, 2007, while the Senate was not in session.

Warren K. Erdman, Republican, 1015 Arno Road, Kansas City, Jackson County, Missouri 64113, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2013, and until his successor is duly appointed and qualified; vice, Angela Bennett, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 21, 2006, while the Senate was not in session.

Randy L. Etter, 2912 Valley View Terrace, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Higher Education Loan Authority, for a term ending October 22, 2009, and until his successor is duly appointed and qualified; vice, James Ricks, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 23, 2006, while the Senate was not in session.

Iris G. Ferguson, Democrat, 10130 Lookaway Drive, Saint Louis City, Missouri 63137, as a member of the Lincoln University Board of Curators, for a term ending January 1, 2012, and until her successor is duly appointed and qualified; vice, Pearlie Evans, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and

consent the following appointment made and commissioned by me on November 20, 2006, while the Senate was not in session.

Rita C. Flake, Democrat, 785 West Booneslick Road, Jonesburg, Montgomery County, Missouri 63351, as a member of the Missouri Citizens' Commission on Compensation for Elected Officials, for a term ending February 1, 2008, and until her successor is duly appointed and qualified; vice, Lawrence Kahn, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 10, 2006, while the Senate was not in session.

Kelly R. Forck, Democrat, 1502 Calvin Lane, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Agricultural and Small Business Development Authority, for a term ending June 30, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 20, 2006, while the Senate was not in session.

Wayne A. Foster, Democrat, 16890 Hog Ridge Avenue, Sumner, Chariton County, Missouri 64681, as a member of the Missouri Citizens' Commission on Compensation for Elected Officials, for a term ending February 1, 2008, and until his successor is duly appointed and qualified; vice, Margaret May, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2006, while the Senate was not in session.

Gary A. Fraker, Republican, 452 Forest Drive, Marshfield, Webster County, Missouri 65706, as a member of the State Board of Embalmers and Funeral Directors, for a term ending April 1, 2011, and until his successor is duly appointed and qualified; vice, William Stuart, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 1, 2007, while the Senate was not in session.

Buford M. Fraser, Republican, 1601 Stonehaven Road, Columbia, Boone County, Missouri 65203, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2013, and until his successor is duly appointed and qualified; vice, Thomas Atkins, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me

on November 27, 2006, while the Senate was not in session.

Thomas J. Frawley, 51 Waterman Place, Saint Louis City, Missouri 63112, as a member of the Coordinating Board for Early Childhood, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, 210.102, RSMo.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 12, 2006, while the Senate was not in session.

Sharon K. Garrett, Republican, Rural Route 1, Box 41 A, Purdy, Barry County, Missouri 65734, as a member of the Tourism Commission, for a term ending January 15, 2010, and until her successor is duly appointed and qualified; vice, Raeanne Presley, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 28, 2006, while the Senate was not in session.

Steven P. Gietschier, 3826 Secretariat Drive, Florissant, Saint Louis County, Missouri 63034, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 28, 2006, while the Senate was not in session.

Guenter Goldsmith, 2918 Saint Albans Forest Circle, Glencoe, Saint Louis County, Missouri 63038, as a member of the Holocaust Education and Awareness Commission, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, 161.700 RSMo.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 31, 2006, while the Senate was not in session.

Claudia Onate Greim, Democrat, 106 Huntington Road, Kansas City, Jackson County, Missouri 64113, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2009, and until her successor is duly appointed and qualified; vice, Dwayne Crompton, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me

on January 1, 2007, while the Senate was not in session.

Judith G. Haggard, Democrat, 300 West Washington, Kennett, Dunklin County, Missouri 63857, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2013, and until her successor is duly appointed and qualified; vice, Anne Ream, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 7, 2006, while the Senate was not in session.

Samuel J. Hais, Republican, 8 Granada Way, Ladue, Saint Louis County, Missouri 63124, as a member of the Missouri Gaming Commission, for a term ending April 29, 2009, and until his successor is duly appointed and qualified; vice, Judith Hinrichs, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 28, 2006, while the Senate was not in session.

Ronald G. Hardecke, Republican, 3944 Blocks Branch Road, Owensville, Gasconade County, Missouri 65066, as a member of the Clean Water Commission, for a term ending April 12, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 11, 2006, while the Senate was not in session.

Rosanne M. Hays, Democrat, 6668 County Road 245, Monroe City, Marion County, Missouri 63456, as a member of the Missouri Agricultural and Small Business Development Authority, for a term ending June 30, 2010, and until her successor is duly appointed and qualified; vice, Avis Parman, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 20, 2006, while the Senate was not in session.

David R. Henke, Sr., Republican, 90 Kinkade Lane, Moscow Mills, Lincoln County, Missouri 63362, as a member of the Missouri Citizens' Commission on Compensation for Elected Officials, for a term ending February 1, 2008, and until his successor is duly appointed and qualified; vice, Jean Dudgeon, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me

on December 13, 2006, while the Senate was not in session.

Charles H. Hoessle, Republican, 10814 Forest Circle Drive, Saint Louis, Saint Louis County, Missouri 63128, as a member of the Harris-Stowe State University Board of Regents, for a term ending July 28, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 28, 2006, while the Senate was not in session.

Dana K. Humphrey, 500 Highway H, Troy, Lincoln County, Missouri 63379, as a member of the Holocaust Education and Awareness Commission, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, 161.700 RSMo.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 13, 2006, while the Senate was not in session.

Thomas J. Irwin, Democrat, 646 Arbor Haven Drive, Ballwin, Saint Louis County, Missouri 63021, as a member of the Regional Convention and Sports Complex Authority, for a term ending May 31, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 11, 2006, while the Senate was not in session.

Lorene J. James, Republican, 2918 Lockridge, Kansas City, Jackson County, Missouri 64128, as a member of the Missouri Women's Council, for a term ending December 6, 2008, and until her successor is duly appointed and qualified; vice, Jacqueline McKinsey, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2006, while the Senate was not in session.

Richard D. James, D.C., 10 Stone Meadow Court, Saint Peters, Saint Charles County, Missouri 63376, as a member of the Missouri Acupuncturist Advisory Committee, for a term ending December 10, 2007, and until his successor is duly appointed and qualified; vice, Mary Holyoke, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me

on November 27, 2006, while the Senate was not in session.

Daniel A. Johanningmeier, Democrat, 1954 Acorn Trail Drive, Florissant, Saint Louis County, Missouri 63031, as a member of the Clean Water Commission, for a term ending April 12, 2010, and until his successor is duly appointed and qualified; vice, Cosette Kelly, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 10, 2006, while the Senate was not in session.

Sherry S. Jones, Republican, 20841 LIV 431, Dawn, Livingston County, Missouri 64638, as a member of the Missouri Agricultural and Small Business Development Authority, for a term ending June 30, 2011, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 28, 2006, while the Senate was not in session.

Richard M. Kalfus, 34 Lemp Road, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Holocaust Education and Awareness Commission, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, 161.700 RSMo.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 1, 2006, while the Senate was not in session.

James F. Keathley, 3843 State Route AA, Tebbetts, Callaway County, Missouri 65080, as the Superintendent of the Missouri State Highway Patrol, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Roger D. Stottlemire, retired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 11, 2006, while the Senate was not in session.

John "Gil" Kennon, 21 Grizzly Court, Farmington, Saint Francois County, Missouri 63640, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me

on June 30, 2006, while the Senate was not in session.

Michael Kilgore, Democrat, 437 East 74th Terrace, Kansas City, Jackson County, Missouri 64131, as a member of the Missouri Ethics Commission, for a term ending March 15, 2010, vice, Clyde Farris, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 31, 2006, while the Senate was not in session.

Michael D. King, Republican, 7429 Highway 100, Washington, Franklin County, Missouri 63090, as a member of the Missouri Citizens' Commission on Compensation for Elected Officials, for a term ending February 1, 2008, and until his successor is duly appointed and qualified; vice, Rhonda Stockton, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 15, 2006, while the Senate was not in session.

Nanci M. King, Republican, 4877 Woodhaven Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Women's Council, for a term ending December 6, 2006, and until her successor is duly appointed and qualified; vice, Karen Jones, resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 14, 2006, while the Senate was not in session.

Joseph V. Knodell, 3663 McLane Drive, Poplar Bluff, Butler County, Missouri 63901, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2009, and until his successor is duly appointed and qualified; vice, Denise Cross, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 8, 2006, while the Senate was not in session.

Donald D. Landon, 1314 East Lafayette, Springfield, Greene County, Missouri 65804, as a member of the Seismic Safety Commission, for a term ending July 1, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 1, 2007, while the Senate was not in session.

James P. Limbaugh, Republican, 2550 Wildhorse Trail, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Southeast Missouri State University Board of Regents, for a term ending January 1, 2013, and until his successor is duly appointed and qualified; vice, John Tlappek, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 30, 2006, while the Senate was not in session.

Kimberley J. Mathis, Republican, 5322 Tamm Avenue, Saint Louis City, Missouri 63109, as Chairperson and member of the Board of Election Commissioners for Saint Louis City, for a term ending January 10, 2009, and until her successor is duly appointed and qualified; vice, Edward Martin, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 13, 2006 while the Senate was not in session.

Sherrill L. McCormack, 312 Geyer Road, Neosho, Newton County Missouri 64850, as a member of the Citizens' Advisory Commission for Marketing Missouri Agricultural Products, for a term ending April 10, 2009, and until her successor is duly appointed and qualified; vice, Theodore Beaty, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 17, 2006, while the Senate was not in session.

Carrie L. McCray, 6899 County Road 477, Fulton, Callaway County, Missouri 65251, as a member of the Missouri State Committee of Interpreters, for a term ending October 9, 2009, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2006, while the Senate was not in session.

Michael D. McCunniff, D.D.S., 1105 Northeast Trailwood, Lee's Summit, Jackson County, Missouri 64086, as a member of the Missouri Area Health Education Centers Council, for a term ending February 1, 2009, and until his successor is duly appointed and qualified; vice, 191.980, RSMo.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me

on November 13, 2006, while the Senate was not in session.

Mary K. Meek, Republican, 5326 South Clayhill, Springfield, Greene County, Missouri 65804, as a member of the Missouri Development Finance Board, for a term ending September 9, 2010 and until her successor is duly appointed and qualified; vice, Elizabeth Solberg, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 17, 2006, while the Senate was not in session.

Laura M. Neal, 512 Campusview Drive, Columbia, Boone County, Missouri 65201, as a member of the State Committee for Social Workers, for a term ending October 23, 2009 and until her successor is duly appointed and qualified; vice, Ellen Burkemper, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 11, 2006 while the Senate was not in session.

Larry D. Neff, Democrat, 1403 Rocketdyne Road, Apartment A, Neosho, Newton County, Missouri 64850, as a member of the Missouri Development Finance Board, for a term ending September 14, 2010 and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
 Jefferson City
 65101
 January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 13, 2006, while the Senate was not in session.

Peter J. Nicastro, 1904 Hurstgreen Avenue, Overland, Saint Louis County, Missouri 63114, as a member of the Organ Donation Advisory Committee, for a term ending January 1, 2010, and until his successor is duly appointed and qualified; vice, Lucy Reinhart, resigned.

Respectfully submitted,
 MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
 Jefferson City
 65101
 January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 25, 2006 while the Senate was not in session.

Andrew J. Nimmo, 4401 Middleton, Joplin, Newton County, Missouri 64804, as a member of the Missouri Fire Safety Advisory Board, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, David Pennington, term ended.

Respectfully submitted,
 MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
 Jefferson City
 65101
 January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me

on June 1, 2006 while the Senate was not in session.

Nuzhat Nisar, M.D., 104 Country Creek Court, Ballwin, Saint Louis County, Missouri 63011, as a member of the Children's Trust Fund Board, for a term ending September 15, 2008, and until her successor is duly appointed and qualified; vice, Shawn Griffin, term expired.

Respectfully submitted,
 MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
 Jefferson City
 65101
 January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 13, 2006 while the Senate was not in session.

Robert "Bobby" O'Dell, 7169 State Road Y, Conway, Laclede County, Missouri 65632, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2008 and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
 MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
 Jefferson City
 65101
 January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 2, 2007, while the Senate was not in session.

Douglas M. Ommen, 221 Hunter's Run, Jefferson City, Cole County, Missouri 65109, as the Director of the Department of Insurance, Financial Institutions, and Professional Registration for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, William Dale Finke, retired.

Respectfully submitted,
 MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2006 while the Senate was not in session.

Christy K. Ostrosky, 4030 West Portland, Springfield, Greene County, Missouri 65807, as a member of the Missouri Board of Occupational Therapy, for a term ending December 11, 2008 and until her successor is duly appointed and qualified; vice, Cynthia Ballentine, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2006 while the Senate was not in session.

Stacey D. Owsley, 4811 Brandon Woods Street, Columbia, Boone County, Missouri 65203, as a member of the Coordinating Board for Early Childhood, for a term ending at the pleasure of the Governor and until her successor is duly appointed and qualified; vice, 210.102 RSMo.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me

on November 27, 2006 while the Senate was not in session.

Gary J. Pendergrass, Republican, 4032 South Gatlin Court, Springfield, Greene County, Missouri 65807, as a member of the Air Conservation Commission, for a term ending October 13, 2009, and until his successor is duly appointed and qualified; vice, Joanne Collins, resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 13, 2006 while the Senate was not in session.

Michael C. Perry, M.D., 1112 Pheasant Run, Columbia, Boone County, Missouri 65201, as a member of the Organ Donation Advisory Committee, for a term ending January 1, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 24, 2006 while the Senate was not in session.

Larry W. Plunkett, Sr., Democrat, 109 Pine Street, Greenville, Wayne County, Missouri 63944, as a member of the Missouri Gaming Commission, for a term ending April 29, 2007 and until his successor is duly appointed and qualified; vice, Floyd Bartch, resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 31, 2006 while the Senate was not in session.

Jack E. Pohrer, Republican, 15 Overbrook Drive, Saint Louis, Saint Louis County, Missouri 63124, as a member of the Missouri Citizens' Commission on Compensation for Elected Officials, for a term ending February 1, 2008, and until his successor is duly appointed and qualified; vice, Robert Mueller, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2006 while the Senate was not in session.

William T. Reeves, 19 Bellerive Country Club Grounds, Saint Louis, Saint Louis County, Missouri 63141, as a member of the Missouri Higher Education Loan Authority, for a term ending October 22, 2006, and until his successor is duly appointed and qualified; vice, Marilyn Bush, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me

on October 30, 2006 while the Senate was not in session.

William T. Reeves, 19 Bellerive Country Club Grounds, Saint Louis, Saint Louis County, Missouri 63141, as a member of the Missouri Higher Education Loan Authority, for a term ending October 22, 2011 and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 27, 2006 while the Senate was not in session.

William F. Ringer, Republican, 508 NE Olympic Court, Lee's Summit, Jackson County, Missouri 64064, as a member of the Labor and Industrial Relations Commission, for a term ending June 27, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 27, 2006 while the Senate was not in session.

Richard H. Rocha, Republican, 405 West 68th Terrace, Kansas City, Jackson County, Missouri 64113, as a member of the Air Conservation Commission, for a term ending October 13, 2008, and until his successor is duly appointed and qualified; vice, Caroline Pufalt, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 27, 2006 while the Senate was not in session.

Kevin L. Rosenbohm, Republican, 18358 395th Street, Graham, Nodaway County, Missouri 64455, as a member of the Air Conservation Commission, for a term ending October 13, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 11, 2006, while the Senate was not in session.

Deborah E. Scott, 26049 Shiloh Road, Centertown, Cole County, Missouri 65023, as the Director of the Department of Social Services, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, K. Gary Sherman, resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me

on June 1, 2006 while the Senate was not in session.

Andrea Segura, 406 Kingsley, Liberty, Clay County, Missouri 64068, as a member of the Missouri State Committee of Interpreters, for a term ending October 9, 2006, and until her successor is duly appointed and qualified; vice, Sandy Drummond, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 14, 2006, while the Senate was not in session.

Andrea Segura, 406 Kingsley, Liberty, Clay County, Missouri 64068, as a member of the Missouri State Committee of Interpreters, for a term ending October 9, 2010, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 1, 2006 while the Senate was not in session.

William K. Seibert, Jr., Republican, 1443 Briar Village Court, Jefferson City, Cole County, Missouri 65109, as a member of the Board of Probation and Parole, for a term ending August 28, 2012, and until his successor is duly appointed and qualified; vice, Fannie Gaw, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 8, 2005 while the Senate was not in session.

Shelly R. Shetley, 310 Northeast 94th Street, Apartment 118, Kansas City, Jackson County, Missouri 64155, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2006, and until her successor is duly appointed and qualified; vice, Shelly R. Shetley, withdrawn.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 25, 2006 while the Senate was not in session.

Cathy Smith, Republican, 3917 Little Woods Drive, Trenton, Grundy County, Missouri 64683, as a member of the Missouri State University Board of Governors, for a term ending August 28, 2007, and until her successor is duly appointed and qualified; vice, 174.450 RSMo.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me

on September 13, 2006 while the Senate was not in session.

Sharon Smith, 7132 Vernon, University City, Saint Louis County, Missouri 63130, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 13, 2006 while the Senate was not in session.

Kit O. Stahlberg, 416 North Chamber Apartment B3, Fredericktown, Madison County, Missouri 63645, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2008, and until his successor is duly appointed and qualified; vice, Cletus Kraenzle, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 14, 2006, while the Senate was not in session.

Cara J. Stauffer, 4317 Native Stone Road, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Wine and Grape Board, for a term ending October 28, 2010, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2006 while the Senate was not in session.

Rebecca R. Steele, 1516 Maple Street, Chillicothe, Livingston County, Missouri 64601, as a member of the Missouri Area Health Education Centers Council, for a term ending February 1, 2009, and until her successor is duly appointed and qualified; vice, 191.980 RSMo.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 2, 2006 while the Senate was not in session.

Susan S. Stepleton, 3 Selma Court, Saint Louis, Saint Louis County, Missouri 63119, as a member of the Coordinating Board for Early Childhood, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, 210.102, RSMo.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me

on September 13, 2006 while the Senate was not in session.

Richard "Rick" Sullivan, Jr., Republican, 10600 Ballantrae Drive, Saint Louis, Saint Louis County, Missouri 63131, as a member of the Regional Convention and Sports Complex Authority, for a term ending May 31, 2010, and until his successor is duly appointed and qualified; vice, Robert Blitz, resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 4, 2006 while the Senate was not in session.

Anthony Thompson, Democrat, 1100 Sandistan Court, Saint Louis, Saint Louis County, Missouri 63146, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2012, and until his successor is duly appointed and qualified; vice, Earl Wilson, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 30, 2006 while the Senate was not in session.

Dana D. Thompson, Republican, 4611 Georgetown Drive, Columbia, Missouri 65203, as the Chairman of the Board of Probation and Parole, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
 Jefferson City
 65101
 January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 14, 2006, while the Senate was not in session.

Cheryl L. Thruston, 215 Dover Street, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2008, and until her successor is duly appointed and qualified; vice, Cheryl L. Thruston, withdrawn.

Respectfully submitted,
 MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
 Jefferson City
 65101
 January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2006 while the Senate was not in session.

Jan C. Tupper, Republican, 2827 South Michigan, Joplin, Jasper County, Missouri 64804, as a member of the Clean Water Commission, for a term ending April 12, 2007, and until his successor is duly appointed and qualified; vice, Paul Hauser, resigned.

Respectfully submitted,
 MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
 Jefferson City
 65101
 January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me

on September 29, 2006 while the Senate was not in session.

John P. Tvrdek, 427 Chukker Valley, Ellisville, Saint Louis County, Missouri 63021, as a member of the Missouri State Board of Accountancy, for a term ending July 1, 2011, and until his successor is duly appointed and qualified; vice, Lynda Lieberman, term expired.

Respectfully submitted,
 MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
 Jefferson City
 65101
 January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 7, 2006 while the Senate was not in session.

Rosemary Vitale, 100 West 128th Street, Kansas City, Jackson County Missouri 64145, as a member of the Missouri Real Estate Commission, for a term ending October 16, 2010, and until her successor is duly appointed and qualified; vice, Thallis Malone, term expired.

Respectfully submitted,
 MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
 Jefferson City
 65101
 January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 14, 2006, while the Senate was not in session.

Ronald J. Walkenbach, Ph.D, 407 Pyrenees Drive, Columbia, Boone County, Missouri 65203, as a member of the Organ Donation Advisory Committee, for a term ending January 1, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
 MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 25, 2006, while the Senate was not in session.

Donayle E. Whitmore-Smith, Democrat, 4638 Lewis Place, Saint Louis City, Missouri 63113, as a member of the State Board of Education, for a term ending July 1, 2012, and until her successor is duly appointed and qualified; vice, Vanetta Rogers, term expired.

Respectfully submitted,

MATT BLUNT

INTRODUCTION OF BILLS

The following Bill and Joint Resolution were read the 1st time and ordered printed:

SB 221—By Callahan.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to school district boundaries.

SJR 10—By Bartle and Engler.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 38 (d) of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to human cloning.

CONCURRENT RESOLUTIONS

Senator Bray offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 1

WHEREAS, truthful information is essential for making responsible decisions; and

WHEREAS, one of the basic components of women's healthcare necessarily includes contraception as it improves maternal and child health outcomes by allowing women to plan for the number and spacing of children that is best for her family and by reducing unintended pregnancies; and

WHEREAS, the most effective way to prevent an unintended pregnancy is to improve access to safe, affordable and effective contraceptive methods and to provide medically accurate information about how to use such methods; and

WHEREAS, support for information and services that increase

health and wellness makes common sense:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby work together to help women, regardless of income, avoid unintended pregnancy through access to affordable, FDA-approved contraception, including emergency contraception; and

BE IT FURTHER RESOLVED the members of the Missouri Senate, 94th General Assembly, First Regular Session, the House of Representatives concurring therein, support programs and policies that make it easier for women to obtain FDA-approved contraceptives; and

BE IT FURTHER RESOLVED the members of the Missouri Senate, 94th General Assembly, First Regular Session, the House of Representatives concurring therein, encourage all public schools to ensure that students receive appropriate, reproductive and sexual health education that includes the latest medically factual information regarding the health benefits and possible side effects of all forms of contraception, as well as the success and failure rates for prevention of pregnancy and sexually transmitted infections; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and for each member of the Missouri Congressional Delegation.

Senator Callahan offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 2

Relating to the recommendations by the Citizen's Commission on Compensation for Elected Officials.

WHEREAS, the voters of Missouri approved a constitutional amendment in 1994 that created a commission charged with setting the amount of compensation paid to statewide elected officials, legislators and judges; and

WHEREAS, prior to the approval of this amendment, the General Assembly had the duty and responsibility of setting salaries; and

WHEREAS, the Missouri Citizen's Commission on Compensation for Elected Officials has recommended that salaries be increased for judges and statewide elected officials by \$1,200 plus 4% beginning on July 1, 2007 and by \$1,200 plus 4% beginning on January 1, 2009 for legislators; and

WHEREAS, the Commission has additionally recommended that judges, statewide elected officials and legislators receive the same increase in salary as the average state worker for the fiscal years beginning in July 2007 and July 2008, provided that legislators shall not receive such increases until January 1, 2009; and

WHEREAS, the Commission has also recommended a one-time payment of \$2,000 for each Associate Circuit Judge on July 1,

2007 to partially compensate for the Circuit Court duties currently being assumed by Associate Circuit Judges throughout the state; and

WHEREAS, the recommended increases would result in a net increase for judges, statewide elected officials and legislators that is far greater than any expected cost-of-living adjustment for state employees in the coming fiscal year; and

WHEREAS, the state has many other priorities for appropriating money in the budget that are far more important than the salary increases recommended by the Commission; and

WHEREAS, the changes recommended by the Missouri Citizen's Commission on Compensation for Elected Officials will take effect on July 1, 2007, unless disapproved by the General Assembly; and

WHEREAS, the General Assembly may disapprove of the recommendation by a concurrent resolution approved by both the Senate and the House before February 1, 2007:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fourth General Assembly, First Regular Session, the House of Representatives concurring therein, that the recommendations of the Missouri Citizen's Commission on the Compensation of Elected Officials contained in its report dated November 30, 2006, be disapproved; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for Governor Matt Blunt.

RESOLUTIONS

Senator Gibbons offered the following resolution:

SENATE RESOLUTION NO. 3

BE IT RESOLVED that Senate Rules 25 and 28 of the temporary rules adopted by the Senate of the Ninety-Fourth General Assembly, First Regular Session, be amended to read as follows:

"Rule 25. The president pro tem of the senate shall appoint the following standing committees:

1. Committee on Administration, 5 members.
2. Committee on Aging[,] and Families, [Mental and Public Health, 9] 8 members.
3. Committee on Agriculture, Conservation, Parks and Natural Resources, [9] 8 members.
4. Committee on Appropriations, [9] 10 members.
5. Committee on Commerce, Energy and the Environment, 9 members.
6. Committee on Economic Development, Tourism and Local Government, [9] 10 members.
7. Committee on Education, 9 members.
8. Committee on Financial and Governmental Organizations and Elections, [9] 8 members.
9. Committee on Governmental Accountability and Fiscal

Oversight, [6] 8 members.

10. Committee on Gubernatorial Appointments, 9 members.

11. Committee on Health and Mental Health, 5 members.

12. Committee on the Judiciary and Civil and Criminal Jurisprudence, [9] 8 members.

[12.] 13. Committee on Pensions, Veterans' Affairs and General Laws, [9] 8 members.

[13.] 14. Committee on Rules, Joint Rules, Resolutions and Ethics, 7 members.

[14.] 15. Committee on Small Business, Insurance and Industrial Relations, 9 members.

[15.] 16. Committee on Transportation, [9] 10 members.

[16.] 17. Committee on Ways and Means, [9] 8 members.

All committees shall have leave to report at any time. The chairman of any standing committee may appoint one or more subcommittees, with the approval of the committee, to hold hearings on bills referred to the committee and shall report its findings to the standing committee.

Rule 28. The duties of the standing committees of the senate are as follows:

1. The Committee on Administration shall superintend and have sole and complete control of all financial obligations and business affairs of the senate, the assignment of offices and seats, and the supervision of certain designated employees. The committee shall be authorized to employ an administrator, who shall be provided with office space as designated by the committee. The administrator or the secretary of the senate may be authorized to act for the committee, but only in the manner and to the extent as may have previously been authorized by the committee with such authorization entered in the minutes of the committee. No voucher calling for payment from the contingent fund of the senate shall be drawn, nor shall any valid obligation exist against the contingent fund until the same shall have been approved by the committee or its administrator and be recorded in the minutes thereof. All vouchers must be signed by the chairman of the committee or the administrator, if so authorized. The committee or its administrator shall provide for the receiving and receipt of all supplies, equipment and furnishings purchased for the account of the senate, and the distribution thereof. The administrator shall keep a detailed running account of all transactions and shall open his records for inspection to any senator who so requests. All employees other than elected officials of the senate and employees of the individual senators, shall be selected by the committee, who shall control their tenure, set their compensation, assign their duties and exercise complete supervision over them. When necessary, the committee shall assign office space and seats in the senate chamber.

2. The Committee on Aging[,] and Families[, Mental and Public Health] shall consider and report upon all matters referred to it concerning the preservation of the quality of life for senior citizens, nursing home and boarding home operations, alternative care programs for the elderly, and family and children's issues[, mental health, mental retardation and developmental disabilities].

It shall also consider, examine and report upon all matters and bills referred to it concerning income maintenance, social services, [health care programs, alcoholism and drug abuse, medicaid,] child support enforcement, public health and disease control and [prevention,] hospital operations [and alternative state health care proposals].

3. The Committee on Agriculture, Conservation, Parks and Natural Resources shall consider all questions and report on all bills, resolutions, regulatory matters, and all other matters referred to it relating to animals, animal disease, pest control, agriculture, the state park system, conservation of the state's natural resources, soil and water, wildlife and game refuges.

4. The Committee on Appropriations shall report upon all bills and measures and questions referred to it pertaining to general appropriations and disbursement of public money.

5. The Committee on Commerce, Energy and the Environment shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to the development of state commerce, the commercial sector, consumer protection, the development and conservation of energy resources and the disposal of solid, hazardous and nuclear wastes and other matters relating to environmental pollution.

6. The Committee on Economic Development, Tourism and Local Government shall consider all questions and report on all bills referred to it relating to the promotion of economic development, tourism and the promotion of tourism as a state industry, community and business development, county government, township organizations and political subdivisions.

7. The Committee on Education shall examine into and report upon all matters referred to it relating to all matters of education in the state, including the public schools, libraries, programs and institutions of higher learning, and shall examine and report on all propositions, memorials, petitions, or bills relating thereto.

8. The Committee on Financial and Governmental Organizations and Elections shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to banks and banking, savings and loan associations and other financial institutions in the state. The committee shall also examine and report upon all bills and matters referred to it relating to the reorganization, establishment, consolidation or abolition of departments, boards, bureaus and commissions of state government, the internal operation of any state agency and the effect of federal legislation upon any state agency. The committee shall consider all questions and report on all bills, resolutions and on all matters referred to it relating to election law and all matters relating to the department of corrections including the state's penal institutions and training facilities and the sentencing of people to the department of corrections.

9. The Committee on Governmental Accountability and Fiscal Oversight shall consider all bills, except regular appropriation bills, which require new appropriations or expenditures of appropriated funds in excess of \$100,000, or which reduce such funds by that

amount during any of the first three years that public funds will be used to fully implement the provisions of the Act. Any such senate bill, after having been approved by the regular standing committee to which it has been assigned and after the same has been perfected and ordered printed by the senate, shall thereafter be referred to the Committee on Governmental Accountability and Fiscal Oversight for its consideration prior to its submission to the senate for final passage thereof by the senate. Any such house bill after having been reported by the regular standing committee to which it was assigned shall be referred to the Committee on Governmental Accountability and Fiscal Oversight for its consideration prior to its being considered by the senate for third reading and final passage. Any senate or house bill, amended so as to increase expenditures or reduce revenue in excess of \$100,000 during any of the first three years that public funds will be used to fully implement its provisions shall upon timely motion be referred or re-referred to the Committee on Governmental Accountability and Fiscal Oversight. The author or first-named sponsor of a bill referred to the Committee on Governmental Accountability and Fiscal Oversight shall be entitled to a hearing on his/her bill but such committee hearing shall be limited to the reception of testimony presented by the author or first-named sponsor in person and none other. The Committee on Governmental Accountability and Fiscal Oversight may recommend the passage of a bill subject to the adoption of an amendment specifying a certain effective date proposed by the committee, and if such an amendment is not adopted the bill shall again be referred to that committee. The committee shall also hear all bills referred to it relating to budget reform, governmental efficiency and management.

10. The Committee on Gubernatorial Appointments shall consider and report upon all gubernatorial appointments referred to it.

11. The Committee on Health and Mental Health shall consider and report upon all matters referred to it concerning health, Medicaid, alternative health care delivery system proposals, mental health, mental retardation and developmental disabilities, and substance abuse and addiction.

12. The Committee on the Judiciary and Civil and Criminal Jurisprudence shall consider all questions and bills relating to the judicial department of the state including civil procedure and the criminal laws of this state, criminal costs and all related matters; and shall examine the constitutionality of all bills referred to it by the senate, and examine into and report upon all matters and bills relating to the practice in the courts of this state and in which questions of law or equity may arise, and may consider, examine and report on all matters and bills referred to the committee relating to workers' compensation. The Committee shall also examine and report upon all matters and bills referred to it relating to probation or parole of persons sentenced under the criminal laws of the state.

[12.] 13. The Committee on Pensions, Veterans' Affairs and General Laws shall consider and report on all bills, resolutions and all other matters concerning retirement, pensions and pension plans which may be referred to it. The committee shall also examine and

report upon all matters and bills referred to it concerning veterans' affairs and general topics.

[13.] 14. The Committee on Rules, Joint Rules, Resolutions and Ethics shall consider and report on all rules for the government of the senate and joint rules when requested by the senate, shall consider, examine and report upon all matters and bills referred to it relating to ethics and the conduct of public officials and employees, shall recommend to the Senate the rules by which investigations and disciplinary proceedings will be conducted, and shall examine and report upon all resolutions and other matters which may be appropriately referred to it. The committee shall see that bills and amendments are properly perfected and printed. The committee shall examine all Truly Agreed To and Finally Passed bills carefully, and report that the printed copies furnished the senators are correct. Upon the written request of the sponsor or floor handler of a bill, the committee may recommend that any such bill on the calendars for perfection or house bills on third reading be called up or considered out of order in which the bill appears on that calendar. A recommendation to consider bills out of order shall require approval by a majority of the committee with the concurrence of two-thirds of the senate members. No floor debate shall be allowed on the motion to adopt the committee report.

The Committee shall examine bills placed on the Consent Calendar and may, by majority vote, remove any bill from the consent calendar within the time period prescribed by Rule 45, that it determines is too controversial to be treated as a consent bill.

[14.] 15. The Committee on Small Business, Insurance and Industrial Relations shall take into consideration all matters referred to it relating to the ownership and operation of small businesses; life, accident, indemnity and other forms of insurance; and all matters relating to urban renewal and housing. The committee shall also take into consideration and report on all bills relating to labor management, fair employment standards, workers' compensation and employment security within the state and shall examine any bills referred to it relating to industrial development and other matters relating to urban areas.

[15.] 16. The Committee on Transportation shall consider, examine and report upon all matters and bills referred to it concerning roads, highways, bridges, airports and aviation, railroads, port authorities, and other means of transportation and matters relating to motor vehicles and drivers' licenses.

[16.] 17. The Committee on Ways and Means shall consider, examine and report upon all matters and bills referred to it concerning the revenue and public debt of the state, and interest thereon, the assessment of real and personal property, the classification of property for taxation purposes and gaming.”; and

BE IF FURTHER RESOLVED that temporary rules with the above amendments be adopted as the permanent rules of the Missouri Senate for the First Regular Session of the Ninety-Fourth General Assembly.

Senator Engler offered Senate Resolution No. 4, regarding the Fiftieth Wedding Anniversary of

Mr. and Mrs. Charles Francis Harris, Farmington, which was adopted.

Senator Rupp offered Senate Resolution No. 5, regarding Joe Hogan, which was adopted.

Senator Rupp offered Senate Resolution No. 6, regarding The Missouri Bank, Wentzville, which was adopted.

Senator Rupp offered Senate Resolution No. 7, regarding Oasis Kwik Wash, Wentzville, which was adopted.

Senator Rupp offered Senate Resolution No. 8, regarding Kim Henson, Wentzville, which was adopted.

COMMITTEE APPOINTMENTS

President Pro Tem Gibbons submitted the following committee appointments:

Administration

Gibbons, Chair
Shields, Vice-Chair
Scott
Coleman
Graham

Gubernatorial Appointments

Gibbons, Chair
Shields, Vice-Chair
Crowell
Gross
Loudon
Purgason
Callahan
Coleman
Graham

Rules, Joint Rules, Resolutions and Ethics

Shields, Chair
Ridgeway, Vice-Chair
Gibbons
Gross
Bray
Green
Justus

REFERRALS

President Pro Tem Gibbons referred **SR 3** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Gibbons referred the Gubernatorial Appointments to the Committee on

Gubernatorial Appointments.

INTRODUCTIONS OF GUESTS

Senator Bartle introduced to the Senate, his wife, Annette; and their children, Mack and Betsy, Lee's Summit; his father and mother, Vince and Kay, Chesterfield; his brother and sister-in-law, Mark and Debbie and their children, Mitchell and Anna, Marion, Illinois; and his sister and brother-in-law, Polly and John Blomquist and their son, Luke, Kansas City.

Senator McKenna introduced to the Senate, his wife, Angela, Crystal City; his mother and step-father, Kathy and Gary Cattoor, De Soto; his father and step-mother, Former State Senator Bill McKenna and Debbie, Crystal City; his sister and brother-in-law, Lisa and Glen Hausler and his uncle and aunt, Brian and Megan McKenna, St. Louis; his uncle Kevin McKenna, Imperial; Thomas Schilly and Travis Grafe, Crystal City; Bill Evans, Festus; Jerry and Jane Adams, Ozark; and Dan and Christine Emrie, Springfield.

Senator Shoemyer introduced to the Senate, his wife Cheryl and their children Wendy, Laura, Amy and Andrew, Clarence; and his parents, Robert and Dorothy Shoemyer, Shelbyville.

Senator Bray introduced to the Senate, her husband, Carl Hoagland; and their son, Kolby, St. Louis; her mother, Mary Bray, Lubbock, Texas; and her cousins, Jason and Erica Bray, Springfield.

Senator Greisheimer introduced to the Senate, his wife, Rita; their daughter, Michelle and son and daughter-in-law, Aaron and Amanda, Washington; and their son, Sean, Overland Park, Kansas; and Moon, Roberta, Jerry and Kathy Maune, Marilyn Wynne and Denise Kleekamp, Washington.

Senator Rupp introduced to the Senate, his parents, Chester and Eleanor, St. Charles; his sister, Helen Rhoades and Rita Pieper, O'Fallon; Jim and Kendra Beck, Troy; and Ruth Dyer, St. Paul.

Senator Barnitz introduced to the Senate, his father and mother, George and Elizabeth; his wife, Liza; and their daughters, Camilla and Kenadee,

Lake Spring.

Senator Smith introduced to the Senate, his parents, Steve and Phyllis Smith; his brother and sister-in-law, Andy and Christina; his aunt and uncle, Bob and Judy Rubin; and Austin Kearney, Mike Sorth, Donna Baringer, Steve Brown, Marty Rolo, Karen Schwartz, Margaret Hasse, Jim Hathman and Bill Trindley, St. Louis; Frank Popper, Webster Groves; and Elizabeth and Adrenne Smith, Bronxville, New York.

Senator Justus introduced to the Senate, her partner, Lana Knedlik; and daughter, Angel Rhodes, Kansas City; her parents, Jim and Jennifer, her brother, James and her uncle, Jeff, Branson; and Scott Harlthey and Sara Koehler, Kansas City.

Senator Days introduced to the Senate, Joselin Annan, Ghana W. Africa; Bernadine Klebba and Lillian Brooks Williams, Jefferson City.

Senator Champion introduced to the Senate, Mavis Busick, Bill Majors, Mike Barnett, Mary Keeling and Reggie McElhannon, Springfield; and Joyce Mackney, Jefferson City.

Senator Nodler introduced to the Senate, his wife, Joncee, Joplin; and Mike Keathley, Dexter.

Senator Clemens introduced to the Senate, Debbie Danastasio, Marshfield.

Senator Mayer introduced to the Senate, the Physician of the Day, Dr. Alan Jennings Chen, M.D., PH.D. and his wife, June, Dexter.

Senator Gibbons introduced to the Senate, his parents, Michael, Sr. and Folsta Sara; his wife, Liz and their children, Danny O'Neill and Meredith Gibbons, Kirkwood.

Senator Shields introduced to the Senate, the family of Sergeant-at-Arms, Bill Smith, his wife, Jan; their daughter and son-in-law, Aimee and Brad Allen, Mission, Kansas; and their son, Todd Smith and his daughter, Malia, Olathe, Kansas.

Senator Shields introduced to the Senate, Mike, Jeanie and Megan Pfander, Clever.

Senator Shields introduced to the Senate, his wife, Brenda; and their son, Bryce, St. Joseph.

Senator Scott introduced to the Senate, his wife, Donna, Lowry City; and his uncle, David, Jefferson City.

The President introduced to the Senate, Shelly

Brown; and Kayla Mays Madkin, St. Louis.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SECOND DAY--THURSDAY, JANUARY 4, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Gibbons	SB 29-Nodler
SB 2-Gibbons	SB 30-Nodler and Ridgeway
SB 3-Gibbons	SB 31-Nodler
SB 4-Gross	SB 32-Bray
SB 5-Loudon	SB 33-Bray, et al
SB 6-Loudon	SB 34-Bray
SB 7-Loudon	SB 35-Days
SB 8-Kennedy	SB 36-Days
SB 9-Kennedy	SB 37-Days
SB 10-Kennedy	SB 38-Ridgeway
SB 11-Coleman	SB 39-Ridgeway
SB 12-Coleman	SB 40-Ridgeway
SB 13-Coleman	SB 41-Purgason
SB 14-Scott	SB 42-Purgason
SB 15-Scott	SB 43-Purgason
SB 16-Scott	SB 44-Mayer
SB 17-Shields	SB 45-Mayer
SB 18-Shields	SB 46-Mayer
SB 19-Shields	SB 47-Engler
SB 20-Griesheimer	SB 48-Engler
SB 21-Griesheimer	SB 49-Engler and Loudon
SB 22-Griesheimer	SB 50-Stouffer
SB 23-Champion	SB 51-Stouffer
SB 24-Champion	SB 52-Stouffer
SB 25-Champion	SB 53-Koster
SB 26-Bartle	SB 54-Koster
SB 27-Bartle and Koster	SB 55-Koster
SB 28-Bartle	SB 56-Graham

SB 57-Graham	SB 99-Mayer
SB 58-Graham	SB 100-Mayer
SB 59-Wilson	SB 101-Mayer
SB 60-Wilson	SB 102-Stouffer
SB 61-Wilson	SB 103-Stouffer
SB 62-Goodman	SB 104-Stouffer
SB 63-Goodman	SB 105-Graham
SB 64-Goodman	SB 106-Graham
SB 65-Rupp	SB 107-Wilson
SB 66-Rupp	SB 108-Wilson
SB 67-Rupp	SB 109-Wilson
SB 68-Shoemyer	SB 110-Rupp
SB 69-Shoemyer	SB 111-Rupp
SB 70-Shoemyer	SB 112-Rupp
SB 71-Justus	SB 113-Shoemyer
SB 72-Justus	SB 114-Scott
SB 73-Justus	SB 115-Scott
SB 74-Coleman	SB 116-Griesheimer
SB 75-Coleman	SB 117-Griesheimer
SB 76-Coleman	SB 118-Griesheimer
SB 77-Scott	SB 119-Nodler
SB 78-Scott	SB 120-Nodler
SB 79-Scott	SB 121-Nodler
SB 80-Shields	SB 122-Bray and Days
SB 81-Griesheimer	SB 123-Bray
SB 82-Griesheimer	SB 124-Bray
SB 83-Griesheimer	SB 125-Days
SB 84-Champion	SB 126-Days
SB 85-Champion and Koster	SB 127-Mayer
SB 86-Champion	SB 128-Stouffer
SB 87-Bartle	SB 129-Stouffer
SB 88-Bartle	SB 130-Stouffer
SB 89-Bartle	SB 131-Rupp
SB 90-Nodler	SB 132-Rupp
SB 91-Nodler	SB 133-Rupp
SB 92-Nodler	SB 135-Nodler
SB 93-Bray	SB 136-Nodler
SB 94-Bray	SB 137-Bray
SB 95-Bray	SB 138-Bray
SB 96-Days	SB 139-Bray
SB 97-Days	SB 140-Rupp
SB 98-Days	SB 141-Nodler

SB 142-Nodler	SB 184-Green
SB 143-Nodler	SB 185-Green
SB 144-Bray	SB 186-Green
SB 145-Bray and Days	SB 187-Green
SB 146-Bray	SB 188-Green
SB 147-Nodler	SB 189-Green
SB 148-Nodler	SB 190-Green
SB 149-Nodler	SB 191-Days
SB 150-Mayer	SB 192-Crowell
SB 151-Engler	SB 193-Griesheimer
SB 152-Engler	SB 194-Crowell
SB 153-Engler	SB 195-Crowell
SB 154-Graham	SB 196-Gross
SB 155-Engler	SB 197-Loudon and Graham
SB 156-Engler	SB 198-Mayer
SB 157-Engler	SB 199-Stouffer
SB 158-Engler	SB 200-Stouffer
SB 159-Engler	SB 202-Stouffer
SB 160-Rupp	SB 203-Lager
SB 161-Shields	SB 204-Stouffer
SB 162-Vogel	SB 205-Stouffer
SB 163-Mayer	SB 206-Justus
SB 164-Scott	SB 207-Gross
SB 165-Scott	SB 208-Gross
SB 166-Griesheimer	SB 209-Griesheimer
SB 167-Bartle	SB 210-Crowell
SB 168-Mayer	SB 211-Goodman
SB 169-Rupp	SB 212-Goodman
SB 170-Engler	SB 213-McKenna
SB 171-Nodler	SB 214-McKenna
SB 172-Ridgeway	SB 215-Loudon
SB 173-Ridgeway	SB 216-Crowell
SB 174-Green	SB 217-Crowell
SB 175-Green	SB 218-Graham
SB 176-Green	SB 219-Graham
SB 177-Green	SB 220-McKenna
SB 178-Green	SB 221-Callahan
SB 179-Green	SJR 1-Bartle
SB 180-Green	SJR 2-Bartle
SB 181-Green	SJR 3-Bartle
SB 182-Green	SJR 4-Nodler
SB 183-Green	SJR 5-Graham

SJR 6-Graham
SJR 7-Graham
SJR 8-Ridgeway

SJR 9-Crowell
SJR 10-Bartle and Engler

INFORMAL CALENDAR

RESOLUTIONS

HCR 1-Dempsey (Shields)

HCR 2-Dempsey (Shields)

To be Referred

SCR 1-Bray

SCR 2-Callahan

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Journal

Copy

Journal of the Senate

FIRST REGULAR SESSION

SECOND DAY—THURSDAY, JANUARY 4, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"I will call to mind the deeds of the Lord; I will remember your wonders of old..." (Psalm 77:11)

Wondrous God, we thank You for the wonders that we encounter everyday and in those about us. We rejoice in the opportunity to grow as servants and to be closer to one another and to You. Dwell with us as we meet today and watch over us as we return home to loved ones. And may You find us in Your house of prayer this weekend. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason

Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

The Lieutenant Governor was present.

Senator Shields announced that photographers from the Springfield News-Leader and Columbia Home and Lifestyle had been given permission to take pictures in the Chamber today.

CONCURRENT RESOLUTIONS

Senator Engler offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 3

Relating to the recommendations by the Citizen's Commission on Compensation for Elected Officials.

WHEREAS, the voters of Missouri approved a constitutional amendment in 1994 that created a commission charged with setting the amount of compensation paid to statewide elected officials, legislators and judges; and

WHEREAS, prior to the approval of this amendment, the General Assembly had the duty and responsibility of setting salaries; and

WHEREAS, the Missouri Citizen's Commission on

Compensation for Elected Officials has recommended that salaries be increased for judges and statewide elected officials by \$1,200 plus 4% beginning on July 1, 2007 and by \$1,200 plus 4% beginning on January 1, 2009 for legislators; and

WHEREAS, the Commission has additionally recommended that judges, statewide elected officials and legislators receive the same increase in salary as the average state worker for the fiscal years beginning in July 2007 and July 2008, provided that legislators shall not receive such increases until January 1, 2009; and

WHEREAS, the Commission has also recommended a one-time payment of \$2,000 for each Associate Circuit Judge on July 1, 2007 to partially compensate for the Circuit Court duties currently being assumed by Associate Circuit Judges throughout the state; and

WHEREAS, the recommended increases would result in a net increase for judges, statewide elected officials and legislators that is far greater than any expected cost-of-living adjustment for state employees in the coming fiscal year; and

WHEREAS, the state has many other priorities for appropriating money in the budget that are far more important than the salary increases recommended by the Commission; and

WHEREAS, the changes recommended by the Missouri Citizen's Commission on Compensation for Elected Officials will take effect on July 1, 2007, unless disapproved by the General Assembly; and

WHEREAS, the General Assembly may disapprove of the recommendation by a concurrent resolution approved by both the Senate and the House before February 1, 2007:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, First Regular Session, the House of Representatives concurring therein, that the recommendations of the Missouri Citizen's Commission on the Compensation of Elected Officials contained in its report dated November 30, 2006, be disapproved; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for Governor Matt Blunt.

Read 1st time.

REFERRALS

President Pro Tem Gibbons referred **SCR 1** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was

read the 2nd time and referred to the Committee indicated:

SCR 2—Rules, Joint Rules, Resolutions and Ethics.

RESOLUTIONS

Senator Shields offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 9

BE IT RESOLVED by the Senate, that the Administrator of the Senate be and is hereby instructed to have placed in the Post Office of the Senate, or delivered each day to such other address as may be designated, Missouri newspapers for each Senator and each elected officer of the Senate, such papers to be designated by the Senator or officer, and the expenses of same to be paid out of the contingent fund of the Senate.

Senator Callahan offered Senate Resolution No. 10, regarding Jeffrey M. Knold, Liberty, which was adopted.

Senator Nodler offered Senate Resolution No. 11, regarding Kenneth Johnson, Carthage, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 3**, begs leave to report that it has considered the same and recommends that the resolution do pass.

INTRODUCTIONS OF GUESTS

Senator Coleman introduced to the Senate, Lawrence Nwachukwu, St. Louis.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, January 8, 2007.

SENATE CALENDAR

THIRD DAY—MONDAY, JANUARY 8, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Gibbons	SB 31-Nodler
SB 2-Gibbons	SB 32-Bray
SB 3-Gibbons	SB 33-Bray, et al
SB 4-Gross	SB 34-Bray
SB 5-Loudon	SB 35-Days
SB 6-Loudon	SB 36-Days
SB 7-Loudon	SB 37-Days
SB 8-Kennedy	SB 38-Ridgeway
SB 9-Kennedy	SB 39-Ridgeway
SB 10-Kennedy	SB 40-Ridgeway
SB 11-Coleman	SB 41-Purgason
SB 12-Coleman	SB 42-Purgason
SB 13-Coleman	SB 43-Purgason
SB 14-Scott	SB 44-Mayer
SB 15-Scott	SB 45-Mayer
SB 16-Scott	SB 46-Mayer
SB 17-Shields	SB 47-Engler
SB 18-Shields	SB 48-Engler
SB 19-Shields	SB 49-Engler and Loudon
SB 20-Griesheimer	SB 50-Stouffer
SB 21-Griesheimer	SB 51-Stouffer
SB 22-Griesheimer	SB 52-Stouffer
SB 23-Champion	SB 53-Koster
SB 24-Champion	SB 54-Koster
SB 25-Champion	SB 55-Koster
SB 26-Bartle	SB 56-Graham
SB 27-Bartle and Koster	SB 57-Graham
SB 28-Bartle	SB 58-Graham
SB 29-Nodler	SB 59-Wilson
SB 30-Nodler and Ridgeway	SB 60-Wilson

SB 61-Wilson	SB 101-Mayer
SB 62-Goodman	SB 102-Stouffer
SB 63-Goodman	SB 103-Stouffer
SB 64-Goodman	SB 104-Stouffer
SB 65-Rupp	SB 105-Graham
SB 66-Rupp	SB 106-Graham
SB 67-Rupp	SB 107-Wilson
SB 68-Shoemyer	SB 108-Wilson
SB 69-Shoemyer	SB 109-Wilson
SB 70-Shoemyer	SB 111-Rupp
SB 71-Justus	SB 112-Rupp
SB 72-Justus	SB 113-Shoemyer
SB 73-Justus	SB 114-Scott
SB 74-Coleman	SB 115-Scott
SB 75-Coleman	SB 116-Griesheimer
SB 76-Coleman	SB 117-Griesheimer
SB 77-Scott	SB 118-Griesheimer
SB 78-Scott	SB 119-Nodler
SB 79-Scott	SB 120-Nodler
SB 80-Shields	SB 121-Nodler
SB 81-Griesheimer	SB 122-Bray and Days
SB 82-Griesheimer	SB 123-Bray
SB 83-Griesheimer	SB 124-Bray
SB 84-Champion	SB 125-Days
SB 85-Champion and Koster	SB 126-Days
SB 86-Champion	SB 127-Mayer
SB 87-Bartle	SB 128-Stouffer
SB 88-Bartle	SB 129-Stouffer
SB 89-Bartle	SB 130-Stouffer
SB 90-Nodler	SB 131-Rupp
SB 91-Nodler	SB 132-Rupp
SB 92-Nodler	SB 133-Rupp
SB 93-Bray	SB 135-Nodler
SB 94-Bray	SB 136-Nodler
SB 95-Bray	SB 137-Bray
SB 96-Days	SB 138-Bray
SB 97-Days	SB 139-Bray
SB 98-Days	SB 140-Rupp
SB 99-Mayer	SB 141-Nodler
SB 100-Mayer	

SB 142-Nodler	SB 182-Green
SB 143-Nodler	SB 183-Green
SB 144-Bray	SB 184-Green
SB 145-Bray and Days	SB 185-Green
SB 146-Bray	SB 186-Green
SB 147-Nodler	SB 187-Green
SB 148-Nodler	SB 188-Green
SB 149-Nodler	SB 189-Green
SB 150-Mayer	SB 190-Green
SB 151-Engler	SB 191-Days
SB 152-Engler	SB 192-Crowell
SB 153-Engler	SB 193-Griesheimer
SB 154-Graham	SB 194-Crowell
SB 155-Engler	SB 195-Crowell
SB 156-Engler	SB 196-Gross
SB 157-Engler	SB 197-Loudon and Graham
SB 158-Engler	SB 198-Mayer
SB 159-Engler	SB 199-Stouffer
SB 160-Rupp	SB 200-Stouffer
SB 161-Shields	SB 202-Stouffer
SB 162-Vogel	SB 203-Lager
SB 163-Mayer	SB 204-Stouffer
SB 164-Scott	SB 205-Stouffer
SB 165-Scott	SB 206-Justus
SB 166-Griesheimer	SB 207-Gross
SB 167-Bartle	SB 208-Gross
SB 168-Mayer	SB 209-Griesheimer
SB 169-Rupp	SB 210-Crowell
SB 170-Engler	SB 211-Goodman
SB 171-Nodler	SB 212-Goodman
SB 172-Ridgeway	SB 213-McKenna
SB 173-Ridgeway	SB 214-McKenna
SB 174-Green	SB 215-Loudon
SB 175-Green	SB 216-Crowell
SB 176-Green	SB 217-Crowell
SB 177-Green	SB 218-Graham
SB 178-Green	SB 219-Graham
SB 179-Green	SB 220-McKenna
SB 180-Green	SB 221-Callahan
SB 181-Green	SJR 1-Bartle

SJR 2-Bartle
SJR 3-Bartle
SJR 4-Nodler
SJR 5-Graham
SJR 6-Graham

SJR 7-Graham
SJR 8-Ridgeway
SJR 9-Crowell
SJR 10-Bartle and Engler

INFORMAL CALENDAR

RESOLUTIONS

HCR 1-Dempsey (Shields)

HCR 2-Dempsey (Shields)

Reported from Committee

SR 3-Gibbons

To be Referred

SCR 3-Engler

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Journal of the Senate

FIRST REGULAR SESSION

THIRD DAY—MONDAY, JANUARY 8, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"May the (Lord) grant you your heart's desire and fulfill all your plans." (Psalm 20:4)

Gracious Father, give us the courage to commit to our tasks and teach us to live our lives rooted and built up in You. Nurture us with Your love and plant in us the desire to support one another in our work here together. And Gracious Lord, we pray for Senator McKenna's stepfather, Gary Cattoor, as he recovers from surgery and touch him with Your healing power and bring him to wholeness and health. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 4, 2007 was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager

Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Stouffer	Vogel
Wilson—33			

Absent—Senators—None

Absent with leave—Senator Smith—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Lager offered Senate Resolution No. 12, regarding the Eightieth Birthday of Richard H. Frueh, Maryville, which was adopted.

Senator Lager offered Senate Resolution No. 13, regarding the Ninetieth Birthday of Lucy Shores, Savannah, which was adopted.

Senator Lager offered Senate Resolution No. 14, regarding the Ninetieth Birthday of Rita Schieber, Maryville, which was adopted.

Senator Lager offered Senate Resolution No. 15, regarding the Eightieth Birthday of Priscilla Griffith, Maitland, which was adopted.

Senator Lager offered Senate Resolution No. 16, regarding the One Hundredth Birthday of

Grace Pierpoint, Maryville, which was adopted.

Senator Lager offered Senate Resolution No. 17, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dean Schoonover, Rock Port, which was adopted.

Senator Lager offered Senate Resolution No. 18, regarding the Ninety-fifth Birthday of Dorothy M. VanGundy, Fairfax, which was adopted.

Senator Lager offered Senate Resolution No. 19, regarding the Ninety-fifth Birthday of Leona Thompson, Maryville, which was adopted.

Senator Lager offered Senate Resolution No. 20, regarding Ashton Reuter, Stanberry, which was adopted.

Senator Lager offered Senate Resolution No. 21, regarding the Eightieth Birthday of Derril Wayne Ross, Maryville, which was adopted.

Senator Lager offered Senate Resolution No. 22, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Ralph Bliley, Barnard, which was adopted.

Senator Lager offered Senate Resolution No. 23, regarding Judge Andrew Krohn, Princeton, which was adopted.

Senator Lager offered Senate Resolution No. 24, regarding George English, which was adopted.

Senator Lager offered Senate Resolution No. 25, regarding William J. Hollingsworth, Maryville, which was adopted.

Senator Lager offered Senate Resolution No. 26, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Donald Taylor, which was adopted.

Senator Lager offered Senate Resolution No. 27, regarding the Ninety-first Birthday of Grace Carlson, Clearmont, which was adopted.

Senator Lager offered Senate Resolution No. 28, regarding the Ninetieth Birthday of David

Elder, Oregon, which was adopted.

Senator Lager offered Senate Resolution No. 29, regarding the Eightieth Birthday of Dorothy Peck, Bella Vista, Arkansas, which was adopted.

Senator Lager offered Senate Resolution No. 30, regarding the Fiftieth Wedding Anniversary of Dr. and Mrs. Larry Sipes, Hamilton, Illinois, which was adopted.

Senator Lager offered Senate Resolution No. 31, regarding the Eighty-seventh Birthday of Lela Weathermon, Maryville, which was adopted.

Senator Lager offered Senate Resolution No. 32, regarding Alexander Lee Reno, Cameron, which was adopted.

Senator Vogel offered Senate Resolution No. 33, regarding Michael Couty, Jefferson City, which was adopted.

Senator Gibbons offered Senate Resolution No. 34, regarding Lois E. Jacobs, Eureka, which was adopted.

Senators Gross and Rupp offered Senate Resolution No. 35, regarding Cathy Glosier, Saint Charles, which was adopted.

Senators Gross and Rupp offered Senate Resolution No. 36, regarding Bill Goellner, Saint Charles, which was adopted.

Senators Gross and Rupp offered Senate Resolution No. 37, regarding Dawn Peterson, Saint Charles, which was adopted.

Senators Gross and Rupp offered Senate Resolution No. 38, regarding Don W. Boschert, Jr., Saint Charles, which was adopted.

Senators Gross and Rupp offered Senate Resolution No. 39, regarding Daniel J. Borgmeyer, Saint Charles, which was adopted.

Senator Gross offered Senate Resolution No. 40, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. John Kientzel, Saint Peters, which was adopted.

Senators Gross and Rupp offered Senate Resolution No. 41, regarding Justin Michael Roth, St. Charles, which was adopted.

Senator Barnitz offered Senate Resolution No. 42, regarding Robert L. McKee, Bem, which was adopted.

Senator Lager offered Senate Resolution No. 43, regarding Stephanie Affield, Laclede, which was adopted.

Senator Stouffer offered Senate Resolution No. 44, regarding TrainWeb, LaPlata, which was adopted.

Senator Stouffer offered Senate Resolution No. 45, regarding Paul Vaillancourt, Slater, which was adopted.

Senator Stouffer offered Senate Resolution No. 46, regarding Jerry John, Glasgow, which was adopted.

Senator Stouffer offered Senate Resolution No. 47, regarding Bob MaCoy, Waverly, which was adopted.

Senator Stouffer offered Senate Resolution No. 48, regarding the Carroll County Historical Society, which was adopted.

CONCURRENT RESOLUTIONS

Senator Shields moved that **HCR 1** be taken up for adoption, which motion prevailed.

On motion of Senator Shields, **HCR 1** was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Rupp
Scott	Shields	Shoemyer	Stouffer
Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senator Purgason—1

Absent with leave—Senators

Crowell Ridgeway Smith—3

Vacancies—None

Senator Shields moved that **HCR 2** be taken up for adoption, which motion prevailed.

On motion of Senator Shields, **HCR 2** was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Rupp	Scott	Shields	Shoemyer
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Crowell Ridgeway Smith—3

Vacancies—None

INTRODUCTION OF BILLS

Senator Gross requested unanimous consent of the Senate to withdraw **SB 208**, which request was granted.

The following Bills were read the 1st time and ordered printed:

SB 222—By Gross.

An Act to amend chapter 33, RSMo, by adding thereto one new section relating to the transfer of certain funds to the general revenue fund, with an emergency clause.

SB 223—By Rupp.

An Act to repeal section 643.079, RSMo, and to enact in lieu thereof one new section relating to air pollution emission fees.

SB 224—By Rupp.

An Act to repeal section 166.435, RSMo, and to enact in lieu thereof one new section relating to the income tax deduction for contributions to the Missouri higher education savings program.

SB 225—By Stouffer.

An Act to amend chapter 252, RSMo, by adding thereto one new section relating to hunting heritage protection.

SB 226—By Stouffer.

An Act to repeal section 577.051, RSMo, and to enact in lieu thereof one new section relating to the handling of certain driving offense records.

SB 227—By Graham.

An Act to repeal sections 173.355, 173.360, 173.385, and 173.425, RSMo, and to enact in lieu thereof seven new sections relating to the higher education loan authority.

SB 228—By Graham.

An Act to repeal sections 173.355, 173.360, 173.385, and 173.425, RSMo, and to enact in lieu thereof seven new sections relating to the higher education loan authority.

RESOLUTIONS

Senator Gibbons moved that **SR 3** be taken up for adoption, which motion prevailed.

Senator Gibbons offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Resolution No. 3, Page 44 of the Senate Journal for Wednesday, January 3, 2007, Column 1, Line 46, by deleting “9” and inserting “10”.

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

Senator Champion offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Resolution No. 3, Page 44 of the Senate Journal for Wednesday, January 3, 2007, Column 1, Lines 37 and 38 of said column, by striking all of said lines; and

Further amend said journal page, Column 2, Line 9 of said column, by inserting after all of said line the following:

“15. Committee on Seniors, Families and Public Health, 8 members.”; and further amend Rule 25, by renumbering the paragraphs accordingly; and

Further amend said journal page, Column 2, Lines 47 to 52 of said column, by striking all of said lines; and

Further amend said journal, Page 45, Column 1, Lines 1 to 6 of said column, by striking said lines; and

Further amend said journal, Page 46, Column 1, Line 26 of said column, by inserting after all of said line the following:

“15. The Committee on Seniors, Families and Public Health shall consider and report upon all matters referred to it concerning the preservation of the quality of life for senior citizens, nursing home and boarding home operations, alternative care programs for the elderly, and family and children's issues. It shall also consider, examine and report upon all matters and bills referred to it concerning income maintenance, social services, child support enforcement, public health and disease control and hospital operations.”; and

Further amend Rule 28, by renumbering the paragraphs accordingly.

Senator Champion moved that the above amendment be adopted, which motion prevailed.

Senator Bartle offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Resolution No. 3, Page 46 of the Senate Journal for Wednesday, January 3, 2007, Column 1, Line 46 of said column, by inserting after the word “gaming.” the following:

“Rule 96. 1. Laptop computers may be used [by the press at the press table and by research staff at the research table] in the Senate Chamber as long as their use does not violate Rule 78 or is otherwise disruptive to the business of the Senate. **If a senator is engaged in debate or discussion, he or she shall close the screen of his or her laptop computer completely during the period of debate or discussion.** No person shall take any photograph in the Senate Gallery. Persons with cameras, flash cameras, lights, or other paraphernalia may be allowed to use such devices at committee meetings with the permission of the Chairman as long as they do not prove disruptive to the decorum of the committee. Smoking is not permissible in the Senate Chamber or Gallery, committee rooms, lounge, the hallways, restrooms or elevators.

2. For the purpose of compliance with the Americans with Disabilities Act, the President Pro Tem may designate a portion of the Senate Chamber as handicap accessible and such areas shall not be considered a part of the floor of the Senate for purposes of section 21.420, RSMo. Persons using such area shall not lobby members of the Senate while going to and from or while using the designated area.”.

Senator Bartle moved that the above amendment be adopted.

Senator Griesheimer assumed the Chair.

Senator Bartle requested a roll call vote be taken on the adoption of **SA 3**, and was joined in his request by Senators Crowell, Green, Purgason and Ridgeway.

SA 3 failed of adoption by the following vote:

YEAS—Senators

Bartle	Crowell	Engler	Goodman
Lager	Mayer	Purgason	Ridgeway
Shields—9			

NAYS—Senators

Barnitz	Bray	Callahan	Champion
Clemens	Coleman	Days	Gibbons
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Loudon
McKenna	Nodler	Rupp	Scott
Shoemyer	Stouffer	Vogel	Wilson—24

Absent—Senators—None

Absent with leave—Senator Smith—1

Vacancies—None

Senator Purgason offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Resolution No. 3, Page 46 of the Senate Journal for Wednesday, January 3, 2007, Column 1, Line 46 of said column, by inserting after the word “gaming.” the following:

“Rule 96. 1. Laptop computers may be used by the press at the press table and by research staff at the research table in the Senate Chamber as long as their use does not violate Rule 78 or is otherwise disruptive to the business of the Senate. No person shall take any photograph in the Senate Gallery. Persons with cameras, flash cameras, lights, or other paraphernalia may be allowed to use such devices at committee meetings with the permission of the Chairman as long as they do not prove disruptive to the decorum of the committee. Smoking is not permissible in the Senate Chamber or Gallery, committee rooms, lounge, the hallways, restrooms or elevators.

2. For the purpose of compliance with the Americans with Disabilities Act, the President Pro Tem may designate a portion of the Senate Chamber as handicap accessible and such areas

shall not be considered a part of the floor of the Senate for purposes of section 21.420, RSMo. Persons using such area shall not lobby members of the Senate while going to and from or while using the designated area.

3. Except as otherwise provided in this rule, no electronic communication devices shall be allowed in the Senate Chamber including cellular phones, and e-mail and web accessible or scheduling devices, including but not limited to Blackberry or Palm Pilot-type devices.”

Senator Purgason moved that the above amendment be adopted.

Senator Shields raised the point of order that **SA 4** is out of order pursuant to Senate Rule 98.

The point of order was referred to the President Pro Tem who ruled it well taken.

On motion of Senator Gibbons, **SR 3**, as amended, was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Smith—1

Vacancies—None

COMMITTEE APPOINTMENTS

President Pro Tem Gibbons submitted the following committee appointments pursuant to **HCR 1**: Senators Bartle, Crowell, Goodman, Koster, Mayer, Ridgeway, Coleman, Callahan,

Days and Justus.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

January 4, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office submitted to you on January 3, 2007, for your advice and consent:

Kimberley J. Mathis, Republican, 5322 Tamm Avenue, Saint Louis City, Missouri 63109, as Chairperson and member of the Board of Election Commissioners for Saint Louis City, for a term ending January 10, 2009, and until her successor is duly appointed and qualified; vice Edward Martin, resigned.

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons moved that the above appointment be returned to the Governor, pursuant to his request, which motion prevailed.

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

January 4, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office submitted to you on January 3, 2007, for your advice and consent:

Daniel A. Johanningmeier, Democrat, 1954 Acorn Trail Drive, Florissant, Saint Louis County, Missouri 63031, as a member of the Clean Water Commission, for a term ending April 12, 2010, and until his successor is duly appointed and qualified; vice Cosette Kelly, term expired.

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons moved that the above appointment be returned to the Governor, pursuant to his request, which motion prevailed.

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 4, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office submitted to you on January 3, 2007, for your advice and consent:

Mary K. Meek, Republican, 5326 South Clayhill, Springfield, Greene County, Missouri 65804, as a member of the Missouri Development Finance Board, for a term ending September 9, 2010, and until her successor is duly appointed and qualified; vice Elizabeth Solberg, term expired.

Respectfully submitted,

MATT BLUNT

President Pro Tem Gibbons moved that the above appointment be returned to the Governor, pursuant to his request, which motion prevailed.

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 3, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Carol A. Wilson, Republican, 6539 Itaska Street, Saint Louis City, Missouri 63109, as Chairperson and member of the Board of Election Commissioners for Saint Louis City, for a term ending January 10, 2009, and until her successor is duly appointed and qualified; vice, Kimberley J. Mathis, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 8, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

The following addendum should be made to the appointment

of Shelly Shetley, submitted on January 3, 2007. Lines 2; 6; 7; and 8 should be amended as follows:

“appointment made and commissioned by me on September 13, 2006 while the Senate was not in”

“Council on Developmental Disabilities, for a term ending June 30, 2009, and until her successor is duly appointed and qualified; vice reappointed to a full term.”

Respectfully submitted,

MATT BLUNT

President Pro Tem Gibbons referred the above appointment and addendum to the Committee on Gubernatorial Appointments.

Senator Ridgeway assumed the Chair.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

SCR 3—Rules, Joint Rules, Resolutions and Ethics.

INTRODUCTIONS OF GUESTS

Senator Engler introduced to the Senate, Nichole Neidert, Hillsboro; Megan Weddell, Kirkwood; and Ste. Genevieve City Administrator Dick Herbel and Alderman John Wibbenmeyer, Ste. Genevieve.

On behalf of Senator Mayer and himself, Senator Kennedy introduced to the Senate, Nate Kennedy, Poplar Bluff.

Senator Scott introduced to the Senate, Wes Hemp and Lane Nutt, Bolivar.

Senator Shields introduced to the Senate, Dr. Tim Fields, St. Joseph.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FOURTH DAY—TUESDAY, JANUARY 9, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Gibbons	SB 31-Nodler
SB 2-Gibbons	SB 32-Bray
SB 3-Gibbons	SB 33-Bray, et al
SB 4-Gross	SB 34-Bray
SB 5-Loudon	SB 35-Days
SB 6-Loudon	SB 36-Days
SB 7-Loudon	SB 37-Days
SB 8-Kennedy	SB 38-Ridgeway
SB 9-Kennedy	SB 39-Ridgeway
SB 10-Kennedy	SB 40-Ridgeway
SB 11-Coleman	SB 41-Purgason
SB 12-Coleman	SB 42-Purgason
SB 13-Coleman	SB 43-Purgason
SB 14-Scott	SB 44-Mayer
SB 15-Scott	SB 45-Mayer
SB 16-Scott	SB 46-Mayer
SB 17-Shields	SB 47-Engler
SB 18-Shields	SB 48-Engler
SB 19-Shields	SB 49-Engler and Loudon
SB 20-Griesheimer	SB 50-Stouffer
SB 21-Griesheimer	SB 51-Stouffer
SB 22-Griesheimer	SB 52-Stouffer
SB 23-Champion	SB 53-Koster
SB 24-Champion	SB 54-Koster
SB 25-Champion	SB 55-Koster
SB 26-Bartle	SB 56-Graham
SB 27-Bartle and Koster	SB 57-Graham
SB 28-Bartle	SB 58-Graham
SB 29-Nodler	SB 59-Wilson
SB 30-Nodler and Ridgeway	SB 60-Wilson

SB 61-Wilson	SB 101-Mayer
SB 62-Goodman	SB 102-Stouffer
SB 63-Goodman	SB 103-Stouffer
SB 64-Goodman	SB 104-Stouffer
SB 65-Rupp	SB 105-Graham
SB 66-Rupp	SB 106-Graham
SB 67-Rupp	SB 107-Wilson
SB 68-Shoemyer	SB 108-Wilson
SB 69-Shoemyer	SB 109-Wilson
SB 70-Shoemyer	SB 111-Rupp
SB 71-Justus	SB 112-Rupp
SB 72-Justus	SB 113-Shoemyer
SB 73-Justus	SB 114-Scott
SB 74-Coleman	SB 115-Scott
SB 75-Coleman	SB 116-Griesheimer
SB 76-Coleman	SB 117-Griesheimer
SB 77-Scott	SB 118-Griesheimer
SB 78-Scott	SB 119-Nodler
SB 79-Scott	SB 120-Nodler
SB 80-Shields	SB 121-Nodler
SB 81-Griesheimer	SB 122-Bray and Days
SB 82-Griesheimer	SB 123-Bray
SB 83-Griesheimer	SB 124-Bray
SB 84-Champion	SB 125-Days
SB 85-Champion and Koster	SB 126-Days
SB 86-Champion	SB 127-Mayer
SB 87-Bartle	SB 128-Stouffer
SB 88-Bartle	SB 129-Stouffer
SB 89-Bartle	SB 130-Stouffer
SB 90-Nodler	SB 131-Rupp
SB 91-Nodler	SB 132-Rupp
SB 92-Nodler	SB 133-Rupp
SB 93-Bray	SB 135-Nodler
SB 94-Bray	SB 136-Nodler
SB 95-Bray	SB 137-Bray
SB 96-Days	SB 138-Bray
SB 97-Days	SB 139-Bray
SB 98-Days	SB 140-Rupp
SB 99-Mayer	SB 141-Nodler
SB 100-Mayer	SB 142-Nodler

SB 143-Nodler	SB 183-Green
SB 144-Bray	SB 184-Green
SB 145-Bray and Days	SB 185-Green
SB 146-Bray	SB 186-Green
SB 147-Nodler	SB 187-Green
SB 148-Nodler	SB 188-Green
SB 149-Nodler	SB 189-Green
SB 150-Mayer	SB 190-Green
SB 151-Engler	SB 191-Days
SB 152-Engler	SB 192-Crowell
SB 153-Engler	SB 193-Griesheimer
SB 154-Graham	SB 194-Crowell
SB 155-Engler	SB 195-Crowell
SB 156-Engler	SB 196-Gross
SB 157-Engler	SB 197-Loudon and Graham
SB 158-Engler	SB 198-Mayer
SB 159-Engler	SB 199-Stouffer
SB 160-Rupp	SB 200-Stouffer
SB 161-Shields	SB 202-Stouffer
SB 162-Vogel	SB 203-Lager
SB 163-Mayer	SB 204-Stouffer
SB 164-Scott	SB 205-Stouffer and Gibbons
SB 165-Scott	SB 206-Justus
SB 166-Griesheimer	SB 207-Gross
SB 167-Bartle	SB 209-Griesheimer
SB 168-Mayer	SB 210-Crowell
SB 169-Rupp	SB 211-Goodman
SB 170-Engler	SB 212-Goodman
SB 171-Nodler	SB 213-McKenna
SB 172-Ridgeway	SB 214-McKenna
SB 173-Ridgeway	SB 215-Loudon
SB 174-Green	SB 216-Crowell
SB 175-Green	SB 217-Crowell
SB 176-Green	SB 218-Graham
SB 177-Green	SB 219-Graham
SB 178-Green	SB 220-McKenna
SB 179-Green	SB 221-Callahan
SB 180-Green	SB 222-Gross
SB 181-Green	SB 223-Rupp
SB 182-Green	SB 224-Rupp

SB 225-Stouffer
SB 226-Stouffer
SB 227-Graham
SB 228-Graham
SJR 1-Bartle
SJR 2-Bartle
SJR 3-Bartle

SJR 4-Nodler
SJR 5-Graham
SJR 6-Graham
SJR 7-Graham
SJR 8-Ridgeway
SJR 9-Crowell
SJR 10-Bartle and Engler

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Journal of the Senate

FIRST REGULAR SESSION

FOURTH DAY—TUESDAY, JANUARY 9, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Like good stewards of the manifold grace of God, serve one another with whatever gift each of you has received.” (I Peter 4:10)

Benevolent God, giver of all good gifts, You have made us who we are and planted many gifts and talents within us. Assist us in discovering what You have provided us, our abilities and strengths, so that we may use them to serve one another and give glory to You. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

Senator Ridgeway assumed the Chair.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler

Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

Senator Shields announced that photographers from KRCG-TV had been given permission to take pictures in the Chamber today.

Senator Koster assumed the Chair.

RESOLUTIONS

Senator Kennedy offered Senate Resolution No. 49, regarding Mr. and Mrs. Gary Ernst, St. Louis, which was adopted.

Senator Griesheimer offered Senate Resolution No. 50, regarding Mike Wood, Washington, which was adopted.

Senator Purgason offered the following resolution:

SENATE RESOLUTION NO. 51

NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the 33rd District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-Fourth

General Assembly, First Regular Session, that Senate Rule 96 be amended to read as follows:

“Rule 96. 1. Laptop computers may be used by the press at the press table and by research staff at the research table in the Senate Chamber as long as their use does not violate Rule 78 or is otherwise disruptive to the business of the Senate. No person shall take any photograph in the Senate Gallery. Persons with cameras, flash cameras, lights, or other paraphernalia may be allowed to use such devices at committee meetings with the permission of the Chairman as long as they do not prove disruptive to the decorum of the committee. Smoking is not permissible in the Senate Chamber or Gallery, committee rooms, lounge, the hallways, restrooms or elevators.

2. For the purpose of compliance with the Americans with Disabilities Act, the President Pro Tem may designate a portion of the Senate Chamber as handicap accessible and such areas shall not be considered a part of the floor of the Senate for purposes of section 21.420, RSMo. Persons using such area shall not lobby members of the Senate while going to and from or while using the designated area.

3. Except as otherwise provided in this rule, no electronic communication devices shall be allowed in the Senate Chamber including cellular phones, and e-mail and web accessible or scheduling devices, including but not limited to Blackberry or Palm Pilot-type devices.”

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 229—By Coleman.

An Act to repeal section 115.631, RSMo, and to enact in lieu thereof two new sections relating to elections, with penalty provisions.

SB 230—By Crowell and Koster.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof one new section relating to an income tax exemption for Social Security benefits.

SB 231—By Crowell.

An Act to repeal sections 226.527, 226.530, and 226.580, RSMo, and to enact in lieu thereof three new sections relating to the regulation of outdoor advertising.

SB 232—By Crowell.

An Act to amend chapter 227, RSMo, by

adding thereto one new section relating to the John Oliver Jr. Parkway designation.

SB 233—By Crowell.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to a county sales tax to fund certain services.

SB 234—By Crowell.

An Act to repeal sections 211.032 and 565.084, RSMo, and to enact in lieu thereof two new sections relating to juvenile court and officers, with penalty provisions.

COMMITTEE APPOINTMENTS

President Pro Tem Gibbons submitted the following committee appointments:

APPROPRIATIONS

Gross, Chair
Nodler, Vice-Chair
Champion
Mayer
Purgason
Ridgeway
Barnitz
Bray
Green
Wilson

INTRODUCTIONS OF GUESTS

On behalf of Senator Nodler and himself, Senator Gross introduced to the Senate, Paige Hendrix, Neosho.

On behalf of Senator Bray and herself, Senator Days introduced to the Senate, the Physician of the Day, Dr. Ed Weisbart, St. Louis County.

Senator Nodler introduced to the Senate, Jake Heisten, Carthage; and Adam Hancock.

Senator Kennedy introduced to the Senate, Dan Laurila, Chicago, Illinois.

Senator Graham introduced to the Senate, Tom Pauley, Hallsville.

Senator Bray introduced to the Senate, Garrett

and Nathan Tung, University City; and Garrett and Nathan were made honorary pages.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTH DAY--WEDNESDAY, JANUARY 10, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Gibbons	SB 28-Bartle
SB 2-Gibbons	SB 29-Nodler
SB 3-Gibbons	SB 30-Nodler and Ridgeway
SB 4-Gross	SB 31-Nodler
SB 5-Loudon	SB 32-Bray
SB 6-Loudon	SB 33-Bray, et al
SB 7-Loudon	SB 34-Bray
SB 8-Kennedy	SB 35-Days
SB 9-Kennedy	SB 36-Days
SB 10-Kennedy	SB 37-Days
SB 11-Coleman	SB 38-Ridgeway
SB 12-Coleman	SB 39-Ridgeway
SB 13-Coleman	SB 40-Ridgeway
SB 14-Scott	SB 41-Purgason
SB 15-Scott	SB 42-Purgason
SB 16-Scott	SB 43-Purgason
SB 17-Shields	SB 44-Mayer
SB 18-Shields	SB 45-Mayer
SB 19-Shields	SB 46-Mayer
SB 20-Griesheimer	SB 47-Engler
SB 21-Griesheimer	SB 48-Engler
SB 22-Griesheimer	SB 49-Engler and Loudon
SB 23-Champion	SB 50-Stouffer
SB 24-Champion	SB 51-Stouffer
SB 25-Champion	SB 52-Stouffer
SB 26-Bartle	SB 53-Koster
SB 27-Bartle and Koster	SB 54-Koster

SB 55-Koster	SB 95-Bray
SB 56-Graham	SB 96-Days
SB 57-Graham	SB 97-Days
SB 58-Graham	SB 98-Days
SB 59-Wilson	SB 99-Mayer
SB 60-Wilson	SB 100-Mayer
SB 61-Wilson	SB 101-Mayer
SB 62-Goodman	SB 102-Stouffer
SB 63-Goodman	SB 103-Stouffer
SB 64-Goodman	SB 104-Stouffer
SB 65-Rupp	SB 105-Graham
SB 66-Rupp	SB 106-Graham
SB 67-Rupp	SB 107-Wilson
SB 68-Shoemyer	SB 108-Wilson
SB 69-Shoemyer	SB 109-Wilson
SB 70-Shoemyer	SB 111-Rupp
SB 71-Justus	SB 112-Rupp
SB 72-Justus	SB 113-Shoemyer
SB 73-Justus	SB 114-Scott
SB 74-Coleman	SB 115-Scott
SB 75-Coleman	SB 116-Griesheimer
SB 76-Coleman	SB 117-Griesheimer
SB 77-Scott	SB 118-Griesheimer
SB 78-Scott	SB 119-Nodler
SB 79-Scott	SB 120-Nodler
SB 80-Shields	SB 121-Nodler
SB 81-Griesheimer	SB 122-Bray and Days
SB 82-Griesheimer	SB 123-Bray
SB 83-Griesheimer	SB 124-Bray
SB 84-Champion	SB 125-Days
SB 85-Champion and Koster	SB 126-Days
SB 86-Champion	SB 127-Mayer
SB 87-Bartle	SB 128-Stouffer
SB 88-Bartle	SB 129-Stouffer
SB 89-Bartle	SB 130-Stouffer
SB 90-Nodler	SB 131-Rupp
SB 91-Nodler	SB 132-Rupp
SB 92-Nodler	SB 133-Rupp
SB 93-Bray	SB 135-Nodler
SB 94-Bray	SB 136-Nodler

SB 137-Bray	SB 177-Green
SB 138-Bray	SB 178-Green
SB 139-Bray	SB 179-Green
SB 140-Rupp	SB 180-Green
SB 141-Nodler	SB 181-Green
SB 142-Nodler	SB 182-Green
SB 143-Nodler	SB 183-Green
SB 144-Bray	SB 184-Green
SB 145-Bray and Days	SB 185-Green
SB 146-Bray	SB 186-Green
SB 147-Nodler	SB 187-Green
SB 148-Nodler	SB 188-Green
SB 149-Nodler	SB 189-Green
SB 150-Mayer	SB 190-Green
SB 151-Engler	SB 191-Days
SB 152-Engler	SB 192-Crowell
SB 153-Engler	SB 193-Griesheimer
SB 154-Graham	SB 194-Crowell
SB 155-Engler	SB 195-Crowell
SB 156-Engler	SB 196-Gross
SB 157-Engler	SB 197-Loudon and Graham
SB 158-Engler	SB 198-Mayer
SB 159-Engler	SB 199-Stouffer
SB 160-Rupp	SB 200-Stouffer
SB 161-Shields	SB 202-Stouffer
SB 162-Vogel	SB 203-Lager
SB 163-Mayer	SB 204-Stouffer
SB 164-Scott	SB 205-Stouffer and Gibbons
SB 165-Scott	SB 206-Justus
SB 166-Griesheimer	SB 207-Gross
SB 167-Bartle	SB 209-Griesheimer
SB 168-Mayer	SB 210-Crowell
SB 169-Rupp	SB 211-Goodman
SB 170-Engler	SB 212-Goodman
SB 171-Nodler	SB 213-McKenna
SB 172-Ridgeway	SB 214-McKenna
SB 173-Ridgeway	SB 215-Loudon
SB 174-Green	SB 216-Crowell
SB 175-Green	SB 217-Crowell
SB 176-Green	SB 218-Graham

SB 219-Graham
SB 220-McKenna
SB 221-Callahan
SB 222-Gross
SB 223-Rupp
SB 224-Rupp
SB 225-Stouffer
SB 226-Stouffer
SB 227-Graham
SB 228-Graham
SB 229-Coleman
SB 230-Crowell and Koster
SB 231-Crowell

SB 232-Crowell
SB 233-Crowell
SB 234-Crowell
SJR 1-Bartle
SJR 2-Bartle
SJR 3-Bartle
SJR 4-Nodler
SJR 5-Graham
SJR 6-Graham
SJR 7-Graham
SJR 8-Ridgeway
SJR 9-Crowell
SJR 10-Bartle and Engler

INFORMAL CALENDAR

RESOLUTIONS

SR 51-Purgason

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Journal of the Senate

FIRST REGULAR SESSION

FIFTH DAY—WEDNESDAY, JANUARY 10, 2007

The Senate met pursuant to adjournment.

Shields

Shoemyer

Smith

Stouffer

Vogel

Wilson—34

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

Absent—Senators—None

“The human mind plans the way, but the Lord directs the steps.” (Proverbs 16:9)

Absent with leave—Senators—None

Our God of visions and goals, we thank You for giving us the ability to imagine the future and to plan how to get there. Journey with us as we work together and direct our steps to fulfill the visions You have planted within each of us. In Your Holy Name we pray. Amen.

Vacancies—None

The Lieutenant Governor was present.

The Pledge of Allegiance to the Flag was recited.

RESOLUTIONS

Senator Vogel offered Senate Resolution No. 52, regarding Joshua Michael Hutson, Jefferson City, which was adopted.

A quorum being established, the Senate proceeded with its business.

Senator Coleman offered Senate Resolution No. 53, regarding Carolyn J. Nichols, Shawnee, Kansas, which was adopted.

The Journal of the previous day was read and approved.

Senator Coleman offered Senate Resolution No. 54, regarding Jerome E. Holtzman, Prairie Village, Kansas, which was adopted.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott

Senator Coleman offered Senate Resolution No. 55, regarding Jonathan Michael Morris, which was adopted.

Senator Kennedy offered Senate Resolution No. 56, regarding the One Hundred First Birthday of Augusta Wynne, Saint Louis, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following escort committee for the Lieutenant Governor and Senators attending the State of the Judiciary address: Representatives Tilley, Bandom, Shoeller, Cunningham (86), Emery, Thomson, Grill, Zweifel, Schoemehl and Walton.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Escort committee to act with a like committee from the Senate pursuant to **HCR 1**. Representatives Lipke, Smith (150), Pratt, Flook, Faith, Sater, McClanahan, Shively, Quinn (9) and Schieffer.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 235—By Shields, Engler, Loudon, Ridgeway, Scott, Vogel, Days, McKenna, Purgason, Goodman, Gibbons, Rupp, Clemens, Coleman, Champion, Kennedy, Nodler, Koster, Griesheimer, Mayer, Justus, Bray, Wilson and Barnitz.

An Act to repeal sections 36.030, 36.031, 306.161, 306.163, and 650.005, RSMo, and to enact in lieu thereof nine new sections relating to the water patrol.

SB 236—By Shields.

An Act to amend chapter 168, RSMo, by adding thereto one new section relating to mentoring standards for education personnel.

SB 237—By Shields.

An Act to repeal section 479.011, RSMo, and

to enact in lieu thereof one new section relating to administrative adjudication of code violations, with penalty provisions.

SB 238—By Stouffer.

An Act to repeal section 301.142, RSMo, and to enact in lieu thereof one new section relating to disabled windshield placards, with penalty provisions and an effective date.

SB 239—By Stouffer.

An Act to repeal sections 301.130, 301.144, 301.550, 301.560, and 306.535, RSMo, and to enact in lieu thereof six new sections relating to the licensing and registration of certain vehicles by the department of revenue, with an effective date for a certain section.

SB 240—By Stouffer.

An Act to repeal section 302.720, RSMo, and to enact in lieu thereof one new section relating to commercial driver license skills test exemptions for qualified military personnel.

SB 241—By Stouffer.

An Act to repeal sections 302.171 and 302.181, RSMo, and to enact in lieu thereof two new sections relating to the implementation of the federal Real ID Act.

SB 242—By Nodler.

An Act to repeal section 196.1003, RSMo, and to enact in lieu thereof eight new sections relating to the tobacco master settlement agreement, with penalty provisions and an emergency clause.

SB 243—By Mayer.

An Act to repeal sections 167.031, 167.034, 167.051, and 167.052, RSMo, and to enact in lieu thereof three new sections relating to compulsory attendance for school age children.

SB 244—By Mayer.

An Act to repeal sections 169.070 and 169.670, RSMo, and to enact in lieu thereof two

new sections relating to the teacher and school employee retirement systems.

SB 245—By Goodman.

An Act to repeal section 393.829, RSMo, and to enact in lieu thereof one new section relating to nonprofit sewer companies.

SB 246—By Goodman.

An Act to repeal sections 452.075 and 452.370, RSMo, and to enact in lieu thereof two new sections relating to alimony and maintenance.

SB 247—By Bray.

An Act to repeal section 67.1806, RSMo, and to enact in lieu thereof one new section relating to regional taxicab commissions.

SB 248—By Days.

An Act to repeal sections 660.546, 660.547, 660.549, 660.551, 660.553, 660.555, and 660.557, RSMo, and to enact in lieu thereof six new sections relating to the long-term care partnership act.

SB 249—By Gross.

An Act to repeal section 290.505, RSMo, and to enact in lieu thereof one new section relating to overtime compensation for public employees, with an emergency clause.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 8, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office submitted to you on January 3, 2007, for your advice and consent:

Donayle E. Whitmore-Smith, Democrat, 4638 Lewis Place, Saint Louis City, Missouri 63113, as a member of the State Board of Education, for a term ending July 1, 2012, and until her successor

is duly appointed and qualified; vice, Vanetta Rogers, term expired.

Respectfully submitted,

MATT BLUNT

President Pro Tem Gibbons moved that the above appointment be returned to the Governor, pursuant to his request, which motion prevailed.

REFERRALS

President Pro Tem Gibbons, with the consent of the sponsor, referred **SR 51** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

Senator Shields moved that the Senate recess to repair to the House of Representatives to receive the State of the Judiciary Address from the Chief Justice of the Supreme Court, the Honorable Michael A. Wolff, which motion prevailed.

JOINT SESSION

The Joint Session was called to order by President Kinder.

On roll call the following Senators were present:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

Absent—Senators—None

Absent with leave—Senators

Clemens Scott—2

Vacancies—None

On roll call the following Representatives were present:

Present—Representatives

Aull	Baker 25	Baker 123	Bearden
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Bivins	Bland	Bowman	Brandom
Bringer	Brown 50	Bruns	Burnett
Casey	Cooper 158	Corcoran	Cox
Cunningham 145	Cunningham 86	Curls	Darrough
Daus	Davis	Day	Deeken
Dempsey	Denison	Dethrow	Dixon
Donnelly	Dougherty	Dusenberg	El-Amin
Emery	Ervin	Faith	Fallert
Fares	Fisher	Flook	Frame
Franz	Funderburk	George	Grill
Grisamore	Guest	Harris 110	Haywood
Hobbs	Hodges	Holsman	Hoskins
Hubbard	Hunter	Ice	Johnson
Jones 89	Jones 117	Kelly	Kingery
Komo	Kratky	Kraus	Kuessner
Lampe	Lembke	LeVota	Lipke
Loehner	Low 39	Lowe 44	Marsh
May	McClanahan	McGhee	Meadows
Meiners	Moore	Munzlinger	Muschany
Nance	Nasheed	Nieves	Nolte
Norr	Onder	Oxford	Page
Parson	Pearce	Pollock	Pratt
Quinn 7	Quinn 9	Richard	Robb
Robinson	Roorda	Rucker	Ruestman
Ruzicka	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schneider	Schoeller	Schoemehl
Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Spreng	Stevenson
St. Onge	Storch	Stream	Sutherland
Swinger	Talboy	Thomson	Threlkeld
Tilley	Todd	Viebrock	Villa
Vogt	Wallace	Walsh	Walton
Wasson	Wells	Weter	Whorton
Wildberger	Wilson 119	Wilson 130	Witte
Wood	Wright 159	Wright-Jones	Yaeger
Yates	Young	Zimmerman	Zweifel
Mr. Speaker—153			

Absent and Absent with Leave—Representatives

Avery	Brown 30	Chappelle-Nadal	Cooper 120
Cooper 155	Harris 23	Hughes	Liese
Portwood	Salva—10		

Vacancies—0

The Joint Committee appointed to wait upon the Chief Justice of the Supreme Court, Michael A. Wolff, escorted the Chief Justice to the dais where he delivered the State of the Judiciary Address to the Joint Assembly:

2007 STATE OF THE JUDICIARY ADDRESS

CHIEF JUSTICE MICHAEL A. WOLFF

President Kinder, Speaker Jetton, Secretary of State Carnahan, Treasurer Steelman, Auditor Montee, Attorney General Nixon, esteemed members of the General Assembly, my fellow judges of the Supreme Court, and honored guests:

I would like to start by paying tribute to two distinguished colleagues from the other branches of government. First, Mike Keathley is a friend to many of us, an outstanding businessman called to public service first as your Senate administrator and then, by Governor Blunt, to be commissioner of administration. We pray for his speedy recovery.

I also would like to pay tribute to Representative Jason Brown. As you know, while stationed in Iraq in October, he suffered a gunshot wound to his chest. He now is back on duty in Iraq. I extend my gratitude, on behalf of the Missouri judiciary, to Representative Brown, for the selflessness and personal courage that he and all of our nation's soldiers have demonstrated in service to our country.

As the people's representatives, you in this chamber, along with the executive branch leaders, set Missouri's policies within the boundaries established by our state and federal constitutions. It is an awesome power that you possess and one worthy of our respect.

Each of our three co-equal branches – legislative, executive and judicial – has been assigned specific roles. It is the system of checks and balances among these three branches of government that is America's unique contribution to the idea of a democratic republic. The Missouri Constitution, echoing the Magna Carta of nearly 800 years ago, guarantees that the courts shall be open to every person and that a remedy be afforded for every legal injury. Unless we choose to abandon what we traditionally have come to understand as a republican form of government, we never must abandon this fundamental principle. We should remember what Benjamin Franklin replied when asked, at the close of the American Constitutional Convention, what form of government the constitution would create; he said: "A republic, if you can keep it."

We in this state have a constant interplay among our branches of government and with our citizens in what is aptly called a laboratory of democracy. As legislators, you have the power to revise the principles of the common law; you have the power to revise statutes when they prove to be inadequate or when courts apply them in a manner with which you disagree. The executive has the power to veto what you pass, and you have the power to enact

a statute notwithstanding a governor's veto. And, importantly, the people of Missouri retain the power to revise both constitutional and statutory provisions when they deem it appropriate.

In this laboratory of democracy, these legislative chambers are a marketplace of ideas – ideas that ultimately become the public policy of this state. I have gained over many years a profound appreciation for the legislative process of translating the ideas of the political marketplace – as expressed through elections – into policy expressed as law.

So much of what we in the courts do on a day-to-day basis is driven by the words you give us – to decide cases involving, for example, the status and welfare of vulnerable children, the obligations of marriage, the protection of property rights, the protection of the elderly, and the enforcement of the criminal laws. In hundreds of thousands of cases each year, our courts look to your legislated words to enforce the laws that you enact.

In the 30 years that I have been observing Missouri's legislative process, sometimes at close range, I have been impressed that every one who serves in this body comes with an idealistic and personal vision of how to better the public policy of this state. The framers of our constitutional system purposely created a difficult process through which good legislation is the product of competing visions and compromises among interest groups and interested citizens. In this process, you often are confronted with a question as old as representative government itself: was I sent here to carry out the specific wishes of the voters who elected me or to exercise my best judgment on their behalf regardless of what they might think at the moment? In any event, under either theory, you are accountable to the voters for what you do.

The judicial role, on the other hand, is different. Not better, not worse, but definitely different. Regardless of whether voters agree with our decisions, the courts are accountable to uphold and enforce the laws based on the facts of each case as the litigants present them and within the confines of the state and federal constitutions.

In the first three decades of our state's existence, starting in 1821, Missouri judges did not face the voters: like federal judges, they were appointed by the chief executive, subject to senate confirmation. In 1848, Missouri's voters changed our constitution so that judges were elected on partisan ballots. A few years later the Supreme Court of Missouri decided the first Dred Scott case – in which our court declined to follow its own extensive precedents and instead held that a slave who traveled to free territory was still a slave.

The words of the dissenting judge, Hamilton Gamble, are worth remembering. Judge Gamble, himself a slaveholder, said the court should follow prior case law and recognize Scott's freedom. Addressing the "temporary public excitement" over the issue of slavery that undoubtedly would cloud the people's judgment, Gamble said: "Times may have changed, public feeling may have changed, but principles have not and do not change; and, in my

judgment, there can be no safe basis for judicial decision, but in those principles which are immutable." A few years later, after losing his Missouri state case, Dred Scott's appeal of his federal court case resulted in the United States Supreme Court's infamous 1857 decision that denied Mr. Scott's personhood, and his right to sue, in what was truly a low point in American jurisprudence.

Today, most of Missouri's judges – those who serve in the trial courts in 110 counties – are elected directly by the people. Judges in St. Louis, in four urban counties and on the appellate courts serve under the Missouri Nonpartisan Court Plan, adopted by the voters through initiative petition in 1940. Although the governor initially selects these judges from a panel of applicants nominated by a nonpartisan commission of citizens, attorneys and a judge, they are subject to retention election after serving one year in office and periodically thereafter before serving any additional term in office. All Missouri state judges remain accountable to the people through elections.

Unlike legislators, however, judges never should be elected to carry out specific campaign promises. Campaign promises are appropriate for those running for legislative or executive office; in fact, they are essential in helping voters fully evaluate these candidates. But judicial elections are different. After all, if you have a lawsuit, would you really want the judge in your case to promise a position contrary to yours before hearing you present your evidence and legal arguments? No, you would not ... not any more than the local football coach would want to arrive at a game and discover that the referees have already promised to help the other team.

The only promises judicial candidates should make are to follow their constitutional obligations to be accountable to the law, administer justice fairly and impartially, and remain free from political influence and intimidation. When you appear in court as a litigant, you have a right to expect that the judge will decide your case on the facts and on the law regardless of his or her personal beliefs – regardless of political, financial or other special influences or interests.

To achieve and maintain this vision, I want to improve our system of accountability. To do so we must evaluate ourselves honestly and often. As Alexander Hamilton astutely observed 200 years ago, the judiciary has neither the power of the purse nor the power of the sword. Nor should it. We have only judgment. The people's confidence that their disputes will be resolved on the basis of the law is a bedrock principle of our constitutional democracy as well as fundamental to our economic system.

Our obligation to be fair and impartial also extends to our responsibility to administer the affairs of the judiciary wisely. We should be open to evaluations, from the inside and from the outside, to ensure that our process for using the states' resources – which you provide – is thoughtful and wise and based on facts.

To help us evaluate ourselves, enhance our accountability,

and determine the best use of our judicial resources, Missouri's court system has taken three solid steps.

Judging the Judiciary

First, to help us understand where we are and where we should be going, I accepted an offer from the American Bar Association's Standing Committee on Judicial Independence to conduct a thorough examination last year of our Missouri court system – at no cost to us. This is the first – and only – such study that has been done of an American court system. They used criteria the ABA developed for advising emerging democracies around the world about what constitutes an adequate and effective judiciary. They studied the structure of Missouri's courts and conducted in-depth interviews with civic leaders, political leaders, journalists, members of the bar and others about their perceptions of the strengths and needs of the Missouri judiciary. Some of you may have participated in that survey – I have no idea who did, as all the responses were anonymous – so if you did, I thank you for your involvement, your candor and your insights.

Fortunately, most of what the assessment had to say about Missouri's courts was quite positive. We were rated favorably on our professionalism, the quality and tenure of our judges, and our basic unified structure. Our ongoing plan for the use of information technology also was well received. I would add, by the way, that we are using this technology not only to make our courts more efficient but also to let the public see who we are and what we do. This past fall, we launched a new Web site that will give the public ready access to this information. I invite you to visit our courts both in person and online at www.courts.mo.gov.

Evaluating Judges' Performance

Our second step is to enhance our courts' accountability to the public through elections. How do voters get information about judicial performance? In most of Missouri's counties, the populations are small enough that the public can get to know their judges and candidates without costly campaigns. However, for trial courts in the larger counties, whether included in the nonpartisan court plan or not, as well as for the Supreme Court and the Court of Appeals, I believe we should enhance the opportunities for the public to get to know these judges, on whom they vote, and to have an evaluation system that provides timely critiques for the benefit of both the public and our judges.

Currently, The Missouri Bar conducts judicial evaluation surveys for every judge on the ballot for retention in nonpartisan plan jurisdictions. The results are available to the media, to the public in printed form in various locations, and on the Bar's Web site. The Bar does all it can to publicize the results given the resources it has, and it should be given great credit for continuing to undertake this valuable service. Most of our citizenry, however, remains uninformed in such elections, mostly because they don't know where to look for information, and this may result in a lack of confidence about our system. I might add, however, that it does

have the effect of keeping judges humble. I know I wake up each morning and think of the 582,249 people who voted against me six years ago. Not that anyone's counting. I don't even know 582,249 people, but I'd like to prove to them that the 1.27 million or so Missourians who voted to retain me got it right.

We should try to remedy the lack of information about judges. I am asking The Missouri Bar to convene a fair cross-section of citizens – nonlawyers as well as lawyers – to review our judicial evaluation system, to look at systems in place in other states, and to propose a model that gives useful information about judges that can be communicated effectively to the electorate.

I emphasize two aspects of judicial evaluations. First, a judicial evaluation system should include not just the voices of attorneys, but also the voices of jurors, litigants, witnesses, court staff and others with direct experience with the judges. Second, while the results of a judicial evaluation system should be made available at election, the true intent of any evaluation system is to assist in improving both individual and institutional performance; in other words, evaluation should be ongoing. These evaluations should be timed both to allow judges to have an opportunity to improve as a result of the review and to give voters information before elections where the judges' futures are decided. I believe that the vast majority of judges will be rated highly and that even the highest rated judges will learn something useful about how they do their jobs.

My hope is that the group of citizens convened by The Missouri Bar will propose a judicial evaluation system that is driven by nonlawyers as well as by the members of the Bar; that is independent and nonpartisan; and that produces credible results made widely available to the voting public.

Using Our Resources Wisely

Our third step is to evaluate ourselves in the use and distribution of our resources. The weaknesses the ABA committee identified in its assessment report all relate to lack of resources. One of these relates to the impact of judicial salaries in Missouri. On this topic, I will simply say this: I believe the schedule established by the Citizens' Commission on Compensation under the constitution is sensible and appropriately restrained. The citizens' schedule is essential to our continued ability to attract highly qualified and well-motivated men and women to judicial service. Seven years without one penny of increase is too long.

As for the other needs identified by the ABA report, we look forward to addressing them with you in the budgetary process. We do not seek more judges now. Instead, we need to examine critically and competently how our current resources are deployed. Four years ago, Senator Matt Bartle chaired an Interim Committee on Judicial Resources, which made several recommendations, some dealing with judicial procedure and others dealing with judicial personnel. Many of the recommendations have been implemented.

But because there is no consistent understanding of judicial

resource needs, attempts to fashion a consistent process for creating judgeships in this state have languished. Without a coherent method for making decisions allocating judicial personnel, people conclude what they want from the raw data currently available, which includes only population figures and numbers of cases.

But numbers of people and numbers of cases are only part of the answer. To get a true picture of our needs across the state, we have undertaken a substantial study – the first of its kind in Missouri – to review the weighted workload of Missouri’s trial judges. I say “workload,” not “caseload,” because if you just count cases, you will not necessarily get a useful answer. A 15-minute hearing involving a traffic ticket and a two-week murder trial each counts as one “case,” but each obviously has a much different impact on judicial time, both in preparation and in the courtroom. Likewise, time that judges spend on administrative duties is essential to the operation of the courts; in rural areas, especially, where one circuit may include as many as five counties, judges spend time moving from county to county to hear cases – we must account for this travel time.

America’s expert in conducting judicial weighted workload studies is the National Center for State Courts, which we have engaged to direct Missouri’s study. A cross-section of Missouri’s trial judges is serving as a steering committee to guide the study, and the National Center is using methodology that has been used in many other states with similar population distributions between urban and rural areas.

This study, which they are conducting this spring, is essential for our future to provide useful information to us, to the public, and to you, the legislature, so that together we might make more informed decisions about judicial personnel needs. The legislative and executive branches are the appropriators of money, but we have an obligation to advise you how best to spend the public’s dollars for courts. This will assure adequate judicial service in every county of the state.

Do we need more judges? My own guess is that, overall, we have enough judges statewide. But until the data are available this summer, any guess regarding our judicial personnel is still just a guess. We are now filling needs in some areas by transferring judges and using senior judges. We should wait for the results of this study before making any long-term changes in allocation or numbers of judges.

Cooperative Efforts

Although there remains much to improve that the three steps I have described will help bring to light, there is much that we have done in recent years to increase our efficiency and, indeed, to cooperate in improving state government as a whole. Through legislation you passed in 2004, we established methods to collect overdue court debt through the use of income tax offsets, time payment fees and private debt collection agencies. The end result of these efforts has been twofold: a greater respect for the laws you

pass, by virtue of the higher percentages of court costs and fines paid, and, since the programs began, an increase of more than \$3 million to the state and to local governments and school districts. Almost none of that money comes to the judiciary, just in case you were wondering.

There are other examples. We continue to cooperate with the department of corrections and other agencies in seeking alternatives to prison, including our drug courts, to enhance public safety and to avoid wasting scarce correctional dollars. Additionally, we have remained in contact with you about several opportunities that may allow all three branches of government to become even more efficient. These include the potential for greater savings of time and money in our juvenile justice system as well as for a structural reduction in the public defender’s caseload. Working as partners, we can solve these kinds of problems. We are committed to cooperating with you in a continued spirit of openness and respect, so that we all may better serve the citizens to whom we all are ultimately accountable.

In the past 18 months, during which I have been privileged to serve as chief justice, I have worked hard to help our citizens better understand their system of government. Judges and members of the bar around the state similarly have embraced the challenge of engaging in civics education.

In the eight and a half years I have served on the Supreme Court – and especially in these last 18 months – I have gotten to know many of the fine men and women who serve in the judicial branch as judges, as clerks and as support staff throughout the state. I am very proud of their dedication and of the work they do, week in and week out, to uphold the rule of law and to maintain a stable, civil society in our state through the fair and impartial administration of justice.

On their behalf, I assure you that we in the judiciary will continue to be responsive to the public’s needs, and we will continue to evaluate ourselves – subject to the scrutiny of others – in the spirit of honesty and accountability that all Missourians should expect of us. In turn, it is my hope that you will continue to work with us toward the goal of giving Missouri the greatest judicial system possible. Without your continued support, we cannot meet this goal. But with your support, I am certain that we will.

Thank you.

On motion of Senator Shields, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by Senator Koster.

RESOLUTIONS

Senator Shields offered the following resolution:

SENATE RESOLUTION NO. 57

WHEREAS, the Administration Committee is required by law to establish the rates of pay each year, and

WHEREAS, such rates of pay are to be the same as those established under the policies of the Personnel Division of the Office of Administration for comparable duties after examination of the rates of pay then in effect, and

WHEREAS, the rates of pay established shall become effective with the adoption of this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Committee on Administration that the number, classification and rates of pay authorized for employees of the Senate shall include one department director and eight division level directors to be compensated according to Office of Administration guidelines; and the following authorized employees at rates of pay within the ranges hereby established.

NO.	CLASSIFICATION	MONTHLY SALARY RANGE
5	Staff Attorney II	3,277 - 4,840
3	Research Analyst IV	3,277 - 4,840
1	Investigator	3,040 - 4,452
4	Research Staff Secretary	2,534 - 3,612
5	Budget Research Analyst III	3,474 - 5,269
1	Budget Staff Secretary	2,534 - 3,612
3	Assistant Secretary of Senate	2,721 - 3,857
1	Enrolling & Engrossing Supervisor	2,721 - 3,857
2.5	Enrolling & Engrossing Clerk	2,247 - 3,158
1	Billroom Supervisor	2,247 - 3,158
1	Billroom Clerk	1,930 - 2,571
5	Public Information Specialist	2,247 - 3,612
1	Photographer	2,534 - 3,612
1	Administrative Assistant	3,040 - 6,056
1	Telecommunications Coordinator	2,824 - 4,018
2.5	Accounting Specialist	2,625 - 3,706
1	Human Resources Specialist	2,625 - 3,706
1	Office Assistance Supervisor	2,721 - 3,857
9	Administrative/Office Support	2,625 - 3,706
1	Messenger	1,869 - 2,437
2	Computer Info. Technology Spec. I	3,612 - 5,269
2	Computer Info. Technology Spec. II	4,186 - 5,992
1	Computer Info. Technology Spec. III	4,363 - 6,262
4	Computer Info. Technologist II	2,929 - 4,186
1	Network/Communications Specialist	3,612 - 5,269
2	Data Entry Operator III	2,038 - 2,774
1	Composing Equipment Operator III	2,173 - 2,876
0.5	Mailroom Supervisor	2,247 - 3,158

NO.	CLASSIFICATION	MONTHLY SALARY RANGE
1	Printing Services Technician II	1,930 - 2,571
2	Printing Services Technician III	2,104 - 2,876
2	Printing Services Technician IV	2,364 - 3,277
1	Maintenance Supervisor	2,364 - 3,277
1	Carpenter II	2,364 - 3,277
1	Maintenance Worker	1,930 - 2,571
0.5	Sergeant at Arms (Elected)	2,364 - 3,277
0.5	Doorkeeper (Elected)	1,727 - 2,241
3.5	Assistant Doorkeeper	1,582 - 1,993
0.5	Reading Clerk	1,582 - 1,993
0.5	Chaplain	857 - 1,133
0.5	Security Guard	1,628 - 2,092

BE IT FURTHER RESOLVED that the Senate Administration Committee is authorized to establish a formula setting forth the maximum amount which may be expended by each Senator and each caucus for the employment of Administrative and Clerical Assistants. Each Senator plus the President Pro Tem and the Minority Leader on behalf of their caucus will be notified of the funds available, and shall thereafter certify to the Senate Administrator the names and addresses of Administrative and Clerical Assistants. The compensation paid to the Senators' and caucus administrative and clerical assistants shall be within the limits of the categories set forth herein above.

BE IT FURTHER RESOLVED that the Senate Administrator, with the approval of the Senate Administration Committee, shall have the authority to cooperate and coordinate with the Chief Clerk of the House in the selection of employees, who shall be assigned to the garage, Joint Committee Staffs and the rotunda area, and who will be paid from the Joint House and Senate Contingent Fund, within the limits of the categories set out above.

BE IT FURTHER RESOLVED that the Committee on Administration has the authority to reduce, combine or consolidate positions and salaries where necessary to meet changed conditions or circumstances which arise, and may enter into contracts with consultants, provided such consultant's contract fee does not exceed the salary for the comparable position, and such consultant shall count as an employee of the Senate.

BE IT FURTHER RESOLVED that the Senate Administration Committee is authorized to adjust the foregoing pay ranges in July to reflect implementation of the state pay plan for FY 2008.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 250—By Ridgeway and Vogel.

An Act to repeal sections 36.030, 36.031, 306.111, 306.112, 306.116, 306.117, 306.161, 565.082, and 650.005, RSMo, and to enact in lieu thereof eleven new sections relating to the water patrol, with penalty provisions and an emergency clause.

SB 251—By Ridgeway.

An Act to repeal section 407.1095, RSMo, and to enact in lieu thereof two new sections relating to political telephone calls, with penalty provisions.

SB 252—By Ridgeway.

An Act to repeal section 302.020, RSMo, and to enact in lieu thereof one new section relating to protective headgear, with penalty provisions.

SB 253—By Ridgeway.

An Act to repeal section 137.100, RSMo, and to enact in lieu thereof one new section relating to property exempt from taxation.

On motion of Senator Shields, the Senate recessed until 5:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Mayer.

COMMITTEE APPOINTMENTS

President Pro Tem Gibbons submitted the following committee appointments, reading of which was waived:

**AGRICULTURE, CONSERVATION, PARKS
AND NATURAL RESOURCES**

Clemens, Chair
Stouffer, Vice-Chair
Lager
Mayer
Purgason
Barnitz
Coleman
Shoemyer

COMMERCE, ENERGY AND THE ENVIRONMENT

Engler, Chair
Lager, Vice-Chair
Bartle
Griesheimer
Koster
Ridgeway
Bray
Callahan
Green

**ECONOMIC DEVELOPMENT, TOURISM
AND LOCAL GOVERNMENT**

Griesheimer, Chair
Koster, Vice-Chair
Crowell
Engler
Goodman
Vogel
Callahan
Kennedy
McKenna
Shoemyer

EDUCATION

Nodler, Chair
Mayer, Vice-Chair
Champion
Loudon
Rupp
Shields
Coleman
Days
Graham
Wilson

**FINANCIAL AND GOVERNMENTAL ORGANIZATIONS
AND ELECTIONS**

Scott, Chair
Crowell, Vice-Chair
Engler
Lager
Loudon
Coleman
Justus
Kennedy

**GOVERNMENTAL ACCOUNTABILITY AND
FISCAL OVERSIGHT**

Goodman, Chair
 Lager, Vice-Chair
 Mayer
 Stouffer
 Vogel
 Days
 Shoemyer
 Smith

HEALTH AND MENTAL HEALTH

Purgason, Chair
 Shields, Vice-Chair
 Gibbons
 Kennedy
 Shoemyer

**JUDICIARY AND CIVIL AND CRIMINAL
JURISPRUDENCE**

Bartle, Chair
 Goodman, Vice-Chair
 Koster
 Loudon
 Mayer
 Graham
 Justus
 Smith

**PENSIONS, VETERANS' AFFAIRS AND
GENERAL LAWS**

Crowell, Chair
 Rupp, Vice-Chair
 Clemens
 Nodler
 Scott
 Kennedy
 McKenna
 Smith

SENIORS, FAMILIES AND PUBLIC HEALTH

Champion, Chair
 Bartle, Vice-Chair
 Clemens
 Goodman
 Stouffer
 Kennedy
 Justus
 Smith

**SMALL BUSINESS, INSURANCE AND
INDUSTRIAL RELATIONS**

Loudon, Chair
 Ridgeway, Vice-Chair
 Clemens
 Rupp
 Scott
 Vogel
 Callahan
 Days
 Green

TRANSPORTATION

Stouffer, Chair
 Rupp, Vice-Chair
 Bartle
 Engler
 Griesheimer
 Scott
 Barnitz
 Bray
 Days
 McKenna

WAYS AND MEANS

Vogel, Chair
 Koster, Vice-Chair
 Goodman
 Griesheimer
 Lager
 Barnitz
 Bray
 McKenna

COMMUNICATIONS

President Pro Tem Gibbons submitted the
 following:

January 10, 2007

Mrs. Terry Spieler
 Secretary of the Missouri Senate
 State Capitol, Room 325
 Jefferson City, MO 65101

RE: Appointment of Joint Committee on Administrative Rules

Dear Terry:

Pursuant to Section 536.037 of the Revised Statutes of Missouri
 (RSMo 2002), I am appointing the following senator to the Joint

Committee on Administrative Rules:

Senator Victor Callahan

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

RESOLUTIONS

Senator Kennedy offered Senate Resolution No. 58, regarding Matthew Wayne Mantia, House Springs, which was adopted.

Senator Stouffer offered Senate Resolution No. 59, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Harry Avery, Carrollton, which was adopted.

Senator Green offered Senate Resolution No. 60, regarding Francis A. Meyer, St. Louis, which was adopted.

Senator Crowell offered Senate Resolution No. 61, regarding the NARS Call Center, Cape

Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 62, regarding Albert M. Spradling, III, Cape Girardeau, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Champion introduced to the Senate, Kathryn Ethridge, Springfield.

Senator Shields introduced to the Senate, Susan Brown, Dearborn; Debbie Woehrman, Debie and Alex Asher, Camden Point.

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Tom Saak, M.D., St. Louis.

Senator Justus introduced to the Senate, Kevin Patrick Hennosy, Kansas City; and Anna Koepfel, Columbia.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTH DAY—THURSDAY, JANUARY 11, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Gibbons
SB 2-Gibbons
SB 3-Gibbons
SB 4-Gross
SB 5-Loudon
SB 6-Loudon
SB 7-Loudon
SB 8-Kennedy

SB 9-Kennedy
SB 10-Kennedy
SB 11-Coleman
SB 12-Coleman
SB 13-Coleman
SB 14-Scott
SB 15-Scott
SB 16-Scott

SB 17-Shields	SB 57-Graham
SB 18-Shields	SB 58-Graham
SB 19-Shields	SB 59-Wilson
SB 20-Griesheimer	SB 60-Wilson
SB 21-Griesheimer	SB 61-Wilson
SB 22-Griesheimer	SB 62-Goodman
SB 23-Champion	SB 63-Goodman
SB 24-Champion	SB 64-Goodman and Koster
SB 25-Champion	SB 65-Rupp
SB 26-Bartle	SB 66-Rupp
SB 27-Bartle and Koster	SB 67-Rupp
SB 28-Bartle	SB 68-Shoemyer
SB 29-Nodler	SB 69-Shoemyer
SB 30-Nodler and Ridgeway	SB 70-Shoemyer
SB 31-Nodler	SB 71-Justus, et al
SB 32-Bray	SB 72-Justus
SB 33-Bray, et al	SB 73-Justus
SB 34-Bray	SB 74-Coleman
SB 35-Days	SB 75-Coleman
SB 36-Days	SB 76-Coleman
SB 37-Days	SB 77-Scott
SB 38-Ridgeway	SB 78-Scott
SB 39-Ridgeway	SB 79-Scott
SB 40-Ridgeway	SB 80-Shields
SB 41-Purgason	SB 81-Griesheimer
SB 42-Purgason	SB 82-Griesheimer
SB 43-Purgason	SB 83-Griesheimer
SB 44-Mayer	SB 84-Champion
SB 45-Mayer	SB 85-Champion and Koster
SB 46-Mayer	SB 86-Champion
SB 47-Engler	SB 87-Bartle
SB 48-Engler	SB 88-Bartle
SB 49-Engler and Loudon	SB 89-Bartle
SB 50-Stouffer	SB 90-Nodler
SB 51-Stouffer	SB 91-Nodler
SB 52-Stouffer	SB 92-Nodler
SB 53-Koster	SB 93-Bray
SB 54-Koster	SB 94-Bray
SB 55-Koster	SB 95-Bray
SB 56-Graham	SB 96-Days

SB 97-Days	SB 139-Bray
SB 98-Days	SB 140-Rupp
SB 99-Mayer	SB 141-Nodler
SB 100-Mayer	SB 142-Nodler and Days
SB 101-Mayer	SB 143-Nodler
SB 102-Stouffer	SB 144-Bray
SB 103-Stouffer	SB 145-Bray and Days
SB 104-Stouffer	SB 146-Bray
SB 105-Graham	SB 147-Nodler
SB 106-Graham	SB 148-Nodler
SB 107-Wilson	SB 149-Nodler
SB 108-Wilson	SB 150-Mayer
SB 109-Wilson	SB 151-Engler
SB 111-Rupp	SB 152-Engler
SB 112-Rupp	SB 153-Engler
SB 113-Shoemyer	SB 154-Graham
SB 114-Scott	SB 155-Engler
SB 115-Scott	SB 156-Engler
SB 116-Griesheimer	SB 157-Engler
SB 117-Griesheimer	SB 158-Engler
SB 118-Griesheimer	SB 159-Engler
SB 119-Nodler	SB 160-Rupp
SB 120-Nodler	SB 161-Shields
SB 121-Nodler	SB 162-Vogel
SB 122-Bray and Days	SB 163-Mayer
SB 123-Bray	SB 164-Scott
SB 124-Bray	SB 165-Scott
SB 125-Days	SB 166-Griesheimer
SB 126-Days	SB 167-Bartle
SB 127-Mayer	SB 168-Mayer
SB 128-Stouffer	SB 169-Rupp
SB 129-Stouffer	SB 170-Engler
SB 130-Stouffer	SB 171-Nodler
SB 131-Rupp	SB 172-Ridgeway
SB 132-Rupp	SB 173-Ridgeway
SB 133-Rupp	SB 174-Green
SB 135-Nodler	SB 175-Green
SB 136-Nodler	SB 176-Green
SB 137-Bray	SB 177-Green
SB 138-Bray	SB 178-Green

SB 179-Green	SB 221-Callahan
SB 180-Green	SB 222-Gross
SB 181-Green	SB 223-Rupp
SB 182-Green	SB 224-Rupp
SB 183-Green	SB 225-Stouffer
SB 184-Green	SB 226-Stouffer
SB 185-Green	SB 227-Graham
SB 186-Green	SB 228-Graham
SB 187-Green	SB 229-Coleman
SB 188-Green	SB 230-Crowell and Koster
SB 189-Green	SB 231-Crowell
SB 190-Green	SB 232-Crowell
SB 191-Days	SB 233-Crowell
SB 192-Crowell	SB 234-Crowell
SB 193-Griesheimer	SB 235-Shields, et al
SB 194-Crowell	SB 236-Shields
SB 195-Crowell	SB 237-Shields
SB 196-Gross	SB 238-Stouffer
SB 197-Loudon and Graham	SB 239-Stouffer
SB 198-Mayer	SB 240-Stouffer
SB 199-Stouffer	SB 241-Stouffer
SB 200-Stouffer	SB 242-Nodler
SB 202-Stouffer	SB 243-Mayer
SB 203-Lager	SB 244-Mayer
SB 204-Stouffer	SB 245-Goodman
SB 205-Stouffer and Gibbons	SB 246-Goodman
SB 206-Justus	SB 247-Bray
SB 207-Gross	SB 248-Days
SB 209-Griesheimer	SB 249-Gross
SB 210-Crowell	SB 250-Ridgeway and Vogel
SB 211-Goodman	SB 251-Ridgeway
SB 212-Goodman	SB 252-Ridgeway
SB 213-McKenna	SB 253-Ridgeway
SB 214-McKenna	SJR 1-Bartle
SB 215-Loudon	SJR 2-Bartle
SB 216-Crowell	SJR 3-Bartle
SB 217-Crowell	SJR 4-Nodler
SB 218-Graham	SJR 5-Graham
SB 219-Graham	SJR 6-Graham
SB 220-McKenna	SJR 7-Graham

SJR 8-Ridgeway
SJR 9-Crowell

SJR 10-Bartle and Engler

INFORMAL CALENDAR

RESOLUTIONS

SR 57-Shields

Unofficial ✓

Journal

Copy

Journal of the Senate

FIRST REGULAR SESSION

SIXTH DAY—THURSDAY, JANUARY 11, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The Lord shall watch over your going out and your coming in, from this time forth forevermore.” (Psalm 121:8)

Caring Father, as we conclude our work this day and head back to be with those You have given us to care for, watch over us and make us alert and mindful of the responsibilities we have as we travel and bring us safely home and grateful for the time we have and the love we share. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

Senator Gross assumed the Chair.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bray	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Goodman	Graham	Green

Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

Absent—Senators—None

Absent with leave—Senators

Bartle Gibbons—2

Vacancies—None

The Lieutenant Governor was present.

The Senate observed a moment of silent prayer for William “Ben” Ownby.

RESOLUTIONS

Senator Loudon offered Senate Resolution No. 63, regarding Michael James Schneider, Hazelwood, which was adopted.

Senator Lager offered Senate Resolution No. 64, regarding the One Hundred Fiftieth Birthday of Mound City, which was adopted.

Senator Lager offered Senate Resolution No. 65, regarding Jim Jackson, Ravenwood, which was adopted.

Senator Lager offered Senate Resolution No. 66, regarding The Barn, Brookfield, which was adopted.

Senator Lager offered Senate Resolution No. 67, regarding the Ninetieth Birthday of Olen Plymell, Burlington Junction, which was adopted.

Senator Lager offered Senate Resolution No. 68, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Johnnie Porter, Maryville, which was adopted.

Senator Lager offered Senate Resolution No. 69, regarding the Honorable Kay Graves Rosenbohm, which was adopted.

Senator Scott offered the following resolution:

SENATE RESOLUTION NO. 70

BE IT RESOLVED by the Senate of the Ninety-Fourth General Assembly, First Regular Session, that Senate Rule 96 be amended to read as follows:

“Rule 96. 1. Laptop computers may be used by the press at the press table and by research staff at the research table in the Senate Chamber as long as their use does not violate Rule 78 or is otherwise disruptive to the business of the Senate. No person shall take any photograph in the Senate Gallery. Persons with cameras, flash cameras, lights, or other paraphernalia may be allowed to use such devices at committee meetings with the permission of the Chairman as long as they do not prove disruptive to the decorum of the committee. Smoking is not permissible in the Senate Chamber or Gallery, **the Kirchoff Gallery, the Pershing Gallery, the Bingham Gallery**, committee rooms, lounge, the hallways, restrooms or elevators.

2. For the purpose of compliance with the Americans with Disabilities Act, the President Pro Tem may designate a portion of the Senate Chamber as handicap accessible and such areas shall not be considered a part of the floor of the Senate for purposes of section 21.420, RSMo. Persons using such area shall not lobby members of the Senate while going to and from or while using the designated area.”

Senator Shields moved that **SR 57** be taken up for adoption, which motion prevailed.

On motion of Senator Shields, **SR 57** was adopted.

CONCURRENT RESOLUTIONS

Senator Lager offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 4

Relating to the recommendations by the Citizen's Commission on Compensation for Elected Officials.

WHEREAS, the voters of Missouri approved a constitutional amendment in 1994 that created a commission charged with setting the amount of compensation paid to statewide elected officials, legislators and judges; and

WHEREAS, prior to the approval of this amendment, the General Assembly had the duty and responsibility of setting salaries; and

WHEREAS, the Missouri Citizen's Commission on Compensation for Elected Officials has recommended that salaries be increased for judges and statewide elected officials by \$1,200 plus 4% beginning on July 1, 2007 and by \$1,200 plus 4% beginning on January 1, 2009 for legislators; and

WHEREAS, the Commission has additionally recommended that judges, statewide elected officials and legislators receive the same increase in salary as the average state worker for the fiscal years beginning in July 2007 and July 2008, provided that legislators shall not receive such increases until January 1, 2009; and

WHEREAS, the Commission has also recommended a one-time payment of \$2,000 for each Associate Circuit Judge on July 1, 2007 to partially compensate for the Circuit Court duties currently being assumed by Associate Circuit Judges throughout the state; and

WHEREAS, the recommended increases would result in a net increase for judges, statewide elected officials and legislators that is far greater than any expected cost-of-living adjustment for state employees in the coming fiscal year; and

WHEREAS, the state has many other priorities for appropriating money in the budget that are far more important than the salary increases recommended by the Commission; and

WHEREAS, the changes recommended by the Missouri Citizen's Commission on Compensation for Elected Officials will take effect on July 1, 2007, unless disapproved by the General

Assembly; and

WHEREAS, the General Assembly may disapprove of the recommendation by a concurrent resolution approved by both the Senate and the House before February 1, 2007:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, First Regular Session, the House of Representatives concurring therein, that the recommendations of the Missouri Citizen's Commission on the Compensation of Elected Officials contained in its report dated November 30, 2006, be disapproved; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for Governor Matt Blunt.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the first time and ordered printed:

SB 254—By Nodler, Graham and Champion.

An Act to amend chapter 166, RSMo, by adding thereto one new section relating to the creation of the Missouri legacy fund.

SB 255—By Loudon.

An Act to repeal section 290.505, RSMo, and to enact in lieu thereof one new section relating to overtime compensation, with an emergency clause.

SB 256—By Loudon.

An Act to repeal sections 195.503 and 650.120, RSMo, and to enact in lieu thereof two new sections relating to Internet sex crimes against children, with an emergency clause.

SB 257—By Engler and Crowell.

An Act to amend chapter 44, RSMo, by adding thereto one new section relating to treatment of firearms during emergencies.

SB 258—By Engler.

An Act to repeal section 546.720, RSMo, and to enact in lieu thereof one new section relating to executions, with penalty provisions.

SB 259—By Engler.

An Act to repeal section 339.100, RSMo, and to enact in lieu thereof one new section relating to real estate broker contributions, with penalty provisions.

SB 260—By Koster and Justus.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to child care subsidies.

SB 261—By Koster.

An Act to repeal sections 217.362 and 559.115, RSMo, and to enact in lieu thereof two new sections relating to prison commitments.

SB 262—By Green.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to cable television service.

SB 263—By Green.

An Act to repeal section 130.050, RSMo, and to enact in lieu thereof one new section relating to campaign finance.

SB 264—By Green.

An Act to repeal section 235.210, RSMo, and to enact in lieu thereof one new section relating to street light maintenance.

SB 265—By Green.

An Act to repeal section 52.240, RSMo, and to enact in lieu thereof one new section relating to imposition of penalties and interest for certain

property tax payments.

SB-266—By Bray, Days, Smith, Justus, Coleman, Wilson, Graham, McKenna and Green.

An Act to repeal sections 213.010, 213.030, 213.040, 213.045, 213.050, 213.055, 213.065, 213.070, and 213.101, RSMo, and to enact in lieu thereof nine new sections relating to human rights.

SB 267—By Bray, McKenna, Graham, Shoemyer, Coleman, Justus, Callahan, Days, Wilson, Barnitz, Kennedy, Green and Smith.

An Act to repeal sections 103.003, 103.005, and 103.036, RSMo, and to enact in lieu thereof three new sections relating to the inclusion of small employers in the state health care plan.

SB 268—By Coleman.

An Act to repeal sections 86.254, 86.330, 86.333, and 86.337, RSMo, and to enact in lieu thereof four new sections relating to police retirement.

SB 269—By Scott.

An Act to repeal sections 44.020 and 44.024, RSMo, and to enact in lieu thereof two new sections relating to the state emergency management agency.

SB 270—By Scott.

An Act to repeal section 590.190, RSMo, and to enact in lieu thereof one new section relating to the POST commission.

SB 271—By Scott.

An Act to repeal section 105.483, RSMo, and to enact in lieu thereof one new section relating to filing financial interest statements.

SB 272—By Scott.

An Act to repeal section 334.625, RSMo, and to enact in lieu thereof one new section relating to the advisory commission for physical therapists.

SJR 11—By Gross.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 2 (b) of article XII of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the votes required for constitutional amendment.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, Senator Shields submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Iris G. Ferguson, Democrat, as a member of the Lincoln University Board of Curators;

Also,

William K. Seibert, Jr., Republican, as a member of the Board of Probation and Parole;

Also,

David T. Broeker, as the Director of the Division of Professional Registration within the Department of Insurance, Financial Institutions, and Professional Registration;

Also,

Deborah E. Scott, as the Director of the

Department of Social Services;

Also,

James F. Keathley, as the Superintendent of the Missouri State Highway Patrol;

Also,

Michael Kilgore, Democrat, as a member of the Missouri Ethics Commission;

Also,

Michael D. McCunniff, D.D.S. and Rebecca R. Steele, as members of the Missouri Area Health Education Centers Council;

Also,

Susan S. Stepleton, as a member of the Coordinating Board for Early Childhood;

Also,

Kelly R. Forck, Democrat, as a member of the Missouri Agricultural and Small Business Development Authority;

Also,

Thomas J. Irwin, Democrat, as a member of the Regional Convention and Sports Complex Authority.

Senator Shields requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Shields moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

COMMUNICATIONS

On behalf of President Pro Tem Gibbons, Senator Shields submitted the following hearing schedule:

**SENATE HEARING SCHEDULE
94th GENERAL ASSEMBLY
FIRST REGULAR SESSION
JANUARY 11, 2007**

	Monday	Tuesday	Wednesday	Thursday
8:00 a.m.		Appropriations SCR 2 (Gross)	Appropriations SCR 2 (Gross) Transportation SCR 1 (Stouffer)	
8:15 a.m.		Seniors, Families and Public Health SCR 1 (Champion)		
8:30 a.m.			Gubernatorial Appointments SL (Gibbons)	Commerce, Energy and the Environment SL (Engler) Governmental Accountability and Fiscal Oversight SCR 1 (Goodman)
12:30 p.m.	Appropriations SCR 2 (Gross)			
1:00 p.m.		Health and Mental Health SL (Purgason) Small Business, Insurance and Industrial Relations SCR 1 (Loudon)	Pensions, Veterans' Affairs and General Laws SL (Crowell) Rules, Joint Rules, Resolutions and Ethics SCR 1 (Shields)	
2:00 p.m.			Economic Development, Tourism and Local Government SL (Griesheimer) Education SCR 1 (Nodler)	
2:30 p.m.	Financial and Governmental Organizations and Elections SL (Scott) Ways and Means SCR 1 (Vogel)			
3:00 p.m.		Agriculture, Conservation, Parks and Natural Resources SL (Clemens)		
7:00 p.m.	Judiciary and Civil and Criminal Jurisprudence SL (Bartle)			

SL - Senate Lounge SCR 1 - Senate Committee Rm. 1, Room 118

SCR 2 - Senate Committee Rm. 2, Room 119

On behalf of President Pro Tem Gibbons,
Senator Shields submitted the following:

January 10, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

RE: Appointment of Joint Committee on Administrative Rules

Dear Terry:

Pursuant to Section 536.037 of the Revised Statutes of Missouri (RSMo 2002), I am reappointing the following senators to the Joint Committee on Administrative Rules:

Senator John Griesheimer

Senator Joan Bray

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS

RESOLUTIONS

Senator Nodler offered Senate Resolution No. 71, regarding Marvin VanGilder, Carthage, which was adopted.

Senator Stouffer offered Senate Resolution No. 72, regarding the death of Brian Theodore Smith, which was adopted.

Senator Stouffer offered Senate Resolution No. 73, regarding Thespian Hall, Boonville, which was adopted.

Senator Stouffer offered Senate Resolution No. 74, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Erwin Apprill, which was adopted.

Senator Stouffer offered Senate Resolution No. 75, regarding the Knights of Columbus Council, Lexington, which was adopted.

Senator Ridgeway offered Senate Resolution No. 76, regarding Martin Luther King Day observances at William Jewell College, Liberty, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Graham introduced to the Senate, David Zobez, St. Louis County.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Tuesday, January 16, 2007.

SENATE CALENDAR

SEVENTH DAY--TUESDAY, JANUARY 16, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Gibbons
SB 2-Gibbons
SB 3-Gibbons
SB 4-Gross
SB 5-Loudon
SB 6-Loudon

SB 7-Loudon
SB 8-Kennedy
SB 9-Kennedy
SB 10-Kennedy
SB 11-Coleman
SB 12-Coleman

SB 13-Coleman	SB 53-Koster
SB 14-Scott	SB 54-Koster
SB 15-Scott	SB 55-Koster
SB 16-Scott	SB 56-Graham
SB 17-Shields	SB 57-Graham
SB 18-Shields	SB 58-Graham
SB 19-Shields	SB 59-Wilson
SB 20-Griesheimer	SB 60-Wilson
SB 21-Griesheimer	SB 61-Wilson
SB 22-Griesheimer	SB 62-Goodman
SB 23-Champion	SB 63-Goodman
SB 24-Champion	SB 64-Goodman and Koster
SB 25-Champion	SB 65-Rupp
SB 26-Bartle	SB 66-Rupp
SB 27-Bartle and Koster	SB 67-Rupp
SB 28-Bartle	SB 68-Shoemyer
SB 29-Nodler	SB 69-Shoemyer
SB 30-Nodler and Ridgeway	SB 70-Shoemyer
SB 31-Nodler	SB 71-Justus, et al
SB 32-Bray	SB 72-Justus
SB 33-Bray, et al	SB 73-Justus
SB 34-Bray	SB 74-Coleman
SB 35-Days	SB 75-Coleman
SB 36-Days	SB 76-Coleman
SB 37-Days	SB 77-Scott
SB 38-Ridgeway	SB 78-Scott
SB 39-Ridgeway	SB 79-Scott
SB 40-Ridgeway	SB 80-Shields
SB 41-Purgason	SB 81-Griesheimer
SB 42-Purgason	SB 82-Griesheimer
SB 43-Purgason	SB 83-Griesheimer
SB 44-Mayer	SB 84-Champion
SB 45-Mayer	SB 85-Champion and Koster
SB 46-Mayer and Koster	SB 86-Champion
SB 47-Engler	SB 87-Bartle
SB 48-Engler	SB 88-Bartle
SB 49-Engler, et al	SB 89-Bartle
SB 50-Stouffer	SB 90-Nodler
SB 51-Stouffer	SB 91-Nodler
SB 52-Stouffer	SB 92-Nodler

SB 93-Bray	SB 135-Nodler
SB 94-Bray	SB 136-Nodler
SB 95-Bray	SB 137-Bray
SB 96-Days	SB 138-Bray
SB 97-Days	SB 139-Bray
SB 98-Days	SB 140-Rupp
SB 99-Mayer	SB 141-Nodler
SB 100-Mayer	SB 142-Nodler and Days
SB 101-Mayer	SB 143-Nodler
SB 102-Stouffer	SB 144-Bray
SB 103-Stouffer	SB 145-Bray and Days
SB 104-Stouffer	SB 146-Bray
SB 105-Graham	SB 147-Nodler
SB 106-Graham	SB 148-Nodler
SB 107-Wilson	SB 149-Nodler
SB 108-Wilson	SB 150-Mayer
SB 109-Wilson	SB 151-Engler
SB 111-Rupp	SB 152-Engler
SB 112-Rupp	SB 153-Engler
SB 113-Shoemyer	SB 154-Graham
SB 114-Scott	SB 155-Engler
SB 115-Scott	SB 156-Engler
SB 116-Griesheimer	SB 157-Engler
SB 117-Griesheimer	SB 158-Engler
SB 118-Griesheimer	SB 159-Engler
SB 119-Nodler	SB 160-Rupp
SB 120-Nodler	SB 161-Shields
SB 121-Nodler	SB 162-Vogel
SB 122-Bray and Days	SB 163-Mayer
SB 123-Bray	SB 164-Scott
SB 124-Bray	SB 165-Scott
SB 125-Days	SB 166-Griesheimer
SB 126-Days	SB 167-Bartle
SB 127-Mayer	SB 168-Mayer
SB 128-Stouffer	SB 169-Rupp
SB 129-Stouffer	SB 170-Engler
SB 130-Stouffer	SB 171-Nodler
SB 131-Rupp	SB 172-Ridgeway
SB 132-Rupp	SB 173-Ridgeway
SB 133-Rupp	SB 174-Green

SB 175-Green	SB 217-Crowell
SB 176-Green	SB 218-Graham
SB 177-Green	SB 219-Graham
SB 178-Green	SB 220-McKenna
SB 179-Green	SB 221-Callahan
SB 180-Green	SB 222-Gross
SB 181-Green	SB 223-Rupp
SB 182-Green	SB 224-Rupp
SB 183-Green	SB 225-Stouffer
SB 184-Green	SB 226-Stouffer
SB 185-Green	SB 227-Graham
SB 186-Green	SB 228-Graham
SB 187-Green	SB 229-Coleman
SB 188-Green	SB 230-Crowell and Koster
SB 189-Green	SB 231-Crowell
SB 190-Green	SB 232-Crowell
SB 191-Days	SB 233-Crowell
SB 192-Crowell	SB 234-Crowell
SB 193-Griesheimer	SB 235-Shields, et al
SB 194-Crowell	SB 236-Shields
SB 195-Crowell	SB 237-Shields
SB 196-Gross	SB 238-Stouffer
SB 197-Loudon and Graham	SB 239-Stouffer
SB 198-Mayer	SB 240-Stouffer
SB 199-Stouffer	SB 241-Stouffer
SB 200-Stouffer	SB 242-Nodler
SB 202-Stouffer	SB 243-Mayer
SB 203-Lager	SB 244-Mayer
SB 204-Stouffer	SB 245-Goodman
SB 205-Stouffer and Gibbons	SB 246-Goodman
SB 206-Justus	SB 247-Bray
SB 207-Gross	SB 248-Days
SB 209-Griesheimer	SB 249-Gross
SB 210-Crowell	SB 250-Ridgeway and Vogel
SB 211-Goodman	SB 251-Ridgeway
SB 212-Goodman	SB 252-Ridgeway
SB 213-McKenna	SB 253-Ridgeway
SB 214-McKenna	SB 254-Nodler, et al
SB 215-Loudon	SB 255-Loudon
SB 216-Crowell	SB 256-Loudon

SB 257-Engler and Crowell
SB 258-Engler
SB 259-Engler
SB 260-Koster and Justus
SB 261-Koster
SB 262-Green
SB 263-Green
SB 264-Green
SB 265-Green
SB 266-Bray, et al
SB 267-Bray, et al
SB 268-Coleman
SB 269-Scott
SB 270-Scott

SB 271-Scott
SB 272-Scott
SJR 1-Bartle
SJR 2-Bartle and Koster
SJR 3-Bartle
SJR 4-Nodler
SJR 5-Graham
SJR 6-Graham
SJR 7-Graham
SJR 8-Ridgeway
SJR 9-Crowell and Bartle
SJR 10-Bartle and Engler
SJR 11-Gross

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SCR 4-Lager

SR 70-Scott

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Journal of the Senate

FIRST REGULAR SESSION

SEVENTH DAY—TUESDAY, JANUARY 16, 2007

The Senate met pursuant to adjournment.

Senator Griesheimer in the Chair.

Reverend Carl Gauck offered the following prayer:

“He has told you, O mortal, what is good; and what does the Lord require but to do justice, and to love kindness, and to walk humbly with your God?” (Micah 5:8)

Dear Lord, we come together remembering Dr. Martin Luther King, Jr. that yesterday wasn't just a day off but a time to remember the hopes and high goals he set for us individually and as a nation. He shows us what Micah had taught so many centuries ago that justice and kindness must prevail as we seek to follow Your way; help us to develop our laws to assist making equality a right not just a privilege for some. So allow us O Lord to keep step with his dream as we seek to walk humbly with You Our God. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 11, 2007 was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Coleman	Crowell	Days

Engler	Gibbons	Graham	Green
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

Absent—Senators—None

Absent with leave—Senators

Clemens Goodman—2

Vacancies—None

RESOLUTIONS

Senator Wilson offered Senate Resolution No. 77, regarding J.S. Chick African Centered Elementary School, Kansas City, which was adopted.

Senator Wilson offered Senate Resolution No. 78, regarding Sanford B. Ladd Elementary School, Kansas City, which was adopted.

Senator Champion offered Senate Resolution No. 79, regarding the Springfield Branch of the National Association for the Advancement of Colored People, which was adopted.

Senator Kennedy offered Senate Resolution No. 80, regarding Kevin J. Coerver, St. Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 81, regarding Kathryn J. “Kathy” Jadlot, Affton, which was adopted.

Senator Vogel offered Senate Resolution No. 82, regarding the Veterans of Foreign Wars Ladies Auxiliary #4345, California, which was adopted.

Senator Wilson offered Senate Resolution No. 83, regarding Miriam Pepper, which was adopted.

Senator Stouffer offered Senate Resolution No. 84, regarding Judy Fry, Kearney, which was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 85

WHEREAS, the General Assembly of the State of Missouri has a long tradition of rendering assistance to worthwhile youth activities, especially those related to governmental or citizenship projects; and

WHEREAS, the Jefferson City Downtown Rotary Club has sought to instill values of high integrity within our youth and to provide an opportunity for Missouri students to experience state government firsthand; and

WHEREAS, the General Assembly has maintained a policy of granting such organizations permission to use the Senate and House Chambers for beneficial purposes; and

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-fourth General Assembly hereby grant the Jefferson City Rotary Club permission to use the Senate Chamber for the purpose of conducting Student Government Day on the morning of Monday, March 19, 2007.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 85** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 85** was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 86

WHEREAS, the Missouri Senate recognizes the importance of empowering citizens to actively participate in the democratic

process; and

WHEREAS, the Senate has a long tradition of rendering assistance to those organizations which sponsor projects in the interest of good citizenship; and

WHEREAS, the Missouri Catholic Conference has as its purposes to promote the material and spiritual well being of all the people of the state of Missouri and to participate in the democratic process of government:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-fourth General Assembly, that the Missouri Catholic Conference be hereby granted permission to use the Senate Chamber, the Senate Lounge and the Senate Hearing Rooms from 7:00 a.m. to 7:00 p.m. on September 29, 2007, for the purpose of a citizens assembly and workshops.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 86** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 86** was adopted.

Senator Gross assumed the Chair.

INTRODUCTION OF BILLS

The following Bills and Joint Resolutions were read the 1st time and ordered printed:

SB 273—By Shields.

An Act to repeal section 105.711, RSMo, and to enact in lieu thereof one new section relating to the state legal expense fund.

SB 274—By Shields.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to healthcare technology fund, with an emergency clause.

SB 275—By Ridgeway.

An Act to repeal sections 186.005, 186.014, 186.016, 186.018, 186.109, and 301.3112, RSMo, and to enact in lieu thereof three new sections relating to the Missouri Women’s Council.

SB 276—By Koster.

An Act to repeal section 644.021, RSMo, and to enact in lieu thereof one new section relating to the clean water commission.

SB 277–By Koster.

An Act to repeal sections 287.020 and 287.200, RSMo, and to enact in lieu thereof two new sections relating to workers compensation payments to dependents, with an emergency clause.

SB 278–By Koster.

An Act to repeal section 558.019, RSMo, and to enact in lieu thereof one new section relating to the mandatory term of imprisonment for certain sex offenders, with penalty provisions.

SB 279–By Griesheimer.

An Act to repeal section 290.505, RSMo, and to enact in lieu thereof one new section relating to overtime for public employees, with an emergency clause.

SB 280–By Griesheimer.

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to the enforcement of violations detected by automated photo red light enforcement systems.

SB 281–By Griesheimer.

An Act to repeal section 327.621, RSMo, and to enact in lieu thereof two new sections relating to landscape architect licensing.

SB 282–By Griesheimer.

An Act to repeal sections 620.1878 and 620.1881, RSMo, and to enact in lieu thereof two new sections relating to the Missouri Quality Jobs Act.

SB 283–By Griesheimer.

An Act to repeal sections 135.950 and 135.967, RSMo, and to enact in lieu thereof two new sections relating to enhanced enterprise zones.

SB 284–By Griesheimer and Nodler.

An Act to repeal sections 144.010 and 144.020, RSMo, and to enact in lieu thereof twenty-three new sections relating to the provision

of video services, with an emergency clause.

SB 285–By Crowell.

An Act to amend chapter 338, RSMo, by adding thereto four new sections relating to protecting conscience rights of pharmaceutical professionals.

SB 286–By Crowell.

An Act to repeal section 143.124, RSMo, and to enact in lieu thereof one new section relating to income tax exemptions for military pensions, with an effective date.

SB 287–By Crowell.

An Act to repeal section 313.835, RSMo, and to enact in lieu thereof one new section relating to grants for veterans' service officer programs.

SB 288–By Engler.

An Act to authorize the conveyance of certain state properties, with an emergency clause.

SB 289–By Engler.

An Act to repeal section 337.500, RSMo, and to enact in lieu thereof one new section relating to the licensing of professional counselors.

SB 290–By Engler.

An Act to amend chapter 217, RSMo, by adding thereto one new section relating to minimum pay for certain corrections employees, with an effective date.

SB 291–By Mayer.

An Act to repeal sections 338.330 and 338.370, RSMo, and to enact in lieu thereof seven new sections relating to wholesale distributors of prescription drugs, with penalty provisions.

SB 292–By Mayer.

An Act to repeal sections 210.570, 210.580, 210.595, 210.600, and 210.610, RSMo, and to enact in lieu thereof two new sections relating to the interstate compact for juveniles, with a contingent effective date.

SB 293—By Vogel.

An Act to repeal sections 105.910 and 105.915, RSMo, and to enact in lieu thereof two new sections relating to the administration of the Missouri state public employees deferred compensation fund.

SB 294—By Vogel.

An Act to repeal sections 142.900, 143.221, 143.511, 143.551, and 144.080, RSMo, and to enact in lieu thereof five new sections relating to electronic filing of returns for income, motor fuel, sales, and withholding taxes, with penalty provisions.

SB 295—By Vogel.

An Act to repeal section 303.415, RSMo, and to enact in lieu thereof one new section relating to extending the sunset clause on the insurance database program, with an emergency clause.

SB 296—By Loudon.

An Act to repeal section 313.812, RSMo, and to enact in lieu thereof six new sections relating to a comprehensive legal and factual study of pathological or serious problem gambling and problem gambling in this state.

SB 297—By Loudon.

An Act to amend chapter 385, RSMo, by adding thereto thirteen new sections relating to the vehicle protection product act, with penalty provisions and an effective date for certain sections.

SJR 12—By Crowell.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 2 (a) of article IX of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the state board of education.

SJR 13—By Vogel.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing

section 6 of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to a property tax exemption for personal property of active duty military personnel.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 11, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made by the Mental Health Commission and commissioned by me on December 21, 2006, while the Senate was not in session.

Charles Keith Schafer, 1912 Andrea Drive, Jefferson City, Cole County, Missouri 65101, as the Director of the Department of Mental Health, for a term ending at the pleasure of the Mental Health Commission or the Governor, and until his successor is duly appointed and qualified; vice, Ronnie Dittmore.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 12, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Cara J. Stauffer, submitted on January 3, 2007. Line 4 should be amended as follows:

“and qualified; vice, RSMo. 262.820.”

Respectfully submitted,

MATT BLUNT

President Pro Tem Gibbons referred the above appointment and addendum to the Committee on Gubernatorial Appointments.

CONCURRENT RESOLUTIONS

Senator Shields offered the following

concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 5

WHEREAS, chronic obstructive pulmonary disease (COPD), also known as chronic bronchitis and emphysema, is the fourth leading cause of death in the United States and the only cause of death of the top five causes whose prevalence and death rate are rising; and

WHEREAS, COPD is a chronic progressive disease which impacts over 175,000 residents of Missouri and 24 million Americans; and

WHEREAS, the annual cost to the nation for COPD in 2004 was estimated to be approximately 37 billion dollars; and

WHEREAS, early diagnosis and management of COPD can effectively reduce the overall financial burden of the illness within public programs such as Medicaid; and

WHEREAS, proper management of COPD can lead to improved quality of life and self-sufficiency on the part of patients cared for within public programs:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby encourage the Missouri Rx Plan Advisory Commission to consider disease management of chronic obstructive pulmonary disease in an effort to reduce the financial and clinical burden of COPD illness upon the Medicaid program and the citizens of Missouri; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Missouri Rx Plan Advisory Commission, the Director of the Department of Health and Senior Services, and the Director of the Department of Social Services.

**SECOND READING OF
CONCURRENT RESOLUTIONS**

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

SCR 4—Rules, Joint Rules, Resolutions and Ethics.

REFERRALS

President Pro Tem Gibbons referred **SR 70** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

Senator Koster assumed the Chair.

**SECOND READING OF
SENATE BILLS**

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 1—Judiciary and Civil and Criminal Jurisprudence.

SB 2—Health and Mental Health.

SB 3—Health and Mental Health.

SB 4—Health and Mental Health.

SB 5—Judiciary and Civil and Criminal Jurisprudence.

SB 6—Education.

SB 7—Ways and Means.

SB 8—Ways and Means.

SB 9—Economic Development, Tourism and Local Government.

SB 10—Financial and Governmental Organizations and Elections.

SB 11—Commerce, Energy and the Environment.

SB 12—Pensions, Veterans' Affairs and General Laws.

SB 13—Commerce, Energy and the Environment.

SB 14—Seniors, Families and Public Health.

SB 15—Health and Mental Health.

SB 16—Seniors, Families and Public Health.

SB 17—Transportation.

SB 18—Economic Development, Tourism and Local Government.

SB 19—Transportation.

SB 20—Economic Development, Tourism and Local Government.

SB 21—Economic Development, Tourism and Local Government.

SB 22—Economic Development, Tourism and Local Government.

SB 23—Judiciary and Civil and Criminal Jurisprudence.

SB 24—Transportation.

SB 25—Seniors, Families and Public Health.

SB 26—Transportation.

SB 27—Judiciary and Civil and Criminal Jurisprudence.

SB 28—Judiciary and Civil and Criminal Jurisprudence.

SB 29—Education.

SB 30—Ways and Means.

SB 31—Financial and Governmental Organizations and Elections.

SB 32—Ways and Means.

SB 33—Health and Mental Health.

SB 34—Ways and Means.

SB 35—Judiciary and Civil and Criminal Jurisprudence.

SB 36—Governmental Accountability and Fiscal Oversight.

SB 37—Financial and Governmental Organizations and Elections.

SB 38—Judiciary and Civil and Criminal Jurisprudence.

SB 39—Transportation.

SB 40—Ways and Means.

SB 41—Judiciary and Civil and Criminal Jurisprudence.

SB 42—Ways and Means.

SB 43—Pensions, Veterans' Affairs and General Laws.

SB 44—Judiciary and Civil and Criminal Jurisprudence.

SB 45—Transportation.

SB 46—Seniors, Families and Public Health.

SB 47—Economic Development, Tourism and Local Government.

SB 48—Ways and Means.

SB 49—Commerce, Energy and the Environment.

SB 50—Transportation.

SB 51—Transportation.

SB 52—Transportation.

SB 53—Economic Development, Tourism and Local Government.

SB 54—Commerce, Energy and the Environment.

SB 55—Judiciary and Civil and Criminal Jurisprudence.

SB 56—Governmental Accountability and Fiscal Oversight.

SB 57—Seniors, Families and Public Health.

SB 58—Judiciary and Civil and Criminal Jurisprudence.

SB 59—Ways and Means.

SB 60—Judiciary and Civil and Criminal Jurisprudence.

SB 61—Judiciary and Civil and Criminal Jurisprudence.

SB 62—Judiciary and Civil and Criminal Jurisprudence.

SB 63—Health and Mental Health.

SB 64—Education.

SB 65—Commerce, Energy and the Environment.

SB 66—Small Business, Insurance and Industrial Relations.

SB 67—Judiciary and Civil and Criminal Jurisprudence.

SB 68—Agriculture, Conservation, Parks and Natural Resources.

SB 69—Agriculture, Conservation, Parks and Natural Resources.

SB 70—Small Business, Insurance and Industrial Relations.

SB 71—Seniors, Families and Public Health.

SB 72—Judiciary and Civil and Criminal Jurisprudence.

SB 73—Judiciary and Civil and Criminal Jurisprudence.

SB 74—Financial and Governmental Organizations and Elections.

SB 75—Pensions, Veterans' Affairs and General Laws.

SB 76—Commerce, Energy and the Environment.

SB 77—Seniors, Families and Public Health.

SB 78—Judiciary and Civil and Criminal Jurisprudence.

SB 79—Agriculture, Conservation, Parks and Natural Resources.

SB 80—Seniors, Families and Public Health.

SB 81—Economic Development, Tourism and Local Government.

SB 82—Transportation.

SB 83—Education.

SB 84—Seniors, Families and Public Health.

SB 85—Seniors, Families and Public Health.

SB 86—Ways and Means.

SB 87—Small Business, Insurance and Industrial Relations.

SB 88—Financial and Governmental Organizations and Elections.

SB 89—Economic Development, Tourism and Local Government.

INTRODUCTIONS OF GUESTS

Senator Ridgeway introduced to the Senate, Abbi Howe, St. Louis County; and Martin Thompson, Smithville.

Senator Stouffer introduced to the Senate, John Roche and Peter Gaul, Australia.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

EIGHTH DAY--WEDNESDAY, JANUARY 17, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 90-Nodler

SB 91-Nodler

SB 92-Nodler

SB 93-Bray

SB 94-Bray

SB 95-Bray

SB 96-Days

SB 97-Days

SB 98-Days

SB 99-Mayer

SB 100-Mayer

SB 101-Mayer

SB 102-Stouffer	SB 144-Bray
SB 103-Stouffer	SB 145-Bray and Days
SB 104-Stouffer	SB 146-Bray
SB 105-Graham	SB 147-Nodler
SB 106-Graham	SB 148-Nodler
SB 107-Wilson	SB 149-Nodler
SB 108-Wilson	SB 150-Mayer
SB 109-Wilson	SB 151-Engler
SB 111-Rupp	SB 152-Engler
SB 112-Rupp	SB 153-Engler
SB 113-Shoemyer	SB 154-Graham
SB 114-Scott	SB 155-Engler
SB 115-Scott	SB 156-Engler
SB 116-Griesheimer	SB 157-Engler
SB 117-Griesheimer	SB 158-Engler
SB 118-Griesheimer	SB 159-Engler
SB 119-Nodler	SB 160-Rupp
SB 120-Nodler	SB 161-Shields
SB 121-Nodler	SB 162-Vogel
SB 122-Bray and Days	SB 163-Mayer
SB 123-Bray	SB 164-Scott
SB 124-Bray	SB 165-Scott
SB 125-Days	SB 166-Griesheimer
SB 126-Days	SB 167-Bartle
SB 127-Mayer	SB 168-Mayer and Crowell
SB 128-Stouffer	SB 169-Rupp
SB 129-Stouffer and Crowell	SB 170-Engler
SB 130-Stouffer	SB 171-Nodler
SB 131-Rupp	SB 172-Ridgeway
SB 132-Rupp	SB 173-Ridgeway
SB 133-Rupp	SB 174-Green
SB 135-Nodler	SB 175-Green
SB 136-Nodler	SB 176-Green
SB 137-Bray	SB 177-Green
SB 138-Bray	SB 178-Green
SB 139-Bray	SB 179-Green
SB 140-Rupp	SB 180-Green
SB 141-Nodler	SB 181-Green
SB 142-Nodler and Days	SB 182-Green
SB 143-Nodler	SB 183-Green

SB 184-Green	SB 226-Stouffer
SB 185-Green	SB 227-Graham
SB 186-Green	SB 228-Graham
SB 187-Green	SB 229-Coleman
SB 188-Green	SB 230-Crowell and Koster
SB 189-Green	SB 231-Crowell
SB 190-Green	SB 232-Crowell
SB 191-Days	SB 233-Crowell
SB 192-Crowell	SB 234-Crowell
SB 193-Griesheimer	SB 235-Shields, et al
SB 194-Crowell	SB 236-Shields
SB 195-Crowell	SB 237-Shields and Justus
SB 196-Gross	SB 238-Stouffer
SB 197-Loudon and Graham	SB 239-Stouffer
SB 198-Mayer	SB 240-Stouffer
SB 199-Stouffer	SB 241-Stouffer
SB 200-Stouffer	SB 242-Nodler
SB 202-Stouffer	SB 243-Mayer
SB 203-Lager	SB 244-Mayer
SB 204-Stouffer	SB 245-Goodman
SB 205-Stouffer and Gibbons	SB 246-Goodman
SB 206-Justus	SB 247-Bray
SB 207-Gross	SB 248-Days
SB 209-Griesheimer	SB 249-Gross
SB 210-Crowell	SB 250-Ridgeway and Vogel
SB 211-Goodman	SB 251-Ridgeway and Koster
SB 212-Goodman	SB 252-Ridgeway
SB 213-McKenna	SB 253-Ridgeway
SB 214-McKenna	SB 254-Nodler, et al
SB 215-Loudon	SB 255-Loudon
SB 216-Crowell	SB 256-Loudon
SB 217-Crowell	SB 257-Engler and Crowell
SB 218-Graham	SB 258-Engler
SB 219-Graham	SB 259-Engler
SB 220-McKenna	SB 260-Koster and Justus
SB 221-Callahan	SB 261-Koster
SB 222-Gross	SB 262-Green
SB 223-Rupp	SB 263-Green
SB 224-Rupp	SB 264-Green
SB 225-Stouffer	SB 265-Green

SB 266-Bray, et al	SB 289-Engler
SB 267-Bray, et al	SB 290-Engler
SB 268-Coleman	SB 291-Mayer
SB 269-Scott	SB 292-Mayer
SB 270-Scott	SB 293-Vogel
SB 271-Scott	SB 294-Vogel
SB 272-Scott	SB 295-Vogel
SB 273-Shields	SB 296-Loudon
SB 274-Shields	SB 297-Loudon
SB 275-Ridgeway	SJR 1-Bartle
SB 276-Koster	SJR 2-Bartle and Koster
SB 277-Koster	SJR 3-Bartle
SB 278-Koster	SJR 4-Nodler
SB 279-Griesheimer	SJR 5-Graham
SB 280-Griesheimer	SJR 6-Graham
SB 281-Griesheimer	SJR 7-Graham
SB 282-Griesheimer	SJR 8-Ridgeway
SB 283-Griesheimer	SJR 9-Crowell and Bartle
SB 284-Griesheimer and Nodler	SJR 10-Bartle and Engler
SB 285-Crowell	SJR 11-Gross
SB 286-Crowell	SJR 12-Crowell
SB 287-Crowell	SJR 13-Vogel
SB 288-Engler	

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SCR 5-Shields

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Journal of the Senate

FIRST REGULAR SESSION

EIGHTH DAY—WEDNESDAY, JANUARY 17, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Great men are they who see that spiritual is stronger than material force; that thoughts rule the world.” (Ralph Waldo Emerson)

Gracious God, help us to demonstrate our Love for You through developing greater spiritual strength. Help us to set our priorities in our lives so that we will gain spiritual strength. And help us to always find ways to serve You with those we interact with daily and especially those who work for us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason

Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

Absent—Senators—None

Absent with leave—Senator Clemens—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Rupp offered Senate Resolution No. 87, regarding Tyler Joseph Neumann, Lake Saint Louis, which was adopted.

Senator Rupp offered Senate Resolution No. 88, regarding Corey Allen Tallevast, Lake Saint Louis, which was adopted.

Senator Rupp offered Senate Resolution No. 89, regarding Joshua David “Josh” Fitzgerald, Lake Saint Louis, which was adopted.

Senator Rupp offered Senate Resolution No. 90, regarding Zachary Edwin “Zach” Tallevast, Lake Saint Louis, which was adopted.

Senator Rupp offered Senate Resolution No. 91, regarding James Hunter Noel, Lake Saint Louis, which was adopted.

Senator Rupp offered Senate Resolution No. 92, regarding Erik Robert Nielsen, Lake Saint Louis, which was adopted.

Senator Rupp offered Senate Resolution No. 93, regarding Kyle Robert Nanney, Lake Saint Louis, which was adopted.

Senator Rupp offered Senate Resolution No. 94, regarding Damian Michael Lucas, Lake Saint Louis, which was adopted.

Senator Rupp offered Senate Resolution No. 95, regarding Joshua Conrad “Josh” Reitz, Lake Saint Louis, which was adopted.

Senator Rupp offered Senate Resolution No. 96, regarding Justin Ryan Oswald, Lake Saint Louis, which was adopted.

Senator Rupp offered Senate Resolution No. 97, regarding Brian Michael Neumann, Lake Saint Louis, which was adopted.

Senator Rupp offered Senate Resolution No. 98, regarding Austin Craig Muschamp, Lake Saint Louis, which was adopted.

Senator Rupp offered Senate Resolution No. 99, regarding Arthur Cezary Janikow, Lake Saint Louis, which was adopted.

Senator Rupp offered Senate Resolution No. 100, regarding Brandon James Sullivan, Lake Saint Louis, which was adopted.

Senator Rupp offered Senate Resolution No. 101, regarding Dylan Dwight Stuckey, Lake Saint Louis, which was adopted.

Senator Rupp offered Senate Resolution No. 102, regarding Andrew Jeffrey Sprock, Lake Saint Louis, which was adopted.

Senator Rupp offered Senate Resolution No. 103, regarding Brady Eric Snedden, Lake Saint Louis, which was adopted.

Senator Rupp offered Senate Resolution No. 104, regarding Lance Cooper Novak, Lake Saint Louis, which was adopted.

Senator Rupp offered Senate Resolution No. 105, regarding Nathaniel Dean Moore, Lake Saint Louis, which was adopted.

Senator Rupp offered Senate Resolution No. 106, regarding Garrett Lawrence Haefner, Lake Saint Louis, which was adopted.

Senator Rupp offered Senate Resolution No. 107, regarding Ryan Daniel Fine, Lake Saint Louis, which was adopted.

Senator Gibbons offered Senate Resolution No. 108, regarding Jim and Martha Durbin, which was adopted.

Senator Gibbons offered Senate Resolution No. 109, regarding David and Beverly Collin, which was adopted.

Senator Gibbons offered Senate Resolution No. 110, regarding Barbara Byerly, which was adopted.

Senator Gibbons offered Senate Resolution No. 111, regarding Kirkwood Heating and Air, which was adopted.

Senator Gibbons offered Senate Resolution No. 112, regarding Crestwood Jewelers, which was adopted.

Senator Gibbons offered Senate Resolution No. 113, regarding John Bild, Attorney at Law, Crestwood, which was adopted.

Senator Gibbons offered Senate Resolution No. 114, regarding Brokers Insurance Company, Crestwood, which was adopted.

Senator Gibbons offered Senate Resolution No. 115, regarding Crestwood Shop ‘N Save, which was adopted.

Senator Gibbons offered Senate Resolution No. 116, regarding Rotary Club of Crestwood-Sunset Hills, which was adopted.

Senator Gibbons offered Senate Resolution No. 117, regarding South County Times, Crestwood, which was adopted.

Senator Gibbons offered Senate Resolution No. 118, regarding Todd Organization Employee Benefits Consultant, Crestwood, which was adopted.

Senator Gibbons offered Senate Resolution No. 119, regarding Camie-Campbell, Inc., Crestwood, which was adopted.

Senator Gibbons offered Senate Resolution No. 120, regarding Sant Automotive, Crestwood, which was adopted.

Senator Gibbons offered Senate Resolution No. 121, regarding the City of Crestwood, which was adopted.

Senator Gibbons offered Senate Resolution No. 122, regarding The Perma Jack Company, Crestwood, which was adopted.

Senator Loudon offered Senate Resolution No. 123, regarding J. David Gilbert, Manchester, which was adopted.

Senator Loudon offered Senate Resolution No. 124, regarding Christopher M. Pillarick, Florissant, which was adopted.

Senator Loudon offered Senate Resolution No. 125, regarding Adam D. Pillarick, Florissant, which was adopted.

Senators Gross and Rupp offered Senate Resolution No. 126, regarding the Honorable Tom Dempsey, Saint Charles, which was adopted.

Senator Ridgeway offered Senate Resolution No. 127, regarding Dr. Bill Cross, Gladstone, which was adopted.

Senator Crowell offered Senate Resolution No. 128, regarding Lieutenant Jack Wimp, which was adopted.

Senator Crowell offered Senate Resolution No. 129, regarding Denny Ward, Marquand, which was adopted.

Senator Crowell offered Senate Resolution No. 130, regarding Kayda Thompson, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 131, regarding Pense Brothers Drilling Company, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed.

SB 298—By Engler.

An Act to repeal section 206.090, RSMo, and to enact in lieu thereof one new section relating to hospital districts.

SB 299—By Purgason.

An Act to repeal section 311.178, RSMo, and to enact in lieu thereof one new section relating to special liquor permits for resorts.

SB 300—By Bartle.

An Act to repeal sections 67.2540, 67.2546, 67.2552, 567.080, and 573.503, RSMo, and to enact in lieu thereof nine new sections relating to sexually oriented businesses, with penalty provisions.

SB 301—By Bartle.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to the family friendly work programs tax credit.

SB 302—By Loudon.

An Act to repeal section 429.603, RSMo, and to enact in lieu thereof one new section relating to commercial real estate broker liens.

SB 303—By Loudon, Bray, Scott, Days, Gross, Barnitz and Purgason.

An Act to repeal sections 334.010, 334.120, and 334.260, RSMo, and to enact in lieu thereof eight new sections relating to the practice of midwifery, with penalty provisions.

SB 304—By Loudon.

An Act to amend chapter 374, RSMo, by adding thereto three new sections relating to the

Interstate Insurance Product Regulation Compact.

Senator Koster assumed the Chair.

REFERRALS

President Pro Tem Gibbons referred **SCR 5** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 90—Pensions, Veterans' Affairs and General Laws.

SB 91—Transportation.

SB 92—Commerce, Energy and the Environment.

SB 93—Commerce, Energy and the Environment.

SB 94—Commerce, Energy and the Environment.

SB 95—Health and Mental Health.

SB 96—Financial and Governmental Organizations and Elections.

SB 97—Small Business, Insurance and Industrial Relations.

SB 98—Small Business, Insurance and Industrial Relations.

SB 99—Education.

SB 100—Small Business, Insurance and Industrial Relations.

SB 101—Transportation.

SB 102—Transportation.

SB 103—Transportation.

SB 104—Transportation.

SB 105—Transportation.

SB 106—Education.

SB 107—Judiciary and Civil and Criminal Jurisprudence.

SB 108—Seniors, Families and Public Health.

SB 109—Seniors, Families and Public Health.

SB 111—Education.

SB 112—Governmental Accountability and Fiscal Oversight.

SB 113—Small Business, Insurance and Industrial Relations.

SB 114—Judiciary and Civil and Criminal Jurisprudence.

SB 115—Economic Development, Tourism and Local Government.

SB 116—Pensions, Veterans' Affairs and General Laws.

SB 117—Judiciary and Civil and Criminal Jurisprudence.

SB 118—Small Business, Insurance and Industrial Relations.

SB 119—Pensions, Veterans' Affairs and General Laws.

SB 120—Governmental Accountability and Fiscal Oversight.

SB 121—Financial and Governmental Organizations and Elections.

SB 122—Health and Mental Health.

SB 123—Commerce, Energy and the Environment.

SB 124—Transportation.

SB 125—Health and Mental Health.

SB 126—Financial and Governmental Organizations and Elections.

SB 127—Pensions, Veterans' Affairs and General Laws.

SB 128—Financial and Governmental Organizations and Elections.

SB 129—Transportation.

SB 130—Transportation.

SB 131—Governmental Accountability and Fiscal Oversight.

SB 132—Financial and Governmental Organizations and Elections.

SB 133—Education.

SB 135—Education.

SB 136—Education.

SB 137—Education.

SB 138—Financial and Governmental Organizations and Elections.

SB 139—Transportation.

SB 140—Education.

SB 141—Governmental Accountability and Fiscal Oversight.

SB 142—Governmental Accountability and Fiscal Oversight.

SB 143—Financial and Governmental Organizations and Elections.

SB 144—Judiciary and Civil and Criminal Jurisprudence.

SB 145—Judiciary and Civil and Criminal Jurisprudence.

SB 146—Financial and Governmental Organizations and Elections.

SB 147—Education.

SB 148—Education.

SB 149—Education.

SB 150—Financial and Governmental Organizations and Elections.

SB 151—Agriculture, Conservation, Parks and Natural Resources.

SB 152—Economic Development, Tourism and Local Government.

SB 153—Small Business, Insurance and Industrial Relations.

SB 154—Commerce, Energy and the Environment.

SB 155—Financial and Governmental Organizations and Elections.

SB 156—Financial and Governmental Organizations and Elections.

SB 157—Commerce, Energy and the Environment.

SB 158—Financial and Governmental Organizations and Elections.

SB 159—Financial and Governmental Organizations and Elections.

SB 160—Education.

SB 161—Seniors, Families and Public Health.

SB 162—Ways and Means.

SB 163—Judiciary and Civil and Criminal Jurisprudence.

SB 164—Governmental Accountability and Fiscal Oversight.

SB 165—Commerce, Energy and the Environment.

SB 166—Economic Development, Tourism and Local Government.

SB 167—Judiciary and Civil and Criminal Jurisprudence.

SB 168—Small Business, Insurance and Industrial Relations.

SB 169—Ways and Means.

SB 170—Small Business, Insurance and Industrial Relations.

SB 171—Financial and Governmental Organizations and Elections.

SB 172—Pensions, Veterans' Affairs and General Laws.

SB 173—Seniors, Families and Public Health.

SB 174—Health and Mental Health.

SB 175—Small Business, Insurance and Industrial Relations.

SB 176—Economic Development, Tourism and Local Government.

SB 177—Judiciary and Civil and Criminal Jurisprudence.

SB 178—Small Business, Insurance and Industrial Relations.

SB 179—Health and Mental Health.

SB 180—Pensions, Veterans' Affairs and General Laws.

SB 181—Small Business, Insurance and Industrial Relations.

SB 182—Small Business, Insurance and Industrial Relations.

SB 183—Financial and Governmental Organizations and Elections.

SB 184—Economic Development, Tourism and Local Government.

SB 185—Transportation.

SB 186—Ways and Means.

SB 187—Ways and Means.

SB 188—Ways and Means.

SB 189—Education.

SB 190—Transportation.

SB 191—Health and Mental Health.

SB 192—Judiciary and Civil and Criminal Jurisprudence.

SB 193—Economic Development, Tourism and Local Government.

SB 194—Pensions, Veterans' Affairs and General Laws.

SB 195—Financial and Governmental Organizations and Elections.

SB 196—Judiciary and Civil and Criminal Jurisprudence.

SB 197—Small Business, Insurance and Industrial Relations.

SB 198—Agriculture, Conservation, Parks and Natural Resources.

SB 199—Ways and Means.

SB 200—Transportation.

SB 202—Ways and Means.

SB 203—Education.

SB 204—Agriculture, Conservation, Parks and Natural Resources.

SB 205—Transportation.

SB 206—Agriculture, Conservation, Parks and Natural Resources.

SB 207—Ways and Means.

SB 209—Ways and Means.

SB 210—Commerce, Energy and the Environment.

SB 211—Economic Development, Tourism and Local Government.

SB 212—Economic Development, Tourism and Local Government.

SB 213—Economic Development, Tourism and Local Government.

SB 214—Judiciary and Civil and Criminal Jurisprudence.

SB 215—Small Business, Insurance and Industrial Relations.

SB 216—Judiciary and Civil and Criminal Jurisprudence.

SB 217—Judiciary and Civil and Criminal Jurisprudence.

SB 218—Economic Development, Tourism and Local Government.

SB 219—Financial and Governmental Organi-

zations and Elections.

SB 220—Commerce, Energy and the Environment.

SB 221—Education.

INTRODUCTIONS OF GUESTS

Senator Stouffer introduced to the Senate, Frank and Margie Good, Wellington; and Joe and Karen Edmunds, Napoleon.

Senator Stouffer introduced to the Senate, Mr. and Mrs. Whitney Kerr, Arrow Rock.

Senator Mayer introduced to the Senate, Judith Haggard, Kennett.

Senator Champion introduced to the Senate, Dr. Karen Scott and Patty Moore, Springfield.

Senator Champion introduced to the Senate, Susan Henderson and Paul Thomlinson, Springfield.

Senator Shoemyer introduced to the Senate, Advanced Practice Nurses from around the state.

Senator Gross introduced to the Senate, his intern, Andrew Engler, the son of Senator Engler, Farmington.

Senator McKenna introduced to the Senate, his cousin, T.J. McKenna, St. Louis.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Sean Elliott, D.O., St. Louis.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

NINTH DAY--THURSDAY, JANUARY 18, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 222-Gross
SB 223-Rupp
SB 224-Rupp
SB 225-Stouffer
SB 226-Stouffer
SB 227-Graham
SB 228-Graham
SB 229-Coleman
SB 230-Crowell and Koster
SB 231-Crowell
SB 232-Crowell
SB 233-Crowell
SB 234-Crowell
SB 235-Shields, et al
SB 236-Shields

SB 237-Shields and Justus
SB 238-Stouffer
SB 239-Stouffer
SB 240-Stouffer
SB 241-Stouffer
SB 242-Nodler
SB 243-Mayer
SB 244-Mayer
SB 245-Goodman
SB 246-Goodman
SB 247-Bray
SB 248-Days
SB 249-Gross
SB 250-Ridgeway and Vogel
SB 251-Ridgeway and Koster

SB 252-Ridgeway and McKenna	SB 285-Crowell
SB 253-Ridgeway	SB 286-Crowell
SB 254-Nodler, et al	SB 287-Crowell
SB 255-Loudon	SB 288-Engler
SB 256-Loudon	SB 289-Engler
SB 257-Engler and Crowell	SB 290-Engler
SB 258-Engler	SB 291-Mayer
SB 259-Engler	SB 292-Mayer
SB 260-Koster and Justus	SB 293-Vogel
SB 261-Koster	SB 294-Vogel
SB 262-Green	SB 295-Vogel
SB 263-Green	SB 296-Loudon
SB 264-Green	SB 297-Loudon
SB 265-Green	SB 298-Engler
SB 266-Bray, et al	SB 299-Purgason
SB 267-Bray, et al	SB 300-Bartle
SB 268-Coleman	SB 301-Bartle
SB 269-Scott	SB 302-Loudon
SB 270-Scott	SB 303-Loudon, et al
SB 271-Scott	SB 304-Loudon
SB 272-Scott	SJR 1-Bartle
SB 273-Shields	SJR 2-Bartle and Koster
SB 274-Shields	SJR 3-Bartle
SB 275-Ridgeway	SJR 4-Nodler
SB 276-Koster	SJR 5-Graham
SB 277-Koster	SJR 6-Graham
SB 278-Koster	SJR 7-Graham
SB 279-Griesheimer	SJR 8-Ridgeway
SB 280-Griesheimer	SJR 9-Crowell and Bartle
SB 281-Griesheimer	SJR 10-Bartle and Engler
SB 282-Griesheimer	SJR 11-Gross
SB 283-Griesheimer	SJR 12-Crowell
SB 284-Griesheimer and Nodler	SJR 13-Vogel

Journal of the Senate

FIRST REGULAR SESSION

NINTH DAY—THURSDAY, JANUARY 18, 2007

The Senate met pursuant to adjournment.

Senator Koster in the Chair.

Reverend Carl Gauck offered the following prayer:

“...teach and admonish one another in all wisdom; and with gratitude in your hearts sing psalms, hymns, and spiritual songs to God.” (Colossians 3:16b)

Emanuel, God with us, we rejoice in the opportunity to grow as servants and to be closer to one another and to You. Dwell with us as we meet today and watch over us as we return home to loved ones. And may You find us in Your house of prayer this weekend. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler

Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

Senator Shields announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

President Kinder assumed the Chair.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 132, regarding Phyllis Fencil, Fredericktown, which was adopted.

Senator Lager offered Senate Resolution No. 133, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Jim Schimming, Maryville, which was adopted.

Senator Crowell offered Senate Resolution No. 134, regarding John and Missy Clark, which was adopted.

Senator Lager offered Senate Resolution

No. 135, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lee Hansen, Fairfax, which was adopted.

Senator Lager offered Senate Resolution No. 136, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Eugene Hedrick, Brookfield, which was adopted.

Senator Bray offered Senate Resolution No. 137, regarding the Ninetieth Birthday of Leo Drey, University City, which was adopted.

Senator Kennedy offered Senate Resolution No. 138, regarding Ronald A. Leggett, Saint Louis, which was adopted.

Senator Crowell offered Senate Resolution No. 139, regarding Jason Brewington, Fredericktown, which was adopted.

Senator Gibbons offered Senate Resolution No. 140, regarding Our Lady's Inn of St. Louis and St. Charles, which was adopted.

Senator Grieshiemer offered Senate Resolution No. 141, regarding Rodney Stoyer, Washington, which was adopted.

Senator McKenna offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 142

WHEREAS, the members of the Missouri Senate pause from time to time to recognize residents who have admirably distinguished themselves in their profession, as leaders of their communities, and by contributing an exceptional amount of time and energy to the general well-being of their state and its residents; and

WHEREAS, Harry L.C. Weier, longtime Jefferson County resident, appellate judge, attorney, and civic leader, passed into the next world on September 5, 2006, aged 94 years; and

WHEREAS, Harry L.C. Weier was respected and admired by his family, his friends, his colleagues, and the citizens of Jefferson County and beyond, all of whom will miss his example, skill, support, and friendship; and

WHEREAS, Harry L.C. Weier lived and practiced law in Jefferson County for 34 years; was a Jefferson County Prosecuting Attorney in 1947 and 1948; was a commissioner; and between 1972 and 1982, was a judge on the St. Louis Court of Appeals (now known as the Missouri Court of Appeals, Eastern District); and

WHEREAS, Harry L.C. Weier nobly served his country during the Second World War, in the U.S. Navy, as a gunnery officer; was one of the founders of Jefferson College in Hillsboro, Missouri; and was a member of the Festus Board of Education; and

WHEREAS, Harry L.C. Weier was born in Poplar Bluff, Missouri and earned his bachelor and law degrees from Washington University; and

WHEREAS, Harry L.C. Weier received a Distinguished Alumni Award from the Washington University School of Law; and

WHEREAS, Harry L.C. Weier will be sorely missed by his wife, Frances; by his son, G. William Weier, of Bainbridge Island, Washington; by his daughter, Mary Susan Duncan of Yucca Valley, California; and by his three grandsons and three great-grandchildren:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-fourth General Assembly, join to extend our deepest and sincerest condolences to the family, friends, and colleagues of Harry L.C. Weier; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for presentation to the family of Harry L.C. Weier.

Senator Graham offered Senate Resolution No. 143, regarding Jason G. Buckman, Centralia, which was adopted.

Senator Crowell offered Senate Resolution No. 144, regarding Lloyd F. Stoner, II, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 145, regarding Dave Ward, Fredericktown, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 305—By Kennedy.

An Act to amend chapter 334, RSMo, by adding thereto nine new sections relating to the medical imaging and radiation therapy quality assurance act, with penalty provisions.

SB 306—By Crowell.

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to access to the dome of the state capitol.

SB 307—By Crowell.

An Act to amend chapter 491, RSMo, by adding thereto one new section relating to the disclosure of news sources and information.

SB 308—By Crowell, Clemens, Shoemyer, Callahan and Loudon.

An Act to repeal sections 345.015, 345.030, 345.045, 345.055, 346.030, 346.035, and 346.055, RSMo, and to enact in lieu thereof eight new sections relating to hearing instrument dispensing.

SB 309—By Stouffer.

An Act to repeal sections 384.051 and 384.062, RSMo, and to enact in lieu thereof two new sections relating to the collection of surplus lines tax.

SB 310—By Stouffer.

An Act to repeal section 30.605, RSMo, and to enact in lieu thereof three new sections relating to the imposition of a one-cent sales and use tax to convert Interstate 44 and Interstate 70 into an eight-lane interstate system, with a referendum clause and an expiration date for a certain section.

SB 311—By Scott.

An Act to repeal sections 238.202, 238.207, 238.208, 238.225, and 238.275, RSMo, and to enact in lieu thereof five new sections relating to transportation development districts.

SB 312—By Scott.

An Act to repeal sections 8.294, 37.005, and 37.452, RSMo, and to enact in lieu thereof four new sections relating to the office of administration, with an emergency clause.

SB 313—By Scott.

An Act to repeal sections 700.010, 700.040, 700.045, 700.056, 700.065, 700.070, 700.090, 700.100, 700.115, 700.450, 700.455, 700.460, 700.465, 700.470, and 700.650, RSMo, and to enact in lieu thereof thirteen new sections relating to manufactured homes, with penalty provisions.

SB 314—By Clemens.

An Act to amend chapter 324, RSMo, by adding thereto twelve new sections relating to licensure of clinical laboratory science personnel, with penalty provisions.

SB 315—By Clemens.

An Act to repeal section 537.353, RSMo, and to enact in lieu thereof one new section relating to liability for damage or destruction of field crop products.

SB 316—By Clemens.

An Act to repeal section 260.546, RSMo, and to enact in lieu thereof one new section relating to payment of cleanup costs for anhydrous ammonia releases.

SB 317—By Clemens.

An Act to amend chapter 252, RSMo, by adding thereto one new section relating to poaching, with penalty provisions.

SB 318—By Clemens.

An Act to repeal sections 620.1878 and 620.1881, RSMo, and to enact in lieu thereof two new sections relating to an income tax credit for employer provided tuition reimbursement programs.

SB 319—By Clemens.

An Act to repeal section 143.124, RSMo, and to enact in lieu thereof one new section relating to income taxation.

SB 320—By Clemens.

An Act to repeal sections 340.335, 340.337, 340.339, 340.341, 340.343, 340.345, and 340.347, RSMo, and to enact in lieu thereof seventeen new sections relating to large animal veterinary student loan assistance.

SB 321—By Engler.

An Act to repeal section 494.430, RSMo, and to enact in lieu thereof one new section relating to

persons entitled to be excused from jury service.

SB 322—By Engler.

An Act to repeal section 304.190, RSMo, and to enact in lieu thereof one new section relating to commercial zones.

SB 323—By Graham.

An Act to repeal section 210.861, RSMo, and to enact in lieu thereof one new section relating to the community children's services fund.

SB 324—By Loudon.

An Act to repeal section 135.327, RSMo, and to enact in lieu thereof one new sections relating to the special needs adoption tax credit program.

SB 325—By Loudon.

An Act to repeal section 376.620, RSMo, and to enact in lieu thereof one new section relating to suicide provisions in certain life insurance contracts.

SB 326—By Loudon.

An Act to amend chapter 303, RSMo, by adding thereto one new section relating to the uninsured motorist stipulation of benefits act of 2007.

SB 327—By Loudon.

An Act to amend chapter 507, RSMo, by adding thereto one new section relating to an insurance company's right to intervene in civil actions to determine coverage obligations.

SJR 14—By Clemens.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 20 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the legislative sessions of the general assembly.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 222—Ways and Means.

SB 223—Commerce, Energy and the Environment.

SB 224—Ways and Means.

SB 225—Economic Development, Tourism and Local Government.

SB 226—Transportation.

SB 227—Education.

SB 228—Education.

SB 229—Financial and Governmental Organizations and Elections.

SB 230—Ways and Means.

SB 231—Transportation.

SB 232—Transportation.

SB 233—Economic Development, Tourism and Local Government.

SB 234—Judiciary and Civil and Criminal Jurisprudence.

SB 235—Financial and Governmental Organizations and Elections.

SB 236—Education.

SB 237—Economic Development, Tourism and Local Government.

SB 238—Transportation.

SB 239—Transportation.

SB 240—Transportation.

SB 241—Transportation.

SB 242—Judiciary and Civil and Criminal Jurisprudence.

SB 243—Education.

SB 244—Pensions, Veterans' Affairs and General Laws.

SB 245—Commerce, Energy and the Environment.

SB 246—Judiciary and Civil and Criminal

Jurisprudence.

SB 247—Economic Development, Tourism and Local Government.

SB 248—Health and Mental Health.

SB 249—Small Business, Insurance and Industrial Relations.

SB 250—Financial and Governmental Organizations and Elections.

SB 251—Commerce, Energy and the Environment.

SB 252—Transportation.

SB 253—Ways and Means.

SB 254—Education.

SB 255—Small Business, Insurance and Industrial Relations.

SB 256—Judiciary and Civil and Criminal Jurisprudence.

SB 257—Judiciary and Civil and Criminal Jurisprudence.

SB 258—Judiciary and Civil and Criminal Jurisprudence.

SB 259—Financial and Governmental Organizations and Elections.

SB 260—Seniors, Families and Public Health.

SB 261—Judiciary and Civil and Criminal Jurisprudence.

SB 263—Financial and Governmental Organizations and Elections.

SB 264—Economic Development, Tourism and Local Government.

SB 265—Ways and Means.

SB 266—Judiciary and Civil and Criminal Jurisprudence.

SB 267—Health and Mental Health.

SB 268—Pensions, Veterans' Affairs and General Laws.

SB 269—Financial and Governmental Organizations and Elections.

SB 270—Financial and Governmental Organizations and Elections.

SB 271—Financial and Governmental Organizations and Elections.

SB 272—Financial and Governmental Organizations and Elections.

SB 273—Judiciary and Civil and Criminal Jurisprudence.

SB 274—Health and Mental Health.

SB 275—Financial and Governmental Organizations and Elections.

SB 276—Financial and Governmental Organizations and Elections.

SB 277—Judiciary and Civil and Criminal Jurisprudence.

SB 278—Judiciary and Civil and Criminal Jurisprudence.

SB 279—Small Business, Insurance and Industrial Relations.

SB 280—Judiciary and Civil and Criminal Jurisprudence.

SB 281—Financial and Governmental Organizations and Elections.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Patrick E. Barr, Republican, David R. Henke, Sr., Republican, Herbert S. Dill, Democrat, Wayne A. Foster, Democrat, and John A. Czuba,

Republican, as members of the Missouri Citizens' Commission on Compensation for Elected Officials;

Also,

Lloyalea W. Boettcher and Guenter Goldsmith, as members of the Holocaust Education and Awareness Commission;

Also,

Peter J. Nicastro and Virginia A. Beatty, as members of the Organ Donation Advisory Committee;

Also,

Nuzhat Nisar, M.D., as a member of the Children's Trust Fund Board;

Also,

William T. Reeves and Randy L. Etter, as members of the Missouri Higher Education Loan Authority;

Also,

Deron L. Cherry, Republican, as a member of the Jackson County Sports Complex Authority;

Also,

David A. Cole, Republican, as a member of the Coordinating Board for Higher Education;

Also,

Lorene J. James, Republican, as a member of the Missouri Women's Council;

Also,

Frederick T. Dyer, Republican, as a member of the Saint Charles County Convention and Sports Facilities Authority;

Also,

Kit O. Stahlberg, as a member of the Missouri Planning Council on Developmental Disabilities;

Also,

Janis A. Deimeke, as a member of the

Citizens' Advisory Commission for Marketing Missouri Agricultural Products;

Also,

Cara J. Stauffer, as a member of the Missouri Wine and Grape Board;

Also,

Randy L. Cole, as a member of the Missouri Fire Education Trust Fund Board of Trustees;

Also,

Richard H. Rocha, Republican, as a member of the Air Conservation Commission;

Also,

Claudia Onate Greim, Democrat, as a member of the Missouri Housing Development Commission;

Also,

Warren K. Erdman, Republican, as a member of the University of Missouri Board of Curators.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion, which request was denied.

Mr. President: Your Committee on gubernatorial appointments, to which was referred the appointment of Patrick E. Barr, Republican, as a member of the Missouri Citizens' Commission on Compensation for Elected Officials, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Scott moved that the Committee Report be adopted and the Senate do give its advice and consent to said appointment.

Senator Nodler assumed the Chair.

Senator Ridgeway assumed the Chair.

President Kinder assumed the Chair.

Senator Shields assumed the Chair.

Senator Koster assumed the Chair.

Senator Crowell assumed the Chair.

At the request of Senator Scott, the motion to adopt the Committee Report on Patrick E. Barr was withdrawn.

Senator Gibbons moved that the Committee Reports, as submitted, be approved and the Senate do give its advice and consent in one motion.

Senator Scott offered a substitute motion that the Committee Report on the appointment of Warren K. Erdman be considered first and all other Committee Reports be approved and the Senate give its advice and consent in one motion to said appointments.

Senator Bartle requested a roll call vote be taken on the adoption of the substitute motion and was joined in his request by Senators Barnitz, Callahan, McKenna and Smith.

Senator Koster assumed the Chair.

Senator Crowell assumed the Chair.

A quorum was established by the following vote:

Present—Senators

Barnitz	Bartle	Callahan	Champion
Crowell	Engler	Gibbons	Goodman
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Ridgeway	Rupp
Scott	Shields	Smith	Stouffer
Vogel	Wilson—26		

Absent—Senators

Clemens	Coleman	Days	Graham
Green	Purgason	Shoemyer—7	

Absent with leave—Senator Bray—1

Vacancies—None

A quorum was established by the following vote:

Present—Senators

Barnitz	Bartle	Callahan	Champion
Coleman	Crowell	Engler	Gibbons

Goodman	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—28

Absent—Senators

Clemens	Days	Graham	Green
Purgason—5			

Absent with leave—Senator Bray—1

Vacancies—None

Senator Nodler assumed the Chair.

Senator Koster assumed the Chair.

Senator Crowell assumed the Chair.

The substitute motion made by Senator Scott was adopted by the following vote:

YEAS—Senators

Barnitz	Callahan	Champion	Clemens
Coleman	Crowell	Engler	Gibbons
Goodman	Griesheimer	Gross	Justus
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—27	

NAYS—Senators

Bartle	Kennedy—2
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Absent—Senators

Days	Graham	Green	Purgason—4
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Absent with leave—Senator Bray—1

Vacancies—None

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Warren K. Erdman, Republican, as a member of the University of Missouri Board of Curators, begs leave to report that it has considered the same and recommends that the Senate do give

its advice and consent to said appointment.

Senator Justus moved that the above Committee Report be adopted and the Senate do give its advice and consent to said appointment, which motion prevailed.

Senator Gibbons moved that the remaining Committee Reports, as previously distributed, be adopted and the Senate do give its advice and consent to said appointments, which motion prevailed.

SECOND READING OF SENATE BILLS

The following Bill was read the 2nd time and referred to the Committee indicated:

SB 262—Commerce, Energy and the Environment.

RESOLUTIONS

Senator Gibbons offered Senate Resolution No. 146, regarding Dave Hilgendorf, which was adopted.

Senator Stouffer offered Senate Resolution No. 147, regarding William D. “Bill” Noyes, Macon, which was adopted.

Senator Lager offered Senate Resolution No. 148, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Frank Lupfer, Albany, which was adopted.

Senator Lager offered Senate Resolution No. 149, regarding Patrick O’Riley, Maryville, which was adopted.

Senator Lager offered Senate Resolution No. 150, regarding the Honorable Roger Combs, King City, which was adopted.

Senator Lager offered Senate Resolution No. 151, regarding Janice Radley, Oregon, which was adopted.

Senator Champion offered Senate Resolution No. 152, regarding Ralph Slavens, Springfield, which was adopted.

Senator Scott offered Senate Resolution No. 153, regarding Douglass Freed, Sedalia, which was adopted.

Senator Vogel offered Senate Resolution No. 154, regarding Brian Stanton, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 155, regarding Dr. Mabel C. “Bebe” Kennedy, Saint Louis, which was adopted.

Senator Crowell offered Senate Resolution No. 156, regarding Mike Keefe, which was adopted.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, January 22, 2007.

SENATE CALENDAR

TENTH DAY—MONDAY, JANUARY 22, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 284-Griesheimer and Nodler	SB 313-Scott
SB 285-Crowell	SB 314-Clemens
SB 286-Crowell	SB 315-Clemens
SB 287-Crowell	SB 316-Clemens
SB 288-Engler	SB 317-Clemens
SB 289-Engler	SB 318-Clemens
SB 290-Engler	SB 319-Clemens
SB 291-Mayer	SB 320-Clemens
SB 292-Mayer	SB 321-Engler
SB 293-Vogel	SB 322-Engler
SB 294-Vogel	SB 323-Graham
SB 295-Vogel	SB 324-Loudon
SB 296-Loudon	SB 325-Loudon
SB 297-Loudon	SB 326-Loudon
SB 298-Engler	SB 327-Loudon
SB 299-Purgason	SJR 1-Bartle
SB 300-Bartle	SJR 2-Bartle and Koster
SB 301-Bartle	SJR 3-Bartle
SB 302-Loudon	SJR 4-Nodler
SB 303-Loudon, et al	SJR 5-Graham
SB 304-Loudon	SJR 6-Graham
SB 305-Kennedy	SJR 7-Graham
SB 306-Crowell	SJR 8-Ridgeway
SB 307-Crowell	SJR 9-Crowell and Bartle
SB 308-Crowell, et al	SJR 10-Bartle and Engler
SB 309-Stouffer	SJR 11-Gross
SB 310-Stouffer	SJR 12-Crowell
SB 311-Scott	SJR 13-Vogel
SB 312-Scott	SJR 14-Clemens

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Journal of the Senate

FIRST REGULAR SESSION

TENTH DAY—MONDAY, JANUARY 22, 2007

The Senate met pursuant to adjournment.

Senator Rupp in the Chair.

Reverend Carl Gauck offered the following prayer:

“If the only prayer you say in your whole life is “Thank you,” that would suffice.” (Meister Eckhart)

Gracious God, we are thankful for the needed watering of the earth and the variety of ways that it comes to us, but there are times when it is ice and snow that travel becomes impossible and dangerous. And so we are thankful for those who continue to clear our roads and walkways so that we might be about the various things You have given us to do. We thank You for watching our “going out and coming in” and bringing us safely back to the work we need to do. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 18, 2007 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager

Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

RESOLUTIONS

Senator Bray offered Senate Resolution No. 157, regarding Nicole Brawley, Saint Louis, which was adopted.

Senator Bray offered Senate Resolution No. 158, regarding Emily Callaway, Saint Louis, which was adopted.

Senator Bray offered Senate Resolution No. 159, regarding Ashlea Hallman, Saint Louis, which was adopted.

Senator Bray offered Senate Resolution No. 160, regarding Gabrielle Droesch, Saint Louis, which was adopted.

Senator Bray offered Senate Resolution No. 161, regarding Eddie Rogers, Saint Louis, which was adopted.

Senator Graham offered Senate Resolution

No. 162, regarding Ken Applegate, Columbia, which was adopted.

Senator Champion offered Senate Resolution No. 163, regarding Russ RuBert, Springfield, which was adopted.

Senator Barnitz offered Senate Resolution No. 164, regarding Joseph Krill, Waynesville, which was adopted.

Senator Crowell offered Senate Resolution No. 165, regarding the Leopold R-III School District, which was adopted.

Senator Crowell offered Senate Resolution No. 166, regarding Jerry Grim, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 167, regarding Martin Priggel, Benton, which was adopted.

Senator Kennedy offered Senate Resolution No. 168, regarding Thomas Bozzo, which was adopted.

Senators Ridgeway and Coleman offered Senate Resolution No. 169, regarding the Greater Kansas City, Mid-Missouri, and St. Louis Affiliates of Susan G. Komen for the Cure, which was adopted.

Senator Ridgeway offered Senate Resolution No. 170, regarding Jeremy Christian Tyler Cruz, Liberty, which was adopted.

Senator Lager offered Senate Resolution No. 171, regarding the Eightieth Birthday of Millie Smith, which was adopted.

Senator Lager offered Senate Resolution No. 172, regarding the Ninetieth Birthday of Marie Meyer Funderburk, Maryville, which was adopted.

Senator Lager offered Senate Resolution No. 173, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dean Wiley, Fairfax, which was adopted.

Senator Lager offered Senate Resolution No. 174, regarding the Ninetieth Birthday of

Mabel Adams, Mt. Ayr, Iowa, which was adopted.

Senator Lager offered Senate Resolution No. 175, regarding the Eightieth Birthday of Billy "Bill" Maddock, Maryville, which was adopted.

Senator Lager offered Senate Resolution No. 176, regarding the Ninety-fifth Birthday of Evelyn Boyd Fore, Maryville, which was adopted.

Senator Lager offered Senate Resolution No. 177, regarding the Ninetieth Birthday of Vesta L. Helzer Medsker, Maryville, which was adopted.

Senator Lager offered Senate Resolution No. 178, regarding Charles "Butch" Bayne, Pattonsburg, which was adopted.

Senator Lager offered Senate Resolution No. 179, regarding the Fifty-fifth Wedding Anniversary of Mr. and Mrs. Gordon Comer, Bethany, which was adopted.

Senator Lager offered Senate Resolution No. 180, regarding Rick Horn, Maryville, which was adopted.

Senator Lager offered Senate Resolution No. 181, regarding Lisa Stiens, Skidmore, which was adopted.

Senator Bray offered Senate Resolution No. 182, regarding the Rachel Carson Council, which was adopted.

CONCURRENT RESOLUTIONS

Senators Bray, Smith and Days offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 6

WHEREAS, we affirm the inherent dignity of all people, regardless of color, religion, or immigration status, and we expect equality and justice for all; and

WHEREAS, hard working, tax paying immigrants embody our Missouri values of hard work, faith, and family and come to establish roots in Missouri communities in search of the American Dream; and

WHEREAS, we reject the extremism of anti-immigrant groups that seek to use fear to confuse and divide our communities; and

WHEREAS, we support the right of all Missourians to express their opinions about the best course for our nation's immigration laws and commit ourselves to advancing a civil, respectful, and humane dialogue on the same; and

WHEREAS, we recognize the connections between many anti-immigrant groups and white nationalist organizations and disavow their message of racial hatred; and

WHEREAS, we acknowledge the proud history of our state and our nation as a country of immigrants and believe that immigrants continue to be an important part of our heritage and prosperity:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby call for a unified voice against anti-immigrant groups and their organized bigotry and dangerous vigilantism and continue working together in coalition with immigrant, labor, community, business, and religious groups to promote a welcoming Missouri and protecting the civil and human rights of Missouri's immigrant families while calling on Congress to address our nation's broken immigration system in a comprehensive fashion; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for Governor Matt Blunt and the members of the Missouri congressional delegation.

Senators Bray, Smith and Days offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 7

Relating to the ratification of the Equal Rights Amendment to the United States Constitution.

WHEREAS, three years after women won the right to vote, the Equal Rights Amendment to the United States Constitution, authored by Alice Paul, head of the National Women's Party, was introduced in Congress by Senator Curtis and Representative Anthony, both Republicans; and

WHEREAS, the Equal Rights Amendment to the United States Constitution passed the United States Senate and then the United States House of Representatives, and on March 22, 1972, the proposed Amendment to the United States Constitution was sent to the states for ratification; and

WHEREAS, the Equal Rights Amendment to the United States Constitution states:

"Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Section 3. This amendment shall take effect two years after the date of ratification."; and

WHEREAS, Congress placed a deadline of June 30, 1982, on the ratification process and thirty-five states ratified the proposed Amendment before the deadline; and

WHEREAS, Congress may not have the constitutional authority to place a deadline on the ratification process; and

WHEREAS, Article V of the United States Constitution allows the General Assembly of the State of Missouri to ratify this proposed Amendment to the Constitution of the United States; and

WHEREAS, the General Assembly of the State of Missouri finds that the proposed Amendment is meaningful and needed as part of the United States Constitution and that the present political, social and economic conditions are the same as or are even more demanding today than they were when the proposed Amendment was first submitted for adoption:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-Fourth General Assembly, First Regular Session, the House of Representatives concurring therein, that the Equal Rights Amendment to the United States Constitution is hereby ratified; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Archivist of the United States, Washington, D.C.; the Vice President of the United States; the Speaker of the United States House of Representatives; and each member of the Missouri Congressional Delegation with request that it be printed in the Congressional Record.

Read 1st time.

INTRODUCTION OF BILLS

The following Bills and Joint Resolutions were read the 1st time and ordered printed:

SB 328—By Engler.

An Act to repeal section 260.200, RSMo, and to enact in lieu thereof two new sections relating to bio reactor landfills.

SB 329—By Engler.

An Act to repeal section 444.772, RSMo, and to enact in lieu thereof one new section relating to land reclamation fees.

SB 330—By Engler.

An Act to repeal section 483.245, RSMo, and to enact in lieu thereof one new section relating to

deputy circuit clerks.

SB 331—By Stouffer and Gibbons.

An Act to repeal section 226.030, RSMo, and to enact in lieu thereof one new section relating to eliminating the annual state of the state transportation address.

SB 332—By Stouffer.

An Act to repeal sections 595.010, 595.015, 595.020, 595.025, 595.027, 595.030, 595.035, 595.036, 595.037, 595.040, 595.045, and 595.060, RSMo, and to enact in lieu thereof thirteen new sections relating to the crime victims' compensation fund, with penalty provisions.

SB 333—By Stouffer.

An Act to repeal sections 192.745, 199.001, 199.003, 199.009, and 304.028, RSMo, and to enact in lieu thereof five new sections relating to the brain injury advisory council.

SB 334—By Griesheimer.

An Act to repeal section 407.400, RSMo, and to enact in lieu thereof two new sections relating to brand extensions for beer products.

SB 335—By Griesheimer.

An Act to repeal sections 301.130, 301.140, 301.144, 301.170, 301.177, 301.200, 301.218, 301.280, 301.550, 301.560, 301.567, 301.570, RSMo, section 301.190 as enacted by house committee substitute for senate substitute no. 2 for senate committee substitute for senate bill no. 583, ninety-third general assembly, second regular session, section 301.190 as enacted by senate substitute for senate committee substitute for house bill no. 487 merged with senate bill no. 488, ninety-third general assembly, first regular session, section 301.566 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1288, ninety-second general assembly, second regular session, and section 301.566 as enacted by house substitute for

senate substitute for senate committee substitute for senate bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular session, and to enact in lieu thereof fourteen new sections relating to motor vehicles, with penalty provisions and an effective date for certain sections.

SB 336—By Bray, Days and Smith.

An Act to repeal sections 290.400, 290.410, 290.440, and 290.450, RSMo, and to enact in lieu thereof five new sections relating to equal employment practices.

SB 337—By Bray and Smith.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to business video surveillance of firearms and ammunition, with penalty provisions.

SB 338—By Mayer.

An Act to amend chapter 484, RSMo, by adding thereto one new section relating to allowing attorneys to provide legal services to needy persons without compensation.

SB 339—By Mayer.

An Act to repeal section 290.250, RSMo, and to enact in lieu thereof eight new sections relating to public contracts, with penalty provisions.

SB 340—By Goodman.

An Act to repeal section 375.918, RSMo, and to enact in lieu thereof one new section relating to the use of credit scores by insurance companies.

SB 341—By Goodman.

An Act to repeal sections 306.010, 306.100, 306.132, and 306.221, RSMo, and to enact in lieu thereof four new sections relating to the regulation of watercraft, with penalty provisions.

SB 342—By Kennedy and Coleman.

An Act to repeal section 84.160, RSMo, and to enact in lieu thereof one new section relating to police officer compensation.

SB 343—By Justus.

An Act to repeal sections 211.442, 211.444, 452.445, 452.455, 453.015, 453.040, 475.010, and 475.070, RSMo, and to enact in lieu thereof eight new sections relating to the consent or notice required of an unknown father.

SB 344—By Justus and Wilson.

An Act to repeal section 59.319, RSMo, and to enact in lieu thereof one new section relating to recording fees.

SB 345—By Shoemyer.

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to a county property tax for cemetery maintenance.

SB 346—By Shoemyer.

An Act to repeal section 334.735, RSMo, and to enact in lieu thereof two new sections relating to medical professionals.

SB 347—By Shoemyer.

An Act to repeal section 301.010, RSMo, and to enact in lieu thereof two new sections relating to utility vehicles, with penalty provisions.

SJR 15—By Green.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to term limits.

SJR 16—By Shoemyer.

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 26(b) of article VI of the Constitution of Missouri, and adopting one new section in lieu thereof relating to submission of certain ballot measures by local governments.

CONCURRENT RESOLUTIONS

Senator Wilson offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 8

WHEREAS, in the aftermath of the Anderson Guest House Residential Care Facility fire on November 27, 2006, in which eleven deaths occurred, Governor Matt Blunt directed the Department of Health and Senior Services and the Department of Mental Health to review their respective fire safety regulations for residential care facilities; and

WHEREAS, the purpose of the review was to identify strategies and recommendations for enhancing current requirements to ensure the safety of residents; and

WHEREAS, on December 29, 2006, the departments issued a final joint report with recommendations on fire safety requirements; and

WHEREAS, the report issued eleven recommendations for improving fire safety including seven recommendations that could be implemented administratively by the departments either internally or through the rule-making process:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, First Regular Session, the House of Representatives concurring therein, urge the Department of Health and Senior Services and Department of Mental Health to implement the recommendations issued by the departments and deemed possible through the administrative and rule-making process.

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution to the Governor and to the directors of the Department of Health and Senior Services and Department of Mental Health.

COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following committee, pursuant to **HCR 2**: Senators Gibbons, Shields, Coleman, Rupp, Lager, Goodman, Days, McKenna, Shoemyer and Justus.

RE-REFERRALS

President Pro Tem Gibbons re-referred **SB 225** to the Committee on Agriculture, Conservation, Parks and Natural Resources.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 282—Economic Development, Tourism and Local Government.

SB 283—Economic Development, Tourism and Local Government.

SB 284—Commerce, Energy and the Environment.

SB 285—Judiciary and Civil and Criminal Jurisprudence.

SB 286—Ways and Means.

SB 287—Pensions, Veterans' Affairs and General Laws.

SB 288—Economic Development, Tourism and Local Government.

SB 289—Financial and Governmental Organizations and Elections.

SB 290—Financial and Governmental Organizations and Elections.

SB 291—Financial and Governmental Organizations and Elections.

SB 292—Seniors, Families and Public Health.

SB 293—Financial and Governmental Organizations and Elections.

SB 294—Ways and Means.

SB 295—Small Business, Insurance and Industrial Relations.

SB 296—Ways and Means.

SB 297—Small Business, Insurance and Industrial Relations.

SB 298—Economic Development, Tourism and Local Government.

SB 299—Economic Development, Tourism and Local Government.

SB 300—Judiciary and Civil and Criminal Jurisprudence.

SB 301—Ways and Means.

SB 302—Judiciary and Civil and Criminal Jurisprudence.

SB 303—Pensions, Veterans' Affairs and General Laws.

SB 304—Small Business, Insurance and Industrial Relations.

SB 305—Seniors, Families and Public Health.

SB 306—Financial and Governmental Organizations and Elections.

SB 307—Judiciary and Civil and Criminal Jurisprudence.

SB 308—Financial and Governmental Organizations and Elections.

SB 309—Financial and Governmental Organizations and Elections.

SB 310—Transportation.

SB 311—Economic Development, Tourism and Local Government.

SB 312—Financial and Governmental Organizations and Elections.

SB 313—Commerce, Energy and the Environment.

SB 314—Financial and Governmental Organizations and Elections.

SB 315—Agriculture, Conservation, Parks and Natural Resources.

SB 316—Agriculture, Conservation, Parks and Natural Resources.

SB 317—Agriculture, Conservation, Parks and Natural Resources.

SB 318—Ways and Means.

SB 319—Ways and Means.

SB 320—Education.

SB 321—Judiciary and Civil and Criminal Jurisprudence.

SB 322—Economic Development, Tourism and Local Government.

SB 323—Economic Development, Tourism and Local Government.

SB 324—Ways and Means.

SB 325—Small Business, Insurance and Industrial Relations.

SB 326—Judiciary and Civil and Criminal Jurisprudence.

SB 327—Judiciary and Civil and Criminal Jurisprudence.

SJR 1—Transportation.

SJR 2—Agriculture, Conservation, Parks and Natural Resources.

SJR 3—Governmental Accountability and Fiscal Oversight.

SJR 4—Pensions, Veterans' Affairs and General Laws.

SJR 5—Governmental Accountability and Fiscal Oversight.

SJR 6—Financial and Governmental Organizations and Elections.

SJR 7—Governmental Accountability and Fiscal Oversight.

SJR 8—Education.

SJR 9—Judiciary and Civil and Criminal Jurisprudence.

SJR 10—Judiciary and Civil and Criminal Jurisprudence.

SJR 11—Financial and Governmental Organizations and Elections.

SJR 12—Education.

SJR 13—Ways and Means.

SJR 14—Governmental Accountability and Fiscal Oversight.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

January 18, 2007

President Pro-tem Michael Gibbons
State Capitol
Room 326
Jefferson City, MO 65101

Dear Senator Gibbons,

Please accept this letter as notification of my resignation from the Missouri Military Preparedness and Enhancement Commission.

During my nearly 2 years on the Commission, I have been struck by the passion with which its members show in their advocacy for our military personnel and their families. I am confident that their work has and will continue to make Missouri a more military-friendly state, and will improve the quality of life for our armed service personnel.

While I intend to remain active in the work of the commission, I am afraid that my current schedule will not allow me to maintain my membership.

Thank you for your attention to this matter.

Respectfully,

/s/ Chris Koster

CHRIS KOSTER

Missouri State Senator

INTRODUCTIONS OF GUESTS

Senator Shields introduced to the Senate, Jessica Bahrke, St. Joseph.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

ELEVENTH DAY—TUESDAY, JANUARY 23, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 328-Engler	SB 339-Mayer
SB 329-Engler	SB 340-Goodman
SB 330-Engler	SB 341-Goodman
SB 331-Stouffer and Gibbons	SB 342-Kennedy and Coleman
SB 332-Stouffer	SB 343-Justus
SB 333-Stouffer	SB 344-Justus and Wilson
SB 334-Griesheimer	SB 345-Shoemyer
SB 335-Griesheimer	SB 346-Shoemyer
SB 336-Bray, et al	SB 347-Shoemyer
SB 337-Bray and Smith	SJR 15-Green
SB 338-Mayer	SJR 16-Shoemyer

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SCR 6-Bray, et al	SCR 8-Wilson
SCR 7-Bray, et al	

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Journal of the Senate

FIRST REGULAR SESSION

ELEVENTH DAY—TUESDAY, JANUARY 23, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“What no eye has seen, nor ear heard, nor the human heart conceived, what God has prepared for those who love him” (I Corinthians 2:9)

Awesome God, we thank You for what You have revealed that enlightens our eyes to see the real as life's spiritual realities which You have placed before us. We thank You for the love and grace that opens us to receive Your Spirit so that what we say and do might reflect Your presence and direction for us and others. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler

Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Smith offered Senate Resolution No. 183, regarding American Overhead Door Wholesalers, Inc., St. Louis, which was adopted.

Senator Purgason offered Senate Resolution No. 184, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Larry Whitworth, which was adopted.

Senator Purgason offered Senate Resolution No. 185, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Lawrence Dill, Conway, which was adopted.

Senator Purgason offered Senate Resolution No. 186, regarding the Fifty-fifth Wedding Anniversary of Mr. and Mrs. Thayne Fast, Lebanon, which was adopted.

Senator Stouffer offered Senate Resolution No. 187, regarding Albert “Al” Abbadessa, Bevier, which was adopted.

Senator Vogel offered Senate Resolution No. 188, regarding the One Hundredth Birthday of Mable Smith, Tipton, which was adopted.

Senator Vogel offered Senate Resolution No. 189, regarding Brian Joseph Taylor, Jefferson City, which was adopted.

Senator Ridgeway offered Senate Resolution No. 190, regarding Darryl Johnson, Smithville, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 348—By Koster and Green.

An Act to repeal sections 172.360, 174.130, 178.635, and 178.780, RSMo, and to enact in lieu thereof twenty new sections relating to the Missouri omnibus immigration act, with penalty provisions.

SB 349—By Clemens.

An Act to repeal section 301.010, RSMo, and to enact in lieu thereof one new section relating to the regulation of motor vehicles that transport harvested forest products.

SB 350—By Clemens.

An Act to repeal section 407.815, RSMo, and to enact in lieu thereof one new section relating to the motor vehicle franchise practices act.

SB 351—By Clemens.

An Act to repeal section 252.041, RSMo, and to enact in lieu thereof one new section relating to hunting, with penalty provisions.

SB 352—By Clemens.

An Act to repeal section 304.022, RSMo, and to enact in lieu thereof one new section relating to emergency vehicles, with penalty provisions.

SB 353—By Engler.

An Act to repeal section 135.300, RSMo, and to enact in lieu thereof one new section relating to the wood energy tax credit.

SB 354—By Bray and Justus.

An Act to repeal sections 546.680, 546.690, 546.700, 546.710, 546.720, 546.730, 546.740, 546.750, 546.800, 546.810, 546.820, 565.004, 565.006, 565.020, 565.030, 565.032, 565.035, and 565.040, RSMo, and to enact in lieu thereof four new sections relating to repealing the death penalty, with penalty provisions.

SB 355—By Vogel.

An Act to repeal section 144.083, RSMo, and to enact in lieu thereof one new section relating to prerequisites for certain occupation licenses.

SB 356—By Gross.

An Act to repeal section 67.1158, RSMo, and to enact in lieu thereof one new section relating to county convention and sports facility authorities.

SB 357—By Green.

An Act to amend chapter 197, RSMo, by adding thereto one new section relating to emergency services.

REFERRALS

President Pro Tem Gibbons referred **SCR 6** and **SCR 8** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

SCR 7—Rules, Joint Rules, Resolutions and Ethics.

COMMUNICATIONS

Senator Shields submitted the following:

January 17, 2007

Ms. Terry Spieler
Secretary of the Senate
State Capitol, Office 325
Jefferson City, MO 65101

Dear Ms. Spieler

The Rules, Joint Rules, Resolutions and Ethics Committee met today in Senate Committee Room 1. All members present voted to unanimously approve the 94th General Assembly's Missouri Senate Majority Caucus.

A list of the members is attached.

Sincerely,
/s/ Charlie
Charlie Shields

Missouri Senate Majority Caucus:

Senator Matt Bartle	Senator Norma Champion
Senator Dan Clemens	Senator Jason Crowell
Senator Kevin Engler	Senator Mike Gibbons
Senator Jack Goodman	Senator John Griesheimer
Senator Chuck Gross	Senator Chris Koster
Senator Brad Lager	Senator John Loudon
Senator Robert Mayer	Senator Gary Nodler
Senator Chuck Purgason	Senator Luann Ridgeway
Senator Scott Rupp	Senator Delbert Scott
Senator Charlie Shields	Senator Bill Stouffer
Senator Carl Vogel	

Also,

January 17, 2007

Ms. Terry Spieler
Secretary of the Senate
State Capitol, Office 325
Jefferson City, MO 65101

Dear Ms. Spieler

The Rules, Joint Rules, Resolutions and Ethics Committee met today in Senate Committee Room 1. All members present voted to unanimously approve the 94th General Assembly's St. Charles County Area Caucus.

A list of the members is attached.

Sincerely,
/s/ Charlie
Charlie Shields

St. Charles County Area Caucus:

Senator Chuck Gross	Senator Scott Rupp
Representative Carl Bearden	Representative Tom Dempsey
Representative Bob Onder	Representative Doug Funderburk
Representative Joe Smith	Representative Vicki Schneider
Representative Cynthia Davis	Representative Kevin Threlkeld
Representative Sally Faith	

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

TWELFTH DAY—WEDNESDAY, JANUARY 24, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 328-Engler
SB 329-Engler
SB 330-Engler
SB 331-Stouffer and Gibbons
SB 332-Stouffer

SB 333-Stouffer
SB 334-Griesheimer
SB 335-Griesheimer
SB 336-Bray, et al
SB 337-Bray and Smith

SB 338-Mayer	SB 349-Clemens
SB 339-Mayer	SB 350-Clemens
SB 340-Goodman	SB 351-Clemens
SB 341-Goodman	SB 352-Clemens
SB 342-Kennedy and Coleman	SB 353-Engler
SB 343-Justus	SB 354-Bray and Justus
SB 344-Justus and Wilson	SB 355-Vogel
SB 345-Shoemyer	SB 356-Gross
SB 346-Shoemyer	SB 357-Green
SB 347-Shoemyer	SJR 15-Green
SB 348-Koster and Green	SJR 16-Shoemyer

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Journal

Copy

Journal of the Senate

FIRST REGULAR SESSION

TWELFTH DAY—WEDNESDAY, JANUARY 24, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Whatsoever your hand finds to do, do with your might....”
(Ecclesiastes 9:10)

Lord God, keep us ever faithful to the present task before us. Help us to do each task with all our mind, body and spirit so that it will be done with unflagging zeal and unabated diligence. We do not know when we will not be able to continue so help us to make the best of the present so that You can take what we have done and make the best of the future. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler

Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Coleman offered Senate Resolution No. 191, regarding the death of Consuelo Elois Kirwan Young, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 192, regarding Dr. Danny Wedding, Ph.D., MPH, which was adopted.

Senator Smith offered Senate Resolution No. 193, regarding the Ninety-fifth Birthday of Marguerite Malone Viveros, Kirksville, which was adopted.

Senator Gibbons offered Senate Resolution No. 194, regarding the Missouri Society of Certified Public Accountants, which was adopted.

Senator Justus offered Senate Resolution No. 195, regarding the death of Lara Ann Phelps

Dwyer, Castle Pines, Colorado, which was adopted.

Senator Barnitz offered Senate Resolution No. 196, regarding Jeffery A. Kerr, D.O., Rolla, which was adopted.

Senator Lager offered Senate Resolution No. 197, regarding Colter Hill, Jamesport, which was adopted.

Senator Lager offered Senate Resolution No. 198, regarding Clifton DeShon, Stewartsville, which was adopted.

Senator Lager offered Senate Resolution No. 199, regarding Janet Shell, Savannah, which was adopted.

Senator Purgason offered Senate Resolution No. 200, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Leo Marler, Camdenton, which was adopted.

Senator Purgason offered Senate Resolution No. 201, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Cecil Bechtel, Jr., Richland, which was adopted.

Senator Purgason offered Senate Resolution No. 202, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jack Lewis, Long Lane, which was adopted.

Senator Purgason offered Senate Resolution No. 203, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Harold Smith, West Plains, which was adopted.

Senator Purgason offered Senate Resolution No. 204, regarding the Hazel Harrison Family, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 205, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lewis Bradshaw, West Plains, which was adopted.

Senator Purgason offered Senate Resolution No. 206, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Marvin Cook,

Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 207, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Duane Sutton, Houston, which was adopted.

Senator Purgason offered Senate Resolution No. 208, regarding the Clell Coleman Family, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 209, regarding the Sorenson Family, Camden County, which was adopted.

Senator Crowell offered Senate Resolution No. 210, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Cullen Mattingly, which was adopted.

Senator Crowell offered Senate Resolution No. 211, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Herbert Scheeter, Cape Girardeau, which was adopted.

Senator Gross offered Senate Resolution No. 212, regarding Brad Farber, which was adopted.

Senator Gross offered Senate Resolution No. 213, regarding the Honorable Tom Dempsey, which was adopted.

Senator Gross offered Senate Resolution No. 214, regarding Julie Eckstein, St. Peters, which was adopted.

Senators Gross and Rupp offered Senate Resolution No. 215, regarding Julie Eckstein, St. Peters, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 358—By Engler.

An Act to repeal section 301.640, RSMo, and to enact in lieu thereof one new section relating to

the release of a lienholder's rights upon the satisfaction of a lien or encumbrance, with penalty provisions.

SB 359—By Goodman.

An Act to repeal section 455.040, RSMo, and to enact in lieu thereof one new section relating to adult abuse orders.

SB 360—By Goodman.

An Act to repeal section 78.610, RSMo, and to enact in lieu thereof one new section relating to city managers.

SB 361—By Goodman.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to an income tax credit for volunteer firefighters.

SB 362—By Shoemyer, Barnitz, Callahan, Days, Coleman, Bray, Smith, Graham, Kennedy, Green, Justus, McKenna and Wilson.

An Act to repeal sections 173.200, 173.203, 173.205, 173.210, 173.215, 173.225, 173.230, 173.250, 173.360, 173.385, 173.425, 173.810, 173.813, 173.816, 173.820, 173.825, 173.827, and 173.830, RSMo, and to enact in lieu thereof thirteen new sections relating to higher education funding, with an emergency clause.

SB 363—By Bartle.

An Act to repeal section 306.125, RSMo, and to enact in lieu thereof two new sections relating to the regulation of watercraft, with an emergency clause.

SB 364—By Koster.

An Act to repeal section 537.295, RSMo, and to enact in lieu thereof two new sections relating to agricultural operations.

SB 365—By Koster.

An Act to amend chapter 205, RSMo, by adding thereto one new section relating to community health districts.

SB 366—By Koster and Justus.

An Act to amend chapter 589, RSMo, by adding thereto nine new sections relating to address confidentiality for victims of certain crimes.

SB 367—By Bray and Days.

An Act to repeal section 116.090, RSMo, and to enact in lieu thereof one new section relating to signing initiative and referendum petitions, with penalty provisions.

SB 368—By Barnitz, Justus, Loudon, Graham, Griesheimer, Callahan, Scott, McKenna, Kennedy, Shoemyer, Bray, Smith, Koster, Days and Coleman.

An Act to repeal sections 28.160, 41.950, 347.179, 351.047, 351.120, 351.125, 351.127, 351.145, 351.155, 351.484, 351.592, 351.594, 351.598, 351.602, 351.690, 355.016, 355.021, 355.066, 355.071, 355.176, 355.688, 355.706, 355.796, 355.806, 355.811, 355.821, 355.856, and 356.211, RSMo, and to enact in lieu thereof thirty new sections relating to corporate filings with the secretary of state.

SB 369—By Scott.

An Act to repeal sections 43.060 and 590.030, RSMo, and to enact in lieu thereof two new sections relating to requirements for certain law enforcement personnel.

SB 370—By Scott.

An Act to repeal section 197.200, RSMo, and to enact in lieu thereof one new section relating to abortion services.

SB 371—By Scott.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to exempting certain types of vehicles from registration and licensing laws.

SB 372—By Justus and Koster.

An Act to amend chapter 589, RSMo, by

adding thereto nine new sections relating to address confidentiality for victims of certain crimes.

SB 373—By Rupp.

An Act to amend chapters 488 and 590, RSMo, by adding thereto twelve new sections relating to the law enforcement safety fund, with penalty provisions.

SB 374—By Rupp.

An Act to amend chapter 354, RSMo, by adding thereto one new section relating to the issuance of high deductible health plans by health maintenance organizations.

COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed Senator Gross to replace Senator Rupp on the escort committee pursuant to **HCR 2**.

On motion of Senator Shields, the Senate recessed until 6:45 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Griesheimer.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk, reading of which was waived:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following escort committee for the Lieutenant Governor and Senators attending the State of the State address: Representatives Schoeller, Ruestman, Scharnhorst, Pearce, Wilson (119), Hobbs, Yaeger, Wright-Jones, Meadows and Bland.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the

Speaker has appointed the following Escort committee to act with a like committee from the Senate pursuant to **HCR 2**. Representatives Grisamore, Silvey, Wasson, Fares, Wright, Schlottach, Johnson, Baker (25), Salva and Skaggs.

Senator Shields moved that the Senate recess to repair to the House of Representatives to receive the State of the State Address from His Excellency, Governor Matt Blunt, which motion prevailed.

JOINT SESSION

The Joint Session was call to order by President Kinder.

The Junior ROTC from Central High School, St. Joseph, presented the colors.

The Pledge of Allegiance to the Flag was recited.

On roll call the following Senators were present:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On roll call the following Representatives were present:

Present—Representatives

Aull	Baker 25	Baker 123	Bearden
Bivins	Bland	Brandom	Bringer
Bruns	Burnett	Casey	Chappell-Nadal

Cooper 120	Cooper 155	Cooper 158	Corcoran
Cox	Cunningham 145	Cunningham 86	Curls
Darrough	Daus	Davis	Day
Deeken	Dempsey	Denison	Dethrow
Dixon	Dougherty	Dusenberg	El-Amin
Emery	Ervin	Faith	Fallert
Fares	Fisher	Flook	Frame
Franz	Funderburk	George	Grill
Grisamore	Guest	Harris 23	Harris 110
Hobbs	Hodges	Holsman	Hoskins
Hubbard	Hughes	Icet	Johnson
Jones 89	Jones 117	Kelly	Kingery
Komo	Kratky	Kraus	Kuessner
Lampe	Lembke	LeVota	Lipke
Loehner	Low 39	Lowe 44	Marsh
May	McClanahan	McGhee	Meadows
Meiners	Moore	Munzlinger	Muschany
Nance	Nasheed	Nieves	Nolte
Norr	Onder	Oxford	Page
Parson	Pearce	Pollock	Portwood
Pratt	Quinn 7	Quinn 9	Richard
Robb	Robinson	Roorda	Rucker
Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schneider
Schoeller	Schoemehl	Self	Shively
Silvey	Skaggs	Smith 14	Smith 150
Spreng	Stevenson	St. Onge	Storch
Stream	Sutherland	Swinger	Thomson
Threlkeld	Tilley	Todd	Viebrock
Villa	Vogt	Wallace	Walsh
Wasson	Wells	Weter	Whorton
Wildberger	Wilson 119	Wilson 130	Witte
Wood	Wright 159	Wright-Jones	Yaeger
Yates	Young	Zimmerman	Zweifel
Mr. Speaker—153			

Nays—Representatives

Haywood Talboy—2

Absent and Absent with Leave—Representatives

Avery	Bowman	Brown 30	Brown 50
Donnelly	Hunter	Liese	Walton—8

The Joint Committee appointed to wait upon His Excellency, Governor Matt Blunt, escorted the Governor to the dais where he delivered the State

of the State Address to the Joint Assembly:

Lt. Governor Kinder, Mr. President Pro Tem, Mr. Speaker, distinguished state officials, judges of the Supreme Court, members of the General Assembly, reverend clergy, my fellow Missourians:

The tradition of this address began when President George Washington stood before an uncertain legislature, at an uncertain time in our young nation's history, and urged the Congress to prolong this great experiment, "the United States of America," by promoting science and learning.

Two years ago I stood before you at a time of uncertainty in our own state. I asked for your help in re-ordering priorities and returning to fiscal discipline. I asked you to join me in rejecting complacency so that we could create conditions that would lead to prosperity for every Missourian.

Tonight, I stand before you pleased to report that because of our work together the days of economic uncertainty are in the past.

Now we have reason for renewed optimism, reason to stand strong with hope for the future. Opportunities are increasing and Missouri families have a better quality of life.

More than 50,000 jobs have been created and Missourians are enjoying greater prosperity.

Fellow Missourians, the state of our state is strong, prosperous, and vibrant.

We cannot and should not rest on these important accomplishments. **We must do more!**

I have traveled all across our great state. I have talked with Missourians and I have listened. The people are asking us to continue moving the state forward, and their will should guide our efforts.

Mothers and fathers want the financial security that enables them to provide for their children's future. They want the peace of mind that comes from knowing that their children will receive a world class education every time they step into a Missouri classroom; that their children will be protected from predators when they log on to the Internet or ride their bike to the neighborhood park; that they will grow up in a culture that is kind and just; and that they will have access to higher education that will unleash their full potential.

Sons and daughters want to know that their parents and loved ones will be taken care of; that their health care will be of the highest quality; and that their leaders will honor the promises and commitments made to a great generation of Americans.

Grandparents want their grandchildren to live in a decent society, and they want confidence that the values that have made America great will be transmitted to yet another generation. They want to know that we are working to ensure safety in nursing homes and other long-term care facilities; and that we respect and will not cut people's Social Security.

Missouri families want confidence that their government is

looking out for their interests instead of its own; that we are pursuing results instead of partisanship; and that we will deliver on pledges and commitments. So let us work together to fulfill promises, beginning with the promise that we will put Missouri families first.

Quality, Affordable Health Care

As I visit with Missouri families, one of their chief concerns, and in many cases one of their greatest worries, is how they will afford health care. Missourians are also very concerned about the sick and the poor.

The old Medicaid system was bankrupting our state but, even more importantly, the old system was failing Missourians who need help. Bad management permitted widespread abuse by providers and ineligible recipients at a cost of hundreds of millions of dollars—money that should have been used for Missouri's most vulnerable citizens. The old system was so bad that Medicaid was even paying for Viagra for sex offenders.

The decisions we made saved Medicaid and set us on a course to dramatically improve care for the sick and poor beginning now.

Since I took office, I have been visiting with Missourians about their health care concerns. Missourians are worried about those who lack insurance. This is my concern as well. **Tonight I promise to deliver improved access to affordable health care for every Missourian, and the guarantee that the sick and the poor will be well served.**

With the advice and suggestions of many in this Chamber and thousands across our state, we developed Missouri HealthNet to replace the old Medicaid system.

What I propose with Missouri HealthNet is not a minor reform. It is an entirely new system. It will stand apart from what any other state has done or is doing. The Medicaid program we inherited was a paper-based system, basically unchanged from its original 1967 model. HealthNet will put people first. The old Medicaid failed to focus on prevention and wellness. HealthNet will improve the health of the sick and the poor.

The Medicaid we inherited focused on rules and made recipients dependant on checklists and bureaucratic red tape. HealthNet will give Missourians meaningful choices. It will empower them to be participants rather than just recipients. The old Medicaid was about sickness. The new HealthNet will be about prevention and wellness.

With Missouri HealthNet, for the first time in Missouri history we will guarantee that every participant has access to primary and preventative care.

HealthNet recognizes that Missourians should all have one central point of contact and a doctor who knows them personally. HealthNet provides this access by empowering participants to choose their health care home.

I recently had the opportunity to talk with Dr. Heidi Miller, a young doctor who cares for indigent Missourians at Family Care

Health Centers in St. Louis. Dr. Miller explained why she believes in the health care home. Dr. Miller described the health care home as a place you know, and a place that knows you. She described the health care home as a place that makes you feel safe, a place where you do not have to explain yourself every time, a place where you can go in your time of need. I agree with Dr. Miller. A health care home offers a place to build relationships, and that is why it is a cornerstone of HealthNet.

HealthNet takes the whole person into account. It will use a health risk assessment to develop a plan of care for improved health and, help to avoid unnecessary emergency room visits and unnecessary hospitalizations.

HealthNet recognizes that some people need more help and attention than others. The most vulnerable participants often have extensive health care needs and they will have the option to participate in the Chronic Care Improvement Program. We are expanding this important program to cover patients with sickle cell disease.

HealthNet also will embrace technology to ensure that all health care information is available to patients and providers in a **secure** system.

HealthNet recognizes that the old Medicaid did little to reward good providers for improving the health of their patients. Unlike the old Medicaid system, HealthNet will pay providers for results, not just visits or tests. In addition to **providing** all of these benefits, HealthNet will also give participants incentives.

Perhaps most importantly, HealthNet will empower the participant to make their own healthcare choices. HealthNet will significantly expand the number of participants who are allowed to choose their own health plan or to purchase health insurance. We should provide options for care so participants can choose a health plan that is right for them. And we must unleash the power of the free market by empowering participants to be informed and active consumers. This will drive out cost and lead to higher quality care. My HealthNet proposal expands choice and empowers participants.

Federally Qualified Health Centers already serve as the medical home to nearly 300,000 Missourians, providing comprehensive and quality care in nearly 110 community health centers. These centers are making health care available to uninsured Missourians.

So I have made them a budget priority. Over the last two years you and I have worked together to support the creation of new health centers across the state. We should continue that effort. My budget will provide 60 million dollars for improvements, construction and equipment at community health centers throughout Missouri.

Many employers—particularly small businesses—struggle to pay for the health care of their employees. To those employers who are providing good health benefits: Thank you.

Your support of your employees is appreciated. And that is

why I am asking this legislature to cut the franchise tax for businesses that provide health insurance. My plan could eliminate the tax for 87 percent of employers and virtually all of our small businesses paying the tax, but they only qualify if they are providing health benefits to their workers.

More than 5 million Missourians have health insurance, but 700,000 are yet to be covered. I believe that we can dramatically increase the number who have health insurance. Innovative ideas are being discussed in this Capitol. We must work together to reduce the uninsured by employing the following principles:

First, we should combine various resources—federal and state, public and private—to lower the price of insurance.

Second, we should offer incentives to employers that provide health insurance such as the franchise tax cut I outlined.

Third, we should improve our laws so that Missourians can take their insurance with them when they switch jobs.

Fourth, we should pool the purchasing power of the uninsured to help them buy insurance at the lowest possible cost.

Fifth, we should allow employers **and employees** to pay insurance premiums with tax free dollars.

And sixth, the state should invest money to launch a program taking all of these principles into account and I commit 20 million dollars to launch this initiative.

We can do all of this, and we can make the system work for every single Missourian.

These principles, combined with HealthNet will provide health coverage to more Missourians than ever before in our state's history.

We already have created opportunities for many uninsured by passing legislation to allow small businesses to provide their employees with high quality health care at an affordable price by forming Association Health Plans. Companies that had never before been able to afford health care for their employees were given the ability to purchase quality, affordable health care. And initial premium savings ranged from 18 percent for the largest employers to as much as 40 to 50 percent for small employers. I call on the Congress to enact the same laws and level the playing field for all Americans.

We have a moral obligation to protect the innocent and vulnerable. Our children are among the most vulnerable. As I travel the state, I have visited with family after family that is dealing with autism. Autism Spectrum Disorders affect more lives than pediatric cancer, diabetes and AIDS combined. Early diagnosis of autism dramatically improves the development of children who have the disorder. Fortunately, these autistic disorders can be reliably diagnosed very early in a child's life—sometimes as early as six months. To focus on diagnosis and improvements to autism treatment I am asking you to approve my recommendation of 3.9 million dollars.

Those who have a mental illness or a behavioral disorder also deserve our protection. When parents and families face the difficult decision to place their loved one in the care of the mental health system, they should have the confidence that the state provides them with a safe and nurturing environment. I created the Mental Health Task Force in June, 2006 to help us all improve safety.

I recently signed an Executive Order that implements several Task Force recommendations. In order to implement even more recommendations immediately, my budget includes 2.6 million dollars.

Together we will prevent these instances of abuse and neglect and ensure that those who mistreat the vulnerable are held accountable and punished.

Seniors also can be vulnerable, and we have a moral obligation to them. They raised and instructed us, so it is up to us to pay them back for their love and sacrifice. We can do that by helping Missouri seniors stay in their homes longer, which results in a higher quality of life for them and reduced costs for taxpayers. If you approve my budget we will have increased in-home care funding by 53 million dollars.

Let us also make it easier for Missourians to plan for retirement. I ask you to provide full tax deductibility for all long term care insurance costs.

Help me continue rooting out waste, fraud and abuse. Before I came to office the Medicaid system was being drained by fraud and abuse that took advantage of poor enforcement. We have saved more than 230 million dollars by ending much of this theft. These savings have made it easier for us to take care of vulnerable Missourians. Tonight, I renew my call for a strict false-claims act that will allow my administration to even more effectively fight fraud.

World Class Education

As you all know, my budgets place schools, classrooms, teachers and students first. Two years ago, we embarked on a shared journey to improve the quality of public education for every child in the state of Missouri. Together, we have rewritten the formula to fund our schools; embraced innovation and I have fought for change.

As promised, we have increased funding for public education each year I have been in office. In the midst of an inherited budget disaster, we still increased funding. In fact, education increases have exceeded the rate of inflation in each and every budget I have recommended and in each and every budget I have signed.

This year, my highest priority remains getting more resources to our classrooms, our teachers, and most importantly, our students.

Working together we already have invested 332 million new dollars in elementary and secondary schools. This year I am calling for 214 million additional dollars for our classrooms, bringing the total increase in funding to more than half a billion dollars in the last three years.

Of course, in addition to financial investments, preparing our students to compete in the global economy requires good policy. To begin, we must focus tax dollars around areas of critical concern. Today, 36 percent of Missouri's college freshmen require basic remedial courses in college. In college, they are being taught skills they should have learned in high school or even junior high. Taxpayers should not have to pay twice for the same classes. Parents have told me that they are concerned about this, and they are worried about the good family-supporting jobs around the country that are being moved overseas.

As countries such as China and India move more and more of their citizens into advanced studies, this challenge will only grow. Missouri is no longer just competing with states like Kansas and Illinois, but we are now in the global economy competing with India and Singapore, Shanghai and Hong Kong. If we are to make Missouri families even more prosperous, we must ensure that students are equipped with advanced skills in math and science.

Technology helps improve skills and spark student interest in math and science. That is why my budget includes 2.9 million dollars to fund 100 technology classrooms in 100 different schools.

For too long, the hours between 3:00 in the afternoon and 6:00 in the evening have been the most dangerous for our children. That is one reason I have been encouraging the expansion of after school programs. These programs provide a safe haven for children and opportunities for students to participate in math and science enrichment activities that the regular school day may not allow. To support these programs my budget includes 1 million dollars to expand quality after school programs in math and science, as well as physical activity and health.

I also recently announced the third consecutive year of increased funding for Parents as Teachers. I did so because early childhood education is a great investment for the future. Recently, I convened the first meeting of the Coordinating Board for Early Childhood. They will be a valuable resource as we work to strengthen opportunities for Missouri children.

Good education policy demands that we confront difficult problems head on. As you know, the St. Louis City school district is failing our children. It is failing to provide a basic education to thousands of young Missourians. For me, no option is off the table and I am willing to work with anybody who cares about our children.

We also owe it to families across the state to ease access to college and ensure students get an education and not just a degree. Higher education, whether it be in a community college or a four year institution, is a sound investment that helps to secure a higher quality of life for the next generation.

Unfortunately, literacy among college graduates has actually declined in the last decade. Employers express concern regarding the skill level of graduates applying for jobs. This is unacceptable. Missouri's colleges and universities need to be accountable to

taxpayers. I am calling upon the Coordinating Board for Higher Education to create standards and measure performance. Funding for higher education should be tied to colleges and universities meeting those standards.

College costs must be controlled and tuition must be more predictable. To help the family budget, I propose that only in extraordinary circumstances should the Coordinating Board for Higher Education be able to authorize an exception to this rule: No tuition increase should exceed the rate of inflation.

The state must support higher education, and this year, my budget will send **40** million new dollars to colleges and universities. My three year plan will increase funding by more than 110 million dollars. Significantly, we can also make it easier for Missourians to go to college by increasing need-based scholarship funding from 27.5 million dollars to more than 72.5 million dollars.

Additionally, 3.4 million dollars will be added to recruit students into the health care professions and to forgive loans for students who are preparing to be Missouri doctors, dentists, and nurses.

But our effort to deliver a world class education must not stop there. Missouri college students are learning math and science skills in labs and classrooms that are out of date. Talented Missourians interested in entering competitive industries are leaving Missouri for institutions with state of the art facilities. Every one of our campuses has significant capital improvement needs that, if completed, would help ensure that Missouri students **are** receiving a world class education here at home.

To address those needs I developed the Lewis and Clark Discovery Initiative, which is a partnership between the Missouri Higher Education Loan Authority and the state. Through this Initiative we can sell loans held by people in other states and bring 335 million dollars home to strengthen our colleges and universities for our students.

Missouri's colleges and universities have been waiting far too long for this critical boost in quality. Each additional day that we wait means increased costs. I ask you to act with urgency and approve the Lewis and Clark Discovery Initiative.

We owe it to every Missourian to provide a world class education that will unleash their God-given potential.

Family-supporting Jobs

We also owe it to Missourians to foster an economic climate that **creates** good family-supporting jobs. We promised that we would work to do that. Missourians have responded to the pro-growth, pro-job policies we have enacted, and since January 2005 Missourians have created more than 53,000 new jobs, 279 businesses per week, and higher per capita personal income.

Part of promoting that healthy economic climate was passing frivolous-lawsuit reform. The old system encouraged frivolous lawsuits and made it difficult to protect Missourians' access to health care because well-trained doctors were fleeing the state due

to skyrocketing insurance premiums.

In 2005 we passed legislation that made it much more difficult to file frivolous lawsuits. This has enabled us to recruit and retain doctors, increased the quality of care, and reduced the cost of doing business.

In the past the state often subsidized businesses that paid low wages and did not provide health benefits. In 2005 we enacted the Missouri Quality Jobs Act which centers our economic development on the creation of family supporting jobs with good wages and health care benefits. The Quality Jobs Initiative is the most important economic development tool that we have ever had. So I am asking you to double its capacity to create even more family-supporting jobs.

The Internet is transforming our lives. It is increasing productivity and adding to our quality of life, but not all Missourians have access to this valuable tool. We must promote policies encouraging investment so that we can deliver high speed Internet to more Missourians—whether wealthy or poor; young or old; in our largest cities or on our most remote farms.

When government allows businesses to compete, Missourians see lower prices, and more choices. So I am asking you to enact legislation that creates competition for all companies that want to provide telecommunications and cable services.

I also urge you to change the law so that Missouri families get to keep more of their own income. President Roosevelt signed the Social Security Act so that, in America, growing older did not mean you had to be poor. Yet, the state taxes people's well earned Social Security benefits. This is not a problem that we created, but it is another problem that we can solve. The Social Security tax is a Social Security cut. So let us stop the cut and allow Missouri seniors to keep the Social Security they have earned. I urge you to take up, pass, and allow me to sign Speaker Jetton's legislation to stop cutting people's Social Security.

Honoring Our Veterans

Many seniors are of that great generation of Americans who defeated the forces of tyranny in the Second World War. As a veteran, I am proud to lead a state that respects those who wear the uniform today. We must do our best to honor the brave men and women of our Armed Forces. They volunteered to endure blood, sweat and tears, and to do this all to protect and extend the frontier of freedom. With your support we have already been able to achieve a great deal for our veterans and their families.

We enacted legislation to prevent hateful protests at the funeral services of fallen soldiers. Because of this law, and the vigorous enforcement by our police, sheriffs and Highway Patrol, the families of our men and women in uniform are able to honor our military heroes.

With your help we also established the Guard at Home program, which is helping the families of deployed guard members and reservists avoid economic hardship. Once our guard members

and reservists return home, the Guard at Home Program will help them get back into the civilian workforce.

But we need to do more. I am also asking you to streamline the process for qualified veterans who apply for or renew a professional license.

These brave Missourians have stood up for democracy. It is our duty to stand up for them. That is why my budget will send an additional 6.2 million dollars to support veterans' homes and 4.5 million new dollars for better equipment.

The Sanctity of Life

Remarkably, it was only in the last two centuries that democracy became the preferred form of government. In that time, however, one of the defining traits of democracy has been a concern for what we refer to as a society's "culture." No society can remain civilized if it does not concern itself with the respect and courtesy that is shown to one another, how it perceives the family, and how it treats its most vulnerable.

Missourians know that a coarsening of our culture undermines human dignity. In stark contrast to cultural relativism stands the belief that all of humanity is bound together by a moral fabric. There is, indeed, an enduring moral order and our policies should reflect our basic values.

We have enacted laws that move us in the right direction. We are fortunate to live in a state that has protected traditional marriage and enshrined that protection in the constitution. Since I came to office we have also been able to enact important laws that make Missouri a national leader in protecting human life. We created an income tax credit for pregnancy resource centers. We also strengthened parental consent laws to ensure that Missouri parents are involved in the most critical decisions that their young children make.

This year we must continue to protect the innocent and pass legislation that reflects our common values. I ask you to approve the 200,000 dollars in new funding that I have recommended for the Alternatives to Abortion program, and I also urge you to place this program in statute and make it permanent.

Protecting Society from Violent Crime

The fundamental responsibility of government is to protect life and liberty. Ensuring the safety of our children is at the center of this obligation. That is why last year we passed Missouri's version of Jessica's Law. It mandates a life sentence with at least 30 years served for those predators who commit the most egregious crimes against young children. This law is one of the toughest in the nation. We have sent a clear message to child predators. If they commit such a crime in Missouri, we will put them behind bars for a very long time and if they ever get out of prison we will watch them for the rest of their life.

The Internet has opened up a whole new world of information. Unfortunately, terrible people have put it to terrible use. Some are using the Internet to lure our children into dangerous

and potentially fatal situations.

The ability to catch these criminals and prosecute them is critical to enforcing the tough provisions of Jessica's Law. Fortunately, Jessica's Law created the Cyber Crime Grant Program. This year I am asking you to double the funding for this valuable program and approve an additional 250,000 dollars to help Internet crime fighters buy the equipment they need to track down these predators.

Our ability to protect our children depends on three things: tough laws, great law enforcement, and vigilant citizens. Thankfully we have them all. As you all know, Mitchell Hults gave law enforcement the information they needed to rescue Shawn Hornbeck and Ben Ownby. Because of his vigilance, these families have been reunited. Mitchell Hults is here tonight. Please join me in honoring a Missouri hero, Mitchell Hults.

Public safety involves more than just vigorous enforcement of our criminal laws. Governments, charities, churches and the Missouri National Guard must work together to overcome natural disasters. Missourians are kind, compassionate and generous people. We look out for one another. The ongoing recovery from the ice storms is only the latest case of Missouri meeting the challenge of an unexpected disaster.

Missourians who have had to endure multiple outages deserve real answers and effective solutions. I am calling on electric utilities to evaluate the damage caused by the ice storms and take appropriate preventive action.

Law-abiding Missourians should not be punished when they use force to defend themselves and their families in their own home. I urge you to pass legislation that protects Missourians when they defend themselves from attack. I also ask you to pass legislation that guarantees Missourians will retain their Second Amendment rights, especially in times of emergency.

Like all of you, I still remember learning the story of the Good Samaritan—the story of a man who acted as a neighbor to a perfect stranger. In emergencies we are blessed to have doctors, nurses and others who volunteer to help. These volunteers should not be punished for their generosity. I urge you to pass legislation that protects volunteers from frivolous lawsuits when they are acting as Good Samaritans.

Murderers inflict incomprehensible pain and suffering when they take the life of a police officer, sheriff, corrections officer, or state trooper. So I am asking you to pass legislation that makes the death penalty mandatory in cases involving the murder of a law enforcement officer.

Agriculture and Renewable Fuels

A grave national security threat is a reliance on oil imported from nations that despise our country, hate our values and want to harm innocent Americans. The production of renewable fuels is one of Missouri agriculture's greatest success stories. In the same way that Missouri's farmers rose to a great challenge and fed the

world in the last century, this century's Missouri farmers will answer another noble calling and fuel America.

The use of ethanol blended fuel helps family farmers and it leads to improved air quality. Last year you passed, and I signed, legislation requiring that virtually all gasoline sold in Missouri contain 10 percent ethanol by January 1 of next year.

With your help I have already proposed and signed budgets that included full funding for the biodiesel and ethanol incentive funds as well as funding for back payments from previous years that were not honored before I assumed office.

This year's budget fully funds the biodiesel and ethanol incentives and I further propose that we fulfill all outstanding payments in the supplemental budget.

We have passed laws to limit government and protect freedom in the past. I know we can do it again this year. In 2005, the United States Supreme Court ruled that local governments can take property and give it to private developers. It was a terrible ruling. In response, we enacted strong legislation to protect Missourians from losing their homes and farms in the name of commercial development. The American Farm Bureau calls Missouri's law the Gold Standard for protecting property rights.

This legislation was a bold step for all home and property owners. Now we need to stand up again for the rights of our farmers. The 100,000 plus Missouri family farms must be protected from abusive lawsuits. Missourians who have been farming for years and generations should have the right to work the land. They should not be burdened with unreasonable ordinances designed to chase them out of farming. So that Missouri farm families can continue to produce the food and fiber that is so vital to feeding families here at home and around the world, I urge you to pass the Missouri Farm and Food Preservation Act.

Safe and Modern Transportation

If you have driven anywhere in Missouri in the last two years, you have probably seen some new construction. If you are like me, it has probably made you late a time or two. But the inconvenience has been worth it. Early last month MoDOT delivered a total of 2,200 miles of safer, smoother and better roads. Fewer Missourians lost their lives traveling on our roads last year. Missourians now travel more safely, with less wear and tear on their vehicles and less time in traffic.

My administration's road improvements will not end with the Smooth Roads Initiative. I fully support MoDOT's new initiative which will improve 5,600 miles of major highways over the next five years. Every Missourian will benefit from this effort.

Respecting People's Hard-Earned Dollars

The budget I am submitting is balanced. Our fiscal situation is dramatically improved from when I stood before you two years ago. We did not achieve this progress by taking an easy road. Because we were responsible in the past, we can make critical investments and stop cutting the Social Security benefits of our

seniors.

We do have a surplus. But it is the people's surplus, and we must use it wisely. We cannot create new ongoing costs by expanding government. We cannot recreate the spending dilemma that we faced two years ago. We need to give the people of Missouri a government that is responsible so that Missouri families can move forward together.

The budget I submit to you provides a 200 million dollar ending balance to fund key priorities including education and healthcare in future fiscal years.

The budget I recommend continues the course of fiscal responsibility. It is balanced and it does not raise taxes. It reflects the common sense priorities of the people of Missouri.

A New Age of Prosperity

Together we play a vital role in shaping the future. Together we can demonstrate the strength of our leadership by giving Missourians the opportunity to experience the full promise of American life. We have it within our power to lay the foundation for an age of unprecedented prosperity for every Missourian.

Together we can show the strength of our character as we allow Missourians to keep and enjoy the prosperity they earned—by replacing broken and outdated government programs with effective initiatives to serve the sick and the poor, by lowering the tax burden on Missourians, especially our seniors, and by giving every child in Missouri an education that will serve as the first rung on a ladder to achieving their own prosperity and a bright future.

We must do this because as Thomas Jefferson said, “the happiness and prosperity of our citizens is the only legitimate object of government.” We **can** do this because there is no limit to what the people of Missouri can achieve when they have the freedom to succeed.

Thank you. May God bless you and may God continue to bless the great state of Missouri.

On motion of Senator Shields, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by Senator Nodler.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

SB 375—By Koster.

An Act to amend chapter 188, RSMo, by

adding thereto two new sections relating to abortions.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCR 13**, entitled:

HOUSE CONCURRENT RESOLUTION NO. 13

Disapproving the amount of increase in compensation for public officials as recommended by the Missouri Citizen's Commission on Compensation for Elected Officials.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Whereas, the voters of Missouri approved a constitutional amendment in 1994 which created a commission charged with setting the amount of compensation paid to statewide elected officials, legislators and judges; and

Whereas, Article XIII, Section 3 of the Missouri Constitution charges the Missouri Citizen's Commission on Compensation for Elected Officials with setting the amounts of compensation paid to statewide elected officials, legislators, and judges; and

Whereas, the Constitution provides the Commission with a four-month window prior to its constitutional deadline for making salary recommendations to hold public hearings around the state to gather testimony related to salaries for affected state officials and to carefully consider whether pay increases are warranted; and

Whereas, in 2006, the Commission did not begin work until eleven days before its December 1, 2006, deadline for submitting a report containing salary recommendations; and

Whereas, as few as six members of the twenty-two member Commission attended the public hearings at which testimony on salaries for affected officials was given; and

Whereas, the Commission recommended pay increases for state judges and statewide elected officials effective July 1, 2007, and pay increases for legislators effective January 1, 2009; and

Whereas, Citizens' Commission on Compensation for Elected Officials attempted to compile a fiscally prudent and responsible compensation schedule that would allow for modest, reasonable increases for all persons affected; and

Whereas, the Commission believes that the recommendation

accomplishes the twin goals of making the commission function again and rectifying the currently dysfunctional pay system for legislators, statewide elected officials, and judges; and

Whereas, when considered as an annual percentage over the years that have passed since any of these officials last received any increase, this report's recommended increases amount to less than a 1% increase per year for all offices; and

Whereas, the recommendation establishes a system for consistent future increases in the same manner as other State of Missouri employees; and

Whereas, the Commission's recommendations shall take effect unless disapproved by the General Assembly through a concurrent resolution process passed by two-thirds majorities in each legislative chamber before February 1, 2007:

Now, therefore, be it resolved by the members of the House of Representatives of the Ninety-fourth General Assembly, First Regular Session, the Senate concurring therein, that the recommendations of the Missouri Citizen's Commission on Compensation of Elected Officials be disapproved.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

January 24, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

RE: Appointments to Joint Committee on Education

Dear Terry:

Pursuant to Section 160.253 of the Revised Statutes of Missouri (RSMo 2002), I am appointing the following senators to the Joint Committee on Education:

Senator Charlie Shields
Senator Robert Mayer
Senator Gary Nodler
Senator Scott Rupp
Senator Maida Coleman
Senator Rita Days
Senator Yvonne Wilson

If you have any questions, please feel free to contact me at your

earliest convenience.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 216, regarding C.P.U., Inc., Cape Girardeau, which was adopted.

Senator Stouffer offered Senate Resolution No. 217, regarding Maurice Amick, Boonville, which was adopted.

Senator Stouffer offered Senate Resolution No. 218, regarding Ron Monnig, which was adopted.

Senator Rupp offered Senate Resolution No. 219, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. John Fluchel, Wentzville, which was adopted.

Senators Rupp, Scott and Gross offered Senate Resolution No. 220, regarding Dale Finke, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Clemens introduced to the Senate, the Physician of the Day, Dr. John D. Lilly, D.O., Springfield.

Senator Champion introduced to the Senate, Jennifer Davison, Springfield; and Brandy Todd and Sharon Weigand, Kansas City.

Senator Champion introduced to the Senate, Gary Pendergrass, Springfield.

Senator Goodman introduced to the Senate, Diane Brewer and members of the Missouri Association of Nurse Anesthetists.

Senator Ridgeway introduced to the Senate, Andrea Segura, Liberty.

Senator Coleman introduced to the Senate, Jassalyn Estill, Ames, Iowa.

Senator Shields introduced to the Senate, James and Sandra Thomas, Kansas City.

Senator Ridgeway introduced to the Senate, representatives of Komen for the Cure, Clay County.

Senator Ridgeway introduced to the Senate, Vicki Ward, Kansas City; and Brad Fisher, Smithville.

Senator Gibbons introduced to the Senate,

Mike Croghan, Steve Mathias, Sandra Thomas, Arthur Seltzer, Jim O'Hallaron, Chuck Pierce, Brent Stewart, Steve Del Vecchio, Joey French, James Thomas, III and Bob Letterman.

Senator Shoemyer introduced to the Senate, Todd and Rosanne Hayes, Monroe City.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTEENTH DAY--THURSDAY, JANUARY 25, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 328-Engler	SB 348-Koster and Green
SB 329-Engler	SB 349-Clemens
SB 330-Engler	SB 350-Clemens
SB 331-Stouffer and Gibbons	SB 351-Clemens
SB 332-Stouffer	SB 352-Clemens
SB 333-Stouffer	SB 353-Engler
SB 334-Griesheimer	SB 354-Bray and Justus
SB 335-Griesheimer, et al	SB 355-Vogel
SB 336-Bray, et al	SB 356-Gross
SB 337-Bray and Smith	SB 357-Green
SB 338-Mayer	SB 358-Engler
SB 339-Mayer	SB 359-Goodman
SB 340-Goodman	SB 360-Goodman
SB 341-Goodman	SB 361-Goodman
SB 342-Kennedy and Coleman	SB 362-Shoemyer, et al
SB 343-Justus	SB 363-Bartle
SB 344-Justus and Wilson	SB 364-Koster
SB 345-Shoemyer	SB 365-Koster
SB 346-Shoemyer	SB 366-Koster and Justus
SB 347-Shoemyer	SB 367-Bray and Days

SB 368-Barnitz, et al
SB 369-Scott
SB 370-Scott
SB 371-Scott
SB 372-Justus and Koster

SB 373-Rupp
SB 374-Rupp
SB 375-Koster
SJR 15-Green
SJR 16-Shoemyer

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

HCR 13-McGhee

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Journal

Copy

Journal of the Senate

FIRST REGULAR SESSION

THIRTEENTH DAY—THURSDAY, JANUARY 25, 2007

The Senate met pursuant to adjournment.

Senator Crowell in the Chair.

Reverend Carl Gauck offered the following prayer:

“Those of steadfast mind you keep in peace—in peace because they trust in you.” (Isaiah 26:3)

Heavenly Father, we know that You have taught us that those who love You commit themselves to You and trust You completely. We know that You grant them peace and fill them with Your grace. And we do so that we might confidently share ourselves with those You have placed in our lives and love more completely with our hearts, minds and souls. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell

Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

President Kinder assumed the Chair.

RESOLUTIONS

Senator Lager offered Senate Resolution No. 221, regarding the One Hundred Fiftieth Anniversary of the City of Trenton, which was adopted.

Senator Lager offered Senate Resolution No. 222, regarding Ron Mercer, Stanberry, which was adopted.

Senator Lager offered Senate Resolution No. 223, regarding Ike Morehead, Milan, which was adopted.

Senator Lager offered Senate Resolution No. 224, regarding Mitch Elliott, Gower, which

was adopted.

Senator Lager offered Senate Resolution No. 225, regarding Charlene Ward, Braymer, which was adopted.

Senator Lager offered Senate Resolution No. 226, regarding Douglas Roberts, Chillicothe, which was adopted.

Senator Lager offered Senate Resolution No. 227, regarding Beatrice Shaw, Trenton, which was adopted.

Senator Lager offered Senate Resolution No. 228, regarding the Honorable Barbara Gale Lane, Chillicothe, which was adopted.

Senator Bray offered Senate Resolution No. 229, regarding Matt Bettonville, St. Louis, which was adopted.

Senator Barnitz offered Senate Resolution No. 230, regarding Jean Finn, Rolla, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 376—By Griesheimer.

An Act to repeal section 620.467, RSMo, and to enact in lieu thereof one new section relating to the tourism supplemental revenue fund, with an expiration date.

SB 377—By McKenna.

An Act to repeal section 304.070, RSMo, and to enact in lieu thereof one new section relating to failure to stop for a school bus, with penalty provisions.

SB 378—By Goodman.

An Act to repeal sections 571.010 and 571.070, RSMo, and to enact in lieu thereof two new sections relating to explosive weapons, with penalty provisions.

SB 379—By Loudon.

An Act to amend chapter 103, RSMo, by adding thereto one new section relating to the offering of high deductible plans through the Missouri consolidated health care plan.

SB 380—By Koster.

An Act to repeal section 44.045 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 58, ninety-third general assembly, first regular session and section 44.045 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 420 & 344, ninety-third general assembly, first regular session, and to enact in lieu thereof one new section relating to civil defense.

SB 381—By Koster.

An Act to amend chapter 376, RSMo, by adding thereto seventeen new sections relating to the regulation of health discount plans, with penalty provisions.

SB 382—By Koster.

An Act to repeal sections 33.700 and 33.710, RSMo, and to enact in lieu thereof two new sections relating to the governmental emergency fund.

SB 383—By Koster.

An Act to repeal section 56.823, RSMo, and to enact in lieu thereof one new section relating to creditable service within the prosecuting attorneys and circuit attorneys' retirement system.

SB 384—By Coleman and Gibbons.

An Act to repeal section 301.301, RSMo, and to enact in lieu thereof one new section relating to stolen license plate tabs.

SB 385—By Gibbons.

An Act to repeal sections 8.900, 21.475, 21.780, 32.250, 32.260, 44.227, 162.1060, 166.203, 170.250, 192.375, 192.745, 208.275,

208.530, 208.533, 208.535, 208.792, 253.375, 260.370, 260.725, 320.094, 622.055, and 622.057, RSMo, and to enact in lieu thereof twelve new sections relating to the repeal and reduction of certain committees and commissions, with an expiration date for certain sections.

SB 386—By Mayer.

An Act to amend chapter 319, RSMo, by adding thereto sixteen new sections relating to blasting and excavation, with penalty provisions.

SB 387—By Mayer.

An Act to amend chapter 265, RSMo, by adding thereto one new section relating to rice seed, with penalty provisions.

SB 388—By Mayer.

An Act to repeal section 260.470, RSMo, and to enact in lieu thereof fifteen new sections relating to environmental covenants.

**SECOND READING OF
CONCURRENT RESOLUTIONS**

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

HCR 13—Rules, Joint Rules, Resolutions and Ethics.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 22, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Roslyn M. Morgan, 358 Coachway Lane, Apartment D, Hazelwood, Saint Louis County, Missouri 63042, as a member of the Consolidated Health Care Plan Board of Trustees, for a term ending December 31, 2009, and until her successor is duly

appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 23, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Garry E. Taylor, 979 Diamond Ridge, Jefferson City, Cole County, Missouri 65109, as a member of the Consolidated Health Care Plan Board of Trustees, for a term ending December 31, 2007, and until his successor is duly appointed and qualified; vice, George Whitehead, resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 23, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Schuyler J. Mariea, 1826 Chelle Court, Jefferson City, Cole County, Missouri 65101, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees, for a term ending February 6, 2010, and until his successor is duly appointed and qualified; vice, Gary O'Neal, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 23, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

William "Larry" Cloud, 32643 Highway E, Green Ridge, Pettis County, Missouri 65332, as a member of the Citizens' Advisory Commission for Marketing Missouri Agricultural Products, for a term ending April 10, 2010, and until his successor is duly appointed and qualified; vice, Stephen McKaskle, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 23, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Judith W. Scott, Republican, 1280 Barron Road, Poplar Bluff, Butler County, Missouri 63901, as a member of the Health and Educational Facilities Authority of the State of Missouri, for a term ending July 30, 2011, and until her successor is duly appointed and qualified; vice, John Siscel, term expired.

Respectfully submitted,

MATT BLUNT

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

COMMUNICATIONS

Senator Shields submitted the following:

January 24, 2007

Ms. Terry Spieler

Secretary of the Senate

State Capitol, Office 325

Jefferson City, MO 65101

Dear Ms. Spieler

The Rules, Joint Rules, Resolutions and Ethics Committee met today in Senate Committee Room 1. All members present voted to unanimously approve the 94th General Assembly's Senate Minority Caucus.

A list of the members is attached.

Sincerely,

/s/ Charlie

Charlie Shields

Senate Minority Caucus:

Senator Maida J. Coleman

Senator Joan Bray

Senator Harry Kennedy

Senator Rita Heard Days

Senator Victor E. Callahan

Senator Chuck Graham

Senator Frank A. Barnitz

Senator Ryan McKenna

Senator Jeff Smith

Senator Timothy P. Green

Senator Yvonne S. Wilson

Senator Wes Shoemyer

Senator Jolie Justus

Also,

January 24, 2007

Ms. Terry Spieler

Secretary of the Senate

State Capitol, Office 325

Jefferson City, MO 65101

Dear Ms. Spieler

The Rules, Joint Rules, Resolutions and Ethics Committee met today in Senate Committee Room 1. All members present voted to unanimously approve the 94th General Assembly's Bootheel Caucus.

A list of the members is attached.

Sincerely,

/s/ Charlie

Charlie Shields

Bootheel Caucus:

Senator Robert Mayer

Representative Mike Dethrow

Representative Gayle Kingery

Representative Rod Jetton

Representative Billy Pat Wright

Representative Ellen Brandom

Representative Steve Hodges

Representative Terry Swinger

Representative Tom Todd

Senator Jason Crowell

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Judith G. Haggard, Democrat, as a member of the University of Missouri Board of Curators, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Mayer moved that the Committee Report be adopted and the Senate do give its

advice and consent to said appointment, which motion prevailed.

Senator Gibbons requested unanimous consent of the Senate to waive the reading of the following reports:

Buford M. Fraser, Republican, as a member of the University of Missouri Board of Curators;

Also,

John P. Tvrdik, as member of the Missouri State Board of Accountancy;

Also,

Rita K. Duncan, Republican, as a member of State Committee of Dietitians;

Also,

Dana K. Humphrey, Jean M. Cavender and Richard M. Kalfus, as members of the Holocaust Education and Awareness Commission;

Also,

Gary J. Pendergrass and Kevin L. Rosenbohm, Republicans, as members of the Air Conservation Commission;

Also,

Sherrill L. McCormack, as a member of the Citizens' Advisory Commission for Marketing Missouri Agricultural Products;

Also,

Andrew J. Nimmo, as a member of the Missouri Fire Safety Advisory Board;

Also,

Rosanne M. Hays, Democrat and Sherry S. Jones, Republican, as members of the Missouri Agricultural and Small Business Development Authority;

Also,

James P. Limbaugh, Republican, as a member of the Southeast Missouri State University Board of Regents;

Also,

Jack E. Pohrer and Michael D. King, Republicans; and Rita C. Flake and Robert J. Barrientos, Democrats, as members of the Missouri Citizens' Commission on Compensation for Elected Officials;

Also,

Thomas J. Frawley and Stacy D. Owsley, as members of the Coordinating Board for Early Childhood;

Also,

Laura M. Neal, as a member of the State Committee for Social Workers;

Also,

Andrea Segura, as a member of the Missouri State Committee of Interpreters;

Also,

Charles H. Hoessle, Republican, as a member of the Harris-Stowe State University Board of Regents;

Also,

Steven P. Gietschier, as a member of the State Historical Records Advisory Board;

Also,

Shelly R. Shetley, as a member of the Missouri Planning Council on Developmental Disabilities;

Also,

William T. Reeves, as a member of the Missouri Higher Education Loan Authority;

Also,

Larry D. Neff, Democrat, as a member of the Missouri Development Finance Board;

Also,

Daniel J. Abbott and Donald D. Landon, as members of the Seismic Safety Commission;

Also,

Gerald T. Brouder, as a member of the
Midwestern Higher Education Commission;

Also,

Ronald J. Walkenbach, Ph.D, as a member of
the Organ Donation Advisory Committee, which
request was granted.

Senator Gibbons requested unanimous consent
of the Senate to vote on the above reports in one
motion, which request was granted.

Senator Gibbons moved that the committee
reports be adopted, and the Senate do give its
advice and consent to the above appointments and
reappointments, which motion prevailed.

Senator Goodman assumed the Chair.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions
were read the 2nd time and referred to the
Committees indicated:

SB 328—Commerce, Energy and the Environ-
ment.

SB 329—Commerce, Energy and the Environ-
ment.

SB 330—Economic Development, Tourism
and Local Government.

SB 331—Transportation.

SB 332—Financial and Governmental Organi-
zations and Elections.

SB 333—Seniors, Families and Public Health.

SB 334—Economic Development, Tourism
and Local Government.

SB 335—Transportation.

SB 336—Small Business, Insurance and
Industrial Relations.

SB 337—Judiciary and Civil and Criminal
Jurisprudence.

SB 338—Judiciary and Civil and Criminal
Jurisprudence.

SB 339—Small Business, Insurance and
Industrial Relations.

SB 340—Small Business, Insurance and
Industrial Relations.

SB 341—Transportation.

SB 342—Economic Development, Tourism
and Local Government.

SB 343—Judiciary and Civil and Criminal
Jurisprudence.

SB 344—Ways and Means.

SB 345—Economic Development, Tourism
and Local Government.

SB 346—Financial and Governmental Organi-
zations and Elections.

SB 347—Transportation.

SB 348—Pensions, Veterans' Affairs and
General Laws.

SB 349—Transportation.

SB 350—Transportation.

SB 351—Agriculture, Conservation, Parks
and Natural Resources.

SB 352—Transportation.

SB 353—Ways and Means.

SB 354—Judiciary and Civil and Criminal
Jurisprudence.

SB 355—Ways and Means.

SB 356—Economic Development, Tourism
and Local Government.

SB 357—Seniors, Families and Public Health.

SB 358—Financial and Governmental Organi-
zations and Elections.

SB 359—Judiciary and Civil and Criminal
Jurisprudence.

SB 360—Economic Development, Tourism

and Local Government.

SB 361—Ways and Means.

SB 362—Education.

SB 363—Transportation.

SB 364—Agriculture, Conservation, Parks and Natural Resources.

SB 365—Economic Development, Tourism and Local Government.

SB 366—Judiciary and Civil and Criminal Jurisprudence.

SB 367—Financial and Governmental Organizations and Elections.

SB 368—Judiciary and Civil and Criminal Jurisprudence.

SB 369—Financial and Governmental Organizations and Elections.

SB 370—Judiciary and Civil and Criminal Jurisprudence.

SB 371—Transportation.

SB 372—Judiciary and Civil and Criminal

Jurisprudence.

SB 373—Judiciary and Civil and Criminal Jurisprudence.

SB 374—Health and Mental Health.

SJR 15—Financial and Governmental Organizations and Elections.

SJR 16—Economic Development, Tourism and Local Government.

INTRODUCTIONS OF GUESTS

Senator Smith introduced to the Senate, Bev Hacker and Steve Smith, St. Louis.

Senator Kennedy introduced to the Senate, Marian McCord and Russ and JoAnn Hartley, Oakville.

Senator Wilson introduced to the Senate, the Physician of the Day, Dr. Douglas A. Hagen, M.D., Kansas City.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, January 29, 2007.

SENATE CALENDAR

FOURTEENTH DAY—MONDAY, JANUARY 29, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 375-Koster

SB 376-Griesheimer

SB 377-McKenna

SB 378-Goodman

SB 379-Loudon

SB 380-Koster

SB 381-Koster

SB 382-Koster

SB 383-Koster

SB 384-Coleman and Gibbons

SB 385-Gibbons

SB 386-Mayer

SB 387-Mayer

SB 388-Mayer

Journal of the Senate

FIRST REGULAR SESSION

FOURTEENTH DAY—MONDAY, JANUARY 29, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Prayer is a way of thinning the clouds that dull our vision.”
(Tilden Edwards)

Lord, it's Monday and often our minds are a little cloudy and we are just getting into the routine for the week ahead of us. So we pray, clear our minds and spirits so we see clearly what must be done to reach the goals we have set for ourselves this session and what we must do today to make them achievable. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 25, 2007 was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason

Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

Absent—Senators—None

Absent with leave—Senator Crowell—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Bartle offered Senate Resolution No. 231, regarding the Eightieth Birthday of Patricia Lee Rock, Grain Valley, which was adopted.

Senator Champion offered Senate Resolution No. 232, regarding F. David Clifton, Springfield, which was adopted.

Senator Engler offered Senate Resolution No. 233, regarding the One Hundred Fiftieth Anniversary of Iron County, which was adopted.

Senator Engler offered Senate Resolution No. 234, regarding Chris Harmon, Potosi, which was adopted.

Senator Goodman offered Senate Resolution

No. 235, regarding Glenda Schoen, Freistatt, which was adopted.

Senator Lager offered Senate Resolution No. 236, regarding the Ninetieth Birthday of Pauline Bailey, Maryville, which was adopted.

Senator Lager offered Senate Resolution No. 237, regarding the Eighty-fifth Birthday of Agnes Langford, Albany, which was adopted.

Senator Lager offered Senate Resolution No. 238, regarding the Fortieth Wedding Anniversary of Raymond and Rose Frueh, which was adopted.

Senator Lager offered Senate Resolution No. 239, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Floyd Schooler, Fairfax, which was adopted.

Senator Lager offered Senate Resolution No. 240, regarding Mark Hoover, Plattsburg, which was adopted.

Senator Lager offered Senate Resolution No. 241, regarding Kenny Roberts, Trenton, which was adopted.

Senator Graham offered Senate Resolution No. 242, regarding the City of Columbia, which was adopted.

Senator Shoemyer offered Senate Resolution No. 243, regarding Judy Spratt, Saverton, which was adopted.

Senator Lager offered Senate Resolution No. 244, regarding the Eighty-fifth Birthday of Alma Louise (Owens) Stuart, Barnard, which was adopted.

Senator Justus offered Senate Resolution No. 245, regarding the Francis Family Foundation, Kansas City, which was adopted.

Senator Rupp offered Senate Resolution No. 246, regarding Liz Birchen, O'Fallon, which was adopted.

Senator Rupp offered Senate Resolution No. 247, regarding the Commerce Bank,

Wentzville, which was adopted.

Senator Engler offered Senate Resolution No. 248, regarding Farmington Manor, Farmington, which was adopted.

Senator Engler offered Senate Resolution No. 249, regarding Dr. James A. Johnston, Morse Mill, which was adopted.

Senator Lager offered Senate Resolution No. 250, regarding Captain Matthew Hustead, Baumholder, Germany, which was adopted.

Senator Lager offered Senate Resolution No. 251, regarding Ken Raffety, Cameron, which was adopted.

Senator Mayer offered Senate Resolution No. 252, regarding Ron J. Faries, Brosley, which was adopted.

Senator Wilson offered Senate Resolution No. 253, regarding Lone Star Chapter #2 of the Order of Eastern Star, Kansas City, which was adopted.

Senator Graham offered Senate Resolution No. 254, regarding the Columbia Career Center, which was adopted.

Senator Mayer offered Senate Resolution No. 255, regarding Adam Flannigan, Dexter, which was adopted.

Senator Justus offered Senate Resolution No. 256, regarding Hilda Gibbs, which was adopted.

Senator Purgason offered Senate Resolution No. 257, regarding the Ozark Mountain Pork Cooperative, Mountain View, which was adopted.

Senator Gross offered Senate Resolution No. 258, regarding James E. Williams, Jr., St. Charles, which was adopted.

Senator Green offered Senate Resolution No. 259, regarding Diane McFarland, O'Fallon, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 389—By Nodler, Champion, Shields and Gibbons.

An Act to repeal sections 160.254, 173.005, 173.200, 173.203, 173.205, 173.210, 173.215, 173.220, 173.225, 173.230, 173.616, 173.810, 173.813, 173.816, 173.820, 173.825, 173.827, 173.830, and 313.835, RSMo, and to enact in lieu thereof eighteen new sections relating to higher education, with penalty provisions and an emergency clause.

SB 390—By Koster, Green and Kennedy.

An Act to amend chapter 393, RSMo, by adding thereto two new sections relating to the electrical corporation responsibility act.

SB 391—By Days.

An Act to amend chapter 644, RSMo, by adding thereto one new section relating to storm water control bonds.

SB 392—By Shoemyer, Koster, Barnitz, Kennedy, Green, Justus, McKenna, Smith and Wilson.

An Act to repeal section 105.005, RSMo, and to enact in lieu thereof one new section relating to state officials and employees compensation.

SB 393—By McKenna.

An Act to amend chapter 321, RSMo, by adding thereto one new section relating to fire protection district consolidations.

SB 394—By McKenna.

An Act to amend chapter 650, RSMo, by adding thereto one new section relating to the Missouri urban pursuit reduction grant.

SB 395—By McKenna.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to a

memorial highway designation.

SB 396—By McKenna.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to a memorial highway designation.

SB 397—By Stouffer.

An Act to repeal section 198.018, RSMo, and to enact in lieu thereof one new section relating to applications for long-term care facilities.

SJR 17—By Coleman.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 13 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the sexual offender registry.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 375—Judiciary and Civil and Criminal Jurisprudence.

SB 376—Economic Development, Tourism and Local Government.

SB 377—Transportation.

SB 378—Judiciary and Civil and Criminal Jurisprudence.

SB 379—Health and Mental Health.

SB 380—Judiciary and Civil and Criminal Jurisprudence.

SB 381—Small Business, Insurance and Industrial Relations.

SB 382—Governmental Accountability and Fiscal Oversight.

SB 383—Pensions, Veterans' Affairs and General Laws.

SB 384—Transportation.

SB 385—Governmental Accountability and

Fiscal Oversight.

SB 386—Financial and Governmental Organizations and Elections.

SB 387—Agriculture, Conservation, Parks and Natural Resources.

SB 388—Agriculture, Conservation, Parks and Natural Resources.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

January 26, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

RE: Reappointment to the Joint Committee on Public Employee Retirement

Dear Ms. Spieler:

Pursuant to Section 21.553 of the Revised Statutes of Missouri (RSMo 1983), I am reappointing the following senator to the Joint Committee on Public Employee Retirement:

- Delbert Scott

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

Also,

January 26, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

RE: Reappointments to Jt. Committee on Gaming and Wagering

Dear Ms. Spieler:

Pursuant to Section 313.001 of the Revised Statutes of Missouri (RSMo 1988), I am reappointing the following senators to the Jt. Committee on Gaming and Wagering:

- Carl Vogel
- John Griesheimer

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

Also,

January 26, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

RE: Appointments to Missouri Film Commission

Dear Ms. Spieler:

Pursuant to Section 620.1200 of the Revised Statutes of Missouri (RSMo 1996), I am reappointing the following senator to the Missouri Film Commission:

- Norma Champion

Further, I am appointing the following senator to said commission:

- Maida Coleman

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

Also,

January 26, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

RE: Appointments to Joint Committee on Corrections

Dear Ms. Spieler:

Pursuant to Section 21.440 of the Revised Statutes of Missouri (RSMo 1990), I am appointing the following senators to the Joint Committee on Corrections:

- Jack Goodman
- Brad Lager

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

Also,

January 26, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

RE: Reappointment to Jt. Committee on Economic Development Policy and Planning

Dear Ms. Spieler:

Pursuant to Section 620.602 of the Revised Statutes of Missouri (RSMo 1990), I am reappointing the following senator to the Joint Committee on Economic Development Policy and Planning:

- John Griesheimer

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

Also,

January 26, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

RE: Appointment to Missouri Ethanol and Other Renewable Fuel Sources Commission

Dear Ms. Spieler:

Pursuant to Section 414.420 of the Revised Statutes of Missouri (RSMo 1993), I am appointing the following senator to the Missouri Ethanol and Other Renewable Fuel Sources Commission:

- Bill Stouffer

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Gross introduced to the Senate, Mrs. Jean Ehlmann, and twelve twelfth grade students from St. Charles High School.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTEENTH DAY—TUESDAY, JANUARY 30, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 389-Nodler, et al
SB 390-Koster, et al
SB 391-Days
SB 392-Shoemyer, et al
SB 393-McKenna

SB 394-McKenna
SB 395-McKenna
SB 396-McKenna
SB 397-Stouffer
SJR 17-Coleman

Journal of the Senate

FIRST REGULAR SESSION

FIFTEENTH DAY—TUESDAY, JANUARY 30, 2007

The Senate met pursuant to adjournment.

Senator Koster in the Chair.

Reverend Carl Gauck offered the following prayer:

“The eyes of the Lord are upon the righteous, and His ears are open unto their cry.” (Psalm 34:15)

Almighty God, we know You keep Your eyes on us as a mother and father keep their eyes on their newborn. Help us to live our lives in the full and constant awareness that You truly do have Your eyes on us and make us mindful that You look on us with love and compassion so we might look on others with the same compassion You show us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler

Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Purgason offered Senate Resolution No. 260, regarding William Girdler, Pomona, which was adopted.

Senator Stouffer offered Senate Resolution No. 261, regarding OnShore Technology Services, Macon, which was adopted.

Senator Stouffer offered Senate Resolution No. 262, regarding Alma Meats, Alma, which was adopted.

CONCURRENT RESOLUTIONS

Senator Crowell offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 9

WHEREAS, the Lewis and Clark Expedition is about President Thomas Jefferson's dream, the planning and preparation

required for an early 19th-century military expedition, and then finally about the journey itself; and

WHEREAS, the Mississippi River portion of the expedition was the proving ground for handling the keelboat and pirogues upstream on the way to St. Louis, Missouri, Wood River, Illinois, and St. Charles, Missouri in preparation for their assault on the Missouri River; and

WHEREAS, members of the Lewis and Clark Expedition comprising the Corps of Discovery, became residents of the Upper Louisiana Territory and its successor the Missouri Territory after their return. Both Meriwether Lewis and William Clark served as Governors of the Upper Louisiana Territory while other members of the expedition resided in the territory; and

WHEREAS, members of the Missouri Delegation would support members of the Kentucky Delegation, the primary sponsor of legislation before Congress, which would have amended the National Trails System Act by extending the Lewis and Clark National Historic Trail to include additional sites associated with the preparation or the return phase of the expedition; and

WHEREAS, members of the Kentucky Delegation will introduce legislation calling for a feasibility study on extending the Lewis and Clark National Historic Trail to the east; and

WHEREAS, the Lewis and Clark Trail Heritage Foundation supports recognition of a continuous trail across the country on the National Park Service's official trail map and the right to post the official trail signs - Two Captains Pointing the Way - which are posted throughout the West; and

WHEREAS, the extension of the Lewis and Clark National Historic Trail from coast to coast would complete the story and expose a broader base of Americans to the educational and cultural aspects of the expedition; and

WHEREAS, the Lewis and Clark Trail Heritage Foundation believes that the status quo does not adequately recognize Monticello, the home of Thomas Jefferson where he dreamed his vision for America, Washington D.C., where he shared his dream with Meriwether Lewis, or a variety of other significant places throughout the Eastern Legacy states; and

WHEREAS, the Lewis and Clark Trail Heritage Foundation partners with the National Park Service, the Bureau of Land Management and the Forest Service in caring for the Lewis and Clark National Historic Trail and also supports scholarship, educational efforts, and research on the expedition:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby support and urge the Missouri Congressional Delegation to support legislation calling for federal approval of extension of the Lewis and Clark National Historic Trail; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies

of this resolution for the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the Missouri Congressional delegation.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 398—By Crowell.

An Act to repeal section 456.5-501, RSMo, and to enact in lieu thereof one new section relating to the Missouri uniform trust code.

SB 399—By Crowell.

An Act to repeal sections 160.261, 167.621, 167.624, and 190.092, RSMo, and to enact in lieu thereof four new sections relating to liability for school employees and volunteers, with penalty provisions.

SB 400—By Crowell, Justus, Coleman and Champion.

An Act to repeal section 135.750, RSMo, and to enact in lieu thereof one new section relating to a tax credit for qualified film production projects.

SB 401—By Crowell.

An Act to repeal sections 104.344 and 104.1090, RSMo, and to enact in lieu thereof three new sections relating to purchase of creditable prior service by members of the Missouri state employees' retirement system and the Missouri department of transportation and highway patrol employees' retirement system.

SB 402—By Crowell.

An Act to repeal sections 104.395, 104.1012, 104.1015, 104.1024, 104.1027, and 104.1072, RSMo, and to enact in lieu thereof six new sections relating to retirement plan election options.

SB 403—By Crowell.

An Act to repeal sections 104.312 and 104.1051, RSMo, and to enact in lieu thereof two new sections relating to orders for division of benefits under the Missouri state employees'

retirement system.

SB 404—By Crowell.

An Act to repeal sections 104.380 and 104.1039, RSMo, and to enact in lieu thereof two new sections relating to the reemployment of retired members of the Missouri state employees' retirement system.

SB 405—By Crowell.

An Act to repeal sections 70.615, 105.660, 105.665, and 320.320, RSMo, and to enact in lieu thereof eight new sections relating to certain public employee retirement plans, with penalty provisions.

SB 406—By Crowell.

An Act to repeal sections 104.010, 104.352, 104.354, 104.1003, 104.1021, and 104.1087, RSMo, and to enact in lieu thereof six new sections relating to the administration of state employee retirement benefits.

SB 407—By Shoemyer.

An Act to repeal section 247.050, RSMo, and to enact in lieu thereof one new section relating to public water supply districts.

SB 408—By Bray.

An Act to repeal section 130.032, RSMo, and to enact in lieu thereof one new section relating to campaign contribution limits.

SJR 18—By Shoemyer.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article VI of the Constitution of Missouri, and adopting one new section relating to local government.

President Kinder assumed the Chair.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

January 30, 2007

Mrs. Terry Spieler
Secretary of the Senate
State Capitol
Jefferson City, MO 65101
Dear Mrs. Spieler:

Effective January 30, the committee on the Judiciary and Civil and Criminal Jurisprudence will be meeting at 6 p.m. on Mondays instead of 7 p.m.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

SB 389—Education.

SB 390—Commerce, Energy and the Environment.

SB 391—Commerce, Energy and the Environment.

SB 392—Financial and Governmental Organizations and Elections.

SB 393—Economic Development, Tourism and Local Government.

SB 394—Economic Development, Tourism and Local Government.

SB 395—Transportation.

SB 396—Transportation.

SB 397—Seniors, Families and Public Health.

SJR 17—Judiciary and Civil and Criminal Jurisprudence.

INTRODUCTIONS OF GUESTS

Senator Engler introduced to the Senate, Steve Grider, Bismark.

Senator Justus introduced to the Senate, her daughter, Angel Rhodes, and parents, teachers and

children of Operation Breakthrough, Kansas City.

Senator Shields introduced to the Senate, Crispen Rea and students from McCoy Elementary School, Kansas City.

Senator Griesheimer introduced to the Senate, Frank Rice, James Siess, Greg Aholt and Sharon

Birkman, Union; and Trudy Ronsick, Washington.

Senator Graham introduced to the Senate, the Physician of the Day, Dr. Ted Groshong, M.D., Columbia.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTEENTH DAY--WEDNESDAY, JANUARY 31, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 398-Crowell
SB 399-Crowell
SB 400-Crowell, et al
SB 401-Crowell
SB 402-Crowell
SB 403-Crowell

SB 404-Crowell
SB 405-Crowell
SB 406-Crowell
SB 407-Shoemyer
SB 408-Bray
SJR 18-Shoemyer

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SCR 9-Crowell

T

Journal of the Senate

FIRST REGULAR SESSION

SIXTEENTH DAY—WEDNESDAY, JANUARY 31, 2007

The Senate met pursuant to adjournment.

Senator Crowell in the Chair.

Reverend Carl Gauck offered the following prayer:

“Let your moderation be known unto all men. The Lord is at hand.” (Philippians 4:5)

Gracious Lord, we know that in moderation we are to be gentle and kind and reasonable with that willingness to give and forgive. Let us have a disposition of kindness and sympathetic understanding as we deal with others this day and everyday and practice moderation in all that we do. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler

Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Clemens offered Senate Resolution No. 263, regarding Bucks and Spurs Guest Ranch, Ava, which was adopted.

Senator Ridgeway offered Senate Resolution No. 264, regarding Will Gorman, Kansas City, which was adopted.

Senator Crowell offered Senate Resolution No. 265, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Flavian Lappe, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 266, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Thomas Wenciewicz, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution

No. 267, regarding the Sixty-seventh Wedding Anniversary of Mr. and Mrs. Clarence Lohmann, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 268, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Charles Swindell, Delta, which was adopted.

Senator Crowell offered Senate Resolution No. 269, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Raymond Roth, Old Appleton, which was adopted.

Senator Rupp offered Senate Resolution No. 270, regarding Megan Fox, Troy, which was adopted.

Senator Mayer offered Senate Resolution No. 271, regarding Carole Gayle, Piedmont, which was adopted.

Senator Mayer offered Senate Resolution No. 272, regarding Jim Ruegg, Piedmont, which was adopted.

Senator Stouffer offered Senate Resolution No. 273, regarding Gary Grote, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 274, regarding Izetta Herndon, Lawson, which was adopted.

Senator Stouffer offered Senate Resolution No. 275, regarding Ron Pannell, Marshall, which was adopted.

Senator Gibbons offered Senate Resolution No. 276, regarding Craig William Hoemann, Fenton, which was adopted.

Senator Days offered Senate Resolution No. 277, regarding The Rev. Dr. James T. Morris, St. Louis, which was adopted.

Senator Lager offered Senate Resolution No. 278, regarding Whitney Kinman, Maryville, which was adopted.

Senator Lager offered Senate Resolution No. 279, regarding Kevin Logsdon, Maryville,

which was adopted.

Senator Lager offered Senate Resolution No. 280, regarding the Ninetieth Birthday of Marie Gillespie, Albany, which was adopted.

Senator Lager offered Senate Resolution No. 281, regarding Samantha McClary, Cameron, which was adopted.

Senator Lager offered Senate Resolution No. 282, regarding Adam Ussher, Cameron, which was adopted.

Senator Lager offered Senate Resolution No. 283, regarding Mike Renouf, Winston, which was adopted.

Senator Lager offered Senate Resolution No. 284, regarding Grace Daniels, Cameron, which was adopted.

Senator Rupp offered Senate Resolution No. 285, regarding Ken Sissom, Troy, which was adopted.

Senator Rupp offered Senate Resolution No. 286, regarding Rachel Yates, Troy, which was adopted.

Senator Mayer offered Senate Resolution No. 287, regarding the Richland R-I School District, which was adopted.

Senator Mayer offered Senate Resolution No. 288, regarding the Dexter R-XI School District, which was adopted.

Senator Mayer offered Senate Resolution No. 289, regarding the Bernie R-XIII School District, which was adopted.

Senator Mayer offered Senate Resolution No. 290, regarding the Bell City R-II School District, which was adopted.

Senator Mayer offered Senate Resolution No. 291, regarding the Advance R-IV School District, which was adopted.

CONCURRENT RESOLUTIONS

Senator Koster offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 10

WHEREAS, there are 45 global or U.S. headquarters and over 120 companies involved in the animal health industry including four of the 10 largest global animal health companies and one of the five largest animal nutrition companies located in Missouri and Kansas; and

WHEREAS, leading veterinary colleges and animal research centers are located in Missouri and Kansas including the University of Missouri College of Veterinary Medicine, the University of Missouri's \$60 million Life Sciences Center and Swine Research Center, the Kansas State University College of Veterinary Medicine, and the Kansas State University's \$54 million Biosecurity Research Institute; and

WHEREAS, Missouri is 7th and Kansas is 2nd in cattle and calf inventory in the United States; and

WHEREAS, there are nationally-recognized publishers within the animal health industry located in Missouri and Kansas; and

WHEREAS, Missouri and Kansas have historical roots in the livestock industry and are home to many prominent national and international associations within the animal health industry; and

WHEREAS, retaining and growing existing animal health companies, attracting new animal health companies, increasing animal health research capacity, and developing commercialization infrastructure will create quality jobs and wealth for the states of Missouri and Kansas:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby recognize the region from Manhattan, Kansas, to Columbia, Missouri, including the metropolitan Kansas City area and St. Joseph, Missouri, as the "KC Animal Health Corridor"; and

BE IT FURTHER RESOLVED that the Missouri General Assembly recognizes the KC Animal Health Corridor as the national center of the animal health industry based on the unmatched concentration of animal health and nutrition businesses, and educational, and research assets; and

BE IT FURTHER RESOLVED that the Missouri General Assembly resolves to establish a favorable business environment and support animal health research to foster the continued growth of the animal health industry for the benefit of the economy,

universities, businesses, and young people hoping to pursue an animal health career in the KC Animal Health Corridor; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governors of Missouri and Kansas.

President Kinder assumed the Chair.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 409—By Nodler and Scott.

An Act to repeal sections 115.321 and 115.329, RSMo, and to enact in lieu thereof two new sections relating to independent candidates in general elections.

SB 410—By Nodler.

An Act to repeal section 115.247, RSMo, and to enact in lieu thereof one new section relating to election ballots.

SB 411—By Clemens.

An Act to amend chapter 416, RSMo, by adding thereto one new section relating to motor fuels franchise contracts in regard to alternative motor fuels, with penalty provisions.

SB 412—By Griesheimer.

An Act to amend chapter 311, RSMo, by adding thereto one new section relating to the tasting of liquor.

SB 413—By Goodman.

An Act to amend chapters 324 and 640, RSMo, by adding thereto four new sections relating to septage pumpers.

SB 414—By Goodman.

An Act to repeal sections 211.021, 211.031, 211.032, 211.033, 211.041, 211.061, 211.071, 211.073, 211.081, 211.091, 211.101, 211.161, 211.181, 211.421, 211.425, and 211.431, RSMo, and to enact in lieu thereof sixteen new sections relating to juvenile courts, with penalty provisions.

SB 415—By Goodman.

An Act to repeal section 565.084, RSMo, and to enact in lieu thereof one new section relating to tampering with a judicial officer.

SB 416—By Goodman.

An Act to repeal section 516.090, RSMo, and to enact in lieu thereof one new section relating to the statute of limitations for actions involving certain lands.

SB 417—By Goodman.

An Act to amend chapter 261, RSMo, by adding thereto one new section relating to the farm mentoring and education fund.

SB 418—By Champion.

An Act to repeal section 208.030, RSMo, and to enact in lieu thereof one new section relating to the supplemental nursing care program.

SB 419—By Kennedy.

An Act to repeal section 247.060, RSMo, and to enact in lieu thereof one new section relating to public water supply districts.

SB 420—By Gibbons, Shields, Callahan, Coleman and Graham.

An Act to repeal section 644.021, RSMo, and to enact in lieu thereof one new section relating to membership on the clean water commission.

SB 421—By Coleman.

An Act to repeal section 142.815, RSMo, and to enact in lieu thereof one new section relating to a tax exemption for motor fuel used for school buses.

SB 422—By Coleman.

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to an income tax check-off for the after-school retreat reading and assessment grant program.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 30, 2007

REORGANIZATION PLAN NO. 1

2007

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan No. 1 of 2007, by Executive Order 07-05, to transfer the Breath Alcohol Program from the Department of Health and Senior Services and assign it, and all of its responsibilities and functions, to the Missouri Department of Transportation. The Breath Alcohol Program will retain all functions and authority as provided by law. The Missouri Department of Transportation shall furnish administrative support and staff as is necessary for the effective operation of the Breath Alcohol Program.

The transfer of the Breath Alcohol Program from the Missouri Department of Health and Senior Services to the Missouri Department of Transportation will improve efficiencies within state government, as the Department of Transportation's Division of Highway Safety is tasked with administering other programs related to the safety of our roadways and drivers.

Respectfully submitted,

MATT BLUNT

EXECUTIVE ORDER

07-05

WHEREAS, the Missouri Department of Health and Senior Services is authorized pursuant to Chapter 192, RSMo; and

WHEREAS, the Missouri Department of Transportation is authorized pursuant to Article IV, Section 12, of the Missouri Constitution and Chapter 226, RSMo; and

WHEREAS, Chapters 306 and 577, RSMo, require the Missouri Department of Health and Senior Services to license and regulate

the chemical analysis used in determining the alcohol or drug content of motor vehicle and watercraft operators; and

WHEREAS, the Breath Alcohol Program is responsible for performing on-site inspection of breath analyzers, as well as, approving permits to operate and maintain evidential breath analyzers; permits to analyze blood, urine and saliva for drugs; and courses to instruct permit holders in the use of breath analyzer equipment; and

WHEREAS, the Breath Alcohol Program was established to ensure alcohol and drug testing is conducted in a uniform way throughout the state; and

WHEREAS, the Missouri Department of Transportation, Division of Highway Safety, currently supports the two major facilities involved in training and equipping law enforcement on issues related to breath alcohol testing; and

WHEREAS, the work of the Breath Alcohol Program would be strengthened by a move to the Missouri Department of Transportation, where other state initiatives promoting highway safety are located; and

WHEREAS, the Missouri State Government Review Commission recommended this transfer in its November 2005 Report; and

WHEREAS, the transfer of the Breath Alcohol Program would better serve Missouri's citizens by increasing efficiencies and is a component of the Governor's Executive Branch Reorganization Plan of 2007; and

WHEREAS, I am committed to integrating executive branch operations to ensure that the state delivers quality services in the most accessible manner and at the lowest cost to taxpayers.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974, do hereby order the Missouri Department of Health and Senior Services and the Missouri Department of Transportation to cooperate to:

1. Transfer all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Breath Alcohol Program from the Missouri Department of Health and Senior Services to the Missouri Department of Transportation, by Type I transfer, as defined under the Reorganization Act of 1974; and
2. Develop mechanisms and processes necessary to effectively transfer the Breath Alcohol Program to the Missouri Department of Transportation; and
3. Transfer the responsibility for staff support for the Breath Alcohol Program from the Missouri Department

of Health and Senior Services to the Missouri Department of Transportation; and

4. Take the steps necessary to maintain compliance with federal requirements, so as not to jeopardize federal financial participation with this consolidation.

This Order shall become effective no sooner than August 28, 2007, unless disapproved within sixty days of its submission to the First Regular Session of the 94th General Assembly.

(Seal) IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson on this 30th day of January, 2007.

MATT BLUNT
GOVERNOR

ATTEST:

ROBIN CARNAHAN
SECRETARY OF STATE

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 30, 2007

REORGANIZATION PLAN NO. 2
2007

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan No. 2 of 2007, by Executive Order 07-06, to transfer the collection of surplus lines taxes paid by insurance companies from the Missouri Department of Insurance, Financial Institutions and Professional Registration and assign it, and all of its responsibilities and functions, to the Missouri Department of Revenue. The collection of surplus lines taxes will retain all functions and authority as provided by law. The Missouri Department of Revenue shall furnish administrative support and staff as is necessary for the effective operation of surplus lines tax collection.

The transfer of the collection of surplus lines taxes from the Missouri Department of Insurance, Financial Institutions and Professional Registration to the Missouri Department of Revenue will improve efficiencies within state government, as the Missouri Department of Revenue is already tasked with collecting taxes for

the state.

Respectfully submitted,
MATT BLUNT

EXECUTIVE ORDER

07-06

WHEREAS, the Missouri Department of Insurance, Financial Institutions and Professional Registration is authorized pursuant to Article IV, Section 12, of the Missouri Constitution and Chapter 374, RSMo; and

WHEREAS, the Missouri Department of Revenue is authorized pursuant to Article IV, Section 12, of the Missouri Constitution and Chapter 32, RSMo; and

WHEREAS, the collection of surplus lines insurance taxes is established in Chapter 384, RSMo, and currently is assigned to the Missouri Department of Insurance, Financial Institutions and Professional Registration; and

WHEREAS, the surplus lines insurance market provides unusual or high-risk insurance unavailable from licensed insurers; and

WHEREAS, surplus lines insurance companies doing business in Missouri pay premium taxes to the Missouri Department of Insurance, Financial Institutions and Professional Registration; and

WHEREAS, administering the premium and surplus lines tax systems is a function of the Missouri Department of Insurance, Financial Institutions and Professional Registration; and

WHEREAS, the Missouri Department of Insurance, Financial Institutions and Professional Registration currently transmits the surplus lines tax remittances received from insurance companies directly to the Missouri Department of Revenue; and

WHEREAS, the Missouri Department of Revenue is already collecting premium taxes remitted by insurance companies; and

WHEREAS, the Missouri Department of Revenue is the state's tax collection agency; and

WHEREAS, the collection of surplus lines insurance taxes would be strengthened by a move to the Missouri Department of Revenue where other state taxes are collected; and

WHEREAS, the Missouri State Government Review Commission recommended this transfer in its November 2005 Report; and

WHEREAS, the transfer of the collection of surplus lines insurance tax function would better serve Missouri's citizens by increasing efficiencies and is a component of the Governor's Executive Branch Reorganization Plan of 2007; and

WHEREAS, I am committed to integrating executive branch operations to ensure that the state delivers quality services in the most accessible manner and at the lowest cost to taxpayers.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974, do hereby order the

Missouri Department of Insurance, Financial Institutions and Professional Registration and the Missouri Department of Revenue to cooperate to:

1. Transfer all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the function of collecting surplus lines taxes from the Missouri Department of Insurance, Financial Institutions and Professional Registration to the Missouri Department of Revenue, by Type I transfer, as defined under the Reorganization Act of 1974; and
2. Develop mechanisms and processes necessary to effectively transfer the function of collecting surplus lines taxes to the Missouri Department of Revenue; and
3. Transfer the responsibility for staff support for the function of collecting surplus lines taxes from the Missouri Department of Insurance, Financial Institutions and Professional Registration to the Missouri Department of Revenue.

This Order shall become effective no sooner than August 28, 2007, unless disapproved within sixty days of its submission to the First Regular Session of the 94th General Assembly.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson on this 30th day of January, 2007.

(Seal)

MATT BLUNT
GOVERNOR

ATTEST:

ROBIN CARNAHAN
SECRETARY OF STATE

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 30, 2007

REORGANIZATION PLAN NO. 3

2007

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan No. 3 of 2007, by

Executive Order 07-07, to transfer the Crime Victims' Compensation Fund from the Missouri Department of Labor and Industrial Relations and assign it, and all of its responsibilities and functions, to the Missouri Department of Public Safety. The Crime Victims' Compensation Fund will retain all functions and authority as provided by law. The Missouri Department of Public Safety shall furnish administrative support and staff as is necessary for the effective operation of the Crime Victims' Compensation Fund.

The transfer of the Crime Victims' Compensation Fund from the Missouri Department of Labor and Industrial Relations to the Missouri Department of Public Safety will improve efficiencies within state government, as the Missouri Department of Public Safety is tasked with administering other state programs related to providing services to victims of crime.

Respectfully submitted,
MATT BLUNT

EXECUTIVE ORDER

07-07

WHEREAS, the Missouri Department of Labor and Industrial Relations is authorized pursuant to Article IV, Section 12, of the Missouri Constitution and Chapter 286, RSMo; and

WHEREAS, the Missouri Department of Public Safety is authorized pursuant to Article IV, Section 12, of the Missouri Constitution and Chapter 650, RSMo; and

WHEREAS, the Crime Victims' Compensation Fund is established in Section 595.045, RSMo, and is currently administered by the Missouri Department of Labor and Industrial Relations, Division of Workers' Compensation; and

WHEREAS, the Crime Victims' Compensation Fund was established in 1981 to assist victims of violent crimes through a period of financial hardship; and

WHEREAS, the Crime Victims' Compensation Fund is supported by a surcharge assessed in criminal court proceedings filed in Missouri courts; and

WHEREAS, the Office for Victims of Crime was established in the Missouri Department of Public Safety in 2001 to coordinate and promote the state's programs for victims of crime, coordinate efforts with stateside coalitions involved in providing assistance to victims of crime, administer the statewide victim notification system, and serve as a clearinghouse for victim complaints; and

WHEREAS, the work of the Crime Victims' Compensation program would be strengthened by a move to the Missouri Department of Public Safety where other statewide programs providing services to crime victims are located; and

WHEREAS, the Missouri State Government Review Commission recommended this transfer in its November 2005 Report; and

WHEREAS, the transfer of the Crime Victims' Compensation Fund would better serve Missouri's citizens by increasing efficiencies and

is a component of the Governor's Executive Branch Reorganization Plan of 2007; and

WHEREAS, I am committed to integrating executive branch operations to ensure that the state delivers quality services in the most accessible manner and at the lowest cost to taxpayers.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974, do hereby order the Missouri Department of Labor and Industrial Relations and the Missouri Department of Public Safety to cooperate to:

1. Transfer all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Crime Victims' Compensation Fund from the Missouri Department of Labor and Industrial Relations to the Missouri Department of Public Safety by Type I transfer, as defined under the Reorganization Act of 1974; and
2. Develop mechanisms and processes necessary to effectively transfer the Crime Victims' Compensation Fund to the Missouri Department of Public Safety; and
3. Transfer the responsibility for staff support for the Crime Victims' Compensation Fund from the Missouri Department of Labor and Industrial Relations to the Missouri Department of Public Safety.

This Order shall become effective no sooner than August 28, 2007, unless disapproved within sixty days of its submission to the First Regular Session of the 94th General Assembly.

(Seal) IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson on this 30th day of January, 2007.

MATT BLUNT
GOVERNOR

ATTEST:

ROBIN CARNAHAN
SECRETARY OF STATE

REFERRALS

President Pro Tem Gibbons referred **SCR 9** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Jan and Carol Tupper, Joplin.

Senator Goodman introduced to the Senate, Glen and Sharon Garrett, Purdy.

Senator Purgason introduced to the Senate, Steve Hogan, Summersville.

Senator Engler introduced to the Senate, Greg Redfield, Festus.

Senator Engler introduced to the Senate, Mr. and Mrs. Harry Robbins, Farmington.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Scott Smout, D.O.,

University City.

Senator Clemens introduced to the Senate, Mr. and Mrs. Gary Fraker, Marshfield.

Senator Kennedy introduced to the Senate, Amanda Groebl, St. Louis.

On behalf of Senator Crowell, the President introduced to the Senate, Neal Glass, Scott City.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SEVENTEENTH DAY—THURSDAY, FEBRUARY 1, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 398-Crowell
 SB 399-Crowell
 SB 400-Crowell, et al
 SB 401-Crowell
 SB 402-Crowell
 SB 403-Crowell
 SB 404-Crowell
 SB 405-Crowell
 SB 406-Crowell
 SB 407-Shoemyer
 SB 408-Bray
 SB 409-Nodler and Scott
 SB 410-Nodler

SB 411-Clemens
 SB 412-Griesheimer
 SB 413-Goodman
 SB 414-Goodman
 SB 415-Goodman
 SB 416-Goodman
 SB 417-Goodman
 SB 418-Champion
 SB 419-Kennedy
 SB 420-Gibbons, et al
 SB 421-Coleman
 SB 422-Coleman
 SJR 18-Shoemyer

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SCR 10-Koster

Journal of the Senate

FIRST REGULAR SESSION

SEVENTEENTH DAY—THURSDAY, FEBRUARY 1, 2007

The Senate met pursuant to adjournment.

President Pro Tem Gibbons in the Chair.

Reverend Carl Gauck offered the following prayer:

“Rejoice in the Lord always, and again I say, Rejoice.”
(Philippians 4:4)

Lord God, we know that true joy must be reflected in our lives in all that we do. May we share such a joy at lunch today and at the breakfast table tomorrow. May our words and actions express the warmth and radiant living that comes from loving You our God. And may that warmth radiate out to those we love and who love us everyday. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

President Kinder assumed the Chair.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager

Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Bray offered Senate Resolution No. 292, regarding the Fiftieth Birthday of Nelson Mitten, which was adopted.

Senator Bray offered Senate Resolution No. 293, regarding The Art of Living Foundation, which was adopted.

Senator Purgason offered Senate Resolution No. 294, regarding the One Hundredth Birthday of Evangiel Head, Birch Tree, which was adopted.

Senator Shields offered Senate Resolution No. 295, regarding King’s Kids Early Childhood & Development Center, St. Joseph, which was adopted.

Senator Smith offered Senate Resolution

No. 296, regarding the One Hundred Second Birthday of Mae Overton, Saint Louis, which was adopted.

Senator Lager offered Senate Resolution No. 297, regarding LeAaron Hicks, Plattsburg, which was adopted.

Senator Shields offered Senate Resolution No. 298, regarding Skyler Amos, Platte City, which was adopted.

Senator Champion offered Senate Resolution No. 299, regarding Phil Melugin, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 300, regarding Greg Horton, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 301, regarding Paul Reinhert, Springfield, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolutions were read the 1st time and ordered printed:

SB 423—By Green.

An Act to repeal sections 386.266 and 393.140, RSMo, and to enact in lieu thereof four new sections relating to electrical corporations, with penalty provisions.

SB 424—By Green.

An Act to repeal sections 285.300 and 285.302, RSMo, and to enact in lieu thereof nine new sections relating to employee misclassification, with penalty provisions and an emergency clause.

SB 425—By Rupp.

An Act to amend chapter 334, RSMo, by adding thereto twelve new sections relating to the regulation and licensing of the practice of naturopathic medicine, with penalty provisions.

SB 426—By Justus.

An Act to repeal section 477.600, RSMo, and

to enact in lieu thereof one new section relating to annual judicial reports.

SB 427—By Goodman.

An Act to repeal section 221.040, RSMo, and to enact in lieu thereof one new section relating to the responsibility of receiving prisoners, with penalty provisions.

SB 428—By Purgason.

An Act to amend chapter 267, RSMo, by adding thereto one new section relating to the national animal identification system.

SB 429—By Gibbons.

An Act to repeal sections 191.225, 565.072, 595.030, 595.209, RSMo, and to enact in lieu thereof seven new sections relating to crime victims, with penalty provisions.

SB 430—By Shields, Callahan and Koster.

An Act to repeal sections 160.534, 313.805, and 313.812, RSMo, and to enact in lieu thereof five new sections relating to the smart start scholarship program, with penalty provisions and an effective date.

SJR 19—By Lager.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 3 of article XIII of the Constitution of Missouri, and adopting one new section in lieu thereof relating to compensation of public officials.

SJR 20—By Bartle, Engler, Clemens, Mayer, Purgason, Rupp, Nodler and Scott.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article III of the Constitution of Missouri relating to human cloning.

CONCURRENT RESOLUTIONS

Senator Purgason offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 11

Relating to a prohibition on the implementation of the federal REAL ID Act.

WHEREAS, in May 2005, the United States Congress enacted the REAL ID Act of 2005 as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief Act (PL 109-13), which was signed by President Bush on May 11, 2005, and which becomes effective May 11, 2008; and

WHEREAS, some of the requirements of the REAL ID Act are that states shall:

(1) Issue a driver's license or state identification card in a uniform format, containing uniform information, as prescribed by the federal Department of Homeland Security;

(2) Verify the issuance, validity, and completeness of all primary documents used to issue a driver's license, such as those showing that the bearer is a United States citizen or a lawful alien, a lawful refugee, or a person holding a valid visa;

(3) Provide for secure storage of all primary documents that are used to issue a federally approved driver's license or state identification card;

(4) Provide fraudulent document recognition training to all persons engaged in issuing driver's licenses or state identification cards; and

(5) Issue a driver's license or state identification card in a prescribed format if it is a license or card that does not meet the criteria provided for a federally approved license or identification card; and

WHEREAS, use of the federal minimum standards for state driver's licenses and state-issued identification cards will be necessary for any type of federally regulated activity for which an identification card must be displayed, including flying in a commercial airplane, making transactions with a federally licensed bank, entering a federal building, or making application for federally supported public assistance benefits, including Social Security; and

WHEREAS, some of the intended privacy requirements of the REAL ID Act, such as the use of common machine-readable technology and state maintenance of a database that can be shared with the United States government and agencies of other states, may actually make it more likely that a federally required driver's license or state identification card, or the information about the bearer on which the license or card is based, will be stolen, sold, or otherwise used for purposes that were never intended or that are criminally related than if the REAL ID Act had not been enacted; and

WHEREAS, these potential breaches in privacy that could result directly from compliance with the REAL ID Act may violate the right to privacy secured in the Missouri Constitution, for

thousands of residents of Missouri; and

WHEREAS, the American Association of Motor Vehicle Administrators, the National Governors' Association, and the National Conference of State Legislatures have estimated, in an impact analysis dated September 2006, that the cost to the states to implement the REAL ID Act will be more than \$11 billion over 5 years, and it is estimated that the implementation of the REAL ID Act will cost Missouri millions to fully implement the Act, none of such costs being paid for by the federal government; and

WHEREAS, for all of these reasons, the American Association of Motor Vehicle Administrators, the National Governors' Association, and the National Conference of State Legislatures, in a letter dated March 17, 2005, to the majority and minority leaders of the United States Senate, opposed the adoption of the REAL ID Act, but the opposition of those groups, and the groups' request that Congress rely on driver's license security provisions already passed by Congress in the Intelligence Reform and Terrorism Prevention Act of 2004, was largely ignored by Congress; and

WHEREAS, the regulations that are to be adopted by the U.S. Department of Homeland Security to implement the requirements of the REAL ID Act have yet to be adopted and, in reality, will probably not become effective until the Spring of 2007, effectively giving the states only one year in which to become familiar with the implementing regulations and comply with those regulations and the requirements of the REAL ID Act; and

WHEREAS, the mandate to the states, through federal legislation that provides no funding for its requirements, to issue what is, in effect, a national identification card appears to be an attempt to "commandeer" the political machinery of the states and to require the states to be agents of the federal government, in violation of the principles of federalism contained in the Tenth Amendment to the United States Constitution, as interpreted by the United States Supreme Court in *New York v. United States*, 488 U.S. 1041 (1992), *United States v. Lopez*, 514 U.S. 549 (1995), and *Printz v. United States*, 521 U.S. 898 (1997);

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby refuse to implement the REAL ID Act and thereby protest the treatment by Congress and of the states as agents of the federal government and, by such protest, lead other state legislatures and governors to reject the treatment by the federal government of the 50 states by the enactment of the REAL ID Act; and

BE IT FURTHER RESOLVED that the Missouri General Assembly finds that the enactment into law by the United States Congress of the REAL ID Act of 2005, as part of PL 109-13, is inimical to the security and well-being of the people of Missouri, will cause unneeded expense and inconvenience to those people, and was adopted by the United States Congress in violation of the

principles of federalism contained in the Tenth Amendment to the United States Constitution; and

BE IT FURTHER RESOLVED that the Missouri General Assembly prohibits the State of Missouri from participating in the implementation of the REAL ID Act of 2005. The Missouri Department of Revenue, including the Division of Motor Vehicle and Drivers Licensing, is directed not to implement the provisions of the REAL ID Act of 2005 and to report to the Governor any attempt by agencies or agents of the federal Department of Homeland Security to secure the implementation of the REAL ID Act of 2005 through the operations of such Division and Department; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

January 31, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointments to office submitted to you on January 3, 2007, for your advice and consent:

Karen A. Bartz, 18403 East Moorland Street, Pleasant Hill, Cass County, Missouri 64080, as a member of the Coordinating Board for Early Childhood, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, 210.102, RSMo.

Judith K. Doss, Republican, 6217 Rhodes Avenue, Saint Louis City, Missouri 63109, as a member of the Regional Convention and Sports Complex Authority, for a term ending May 31, 2012, and until her successor is duly appointed and qualified; vice, James Buford, resigned.

Richard D. James, D.C., 10 Stone Meadow Court, Saint Peters, Saint Charles County, Missouri 63376, as a member of the Missouri Acupuncturist Advisory Committee, for a term ending December 10, 2007, and until his successor is duly appointed and qualified; vice, Mary Holyoke, term expired.

Christy K. Ostrosky, 4030 West Portland, Springfield, Greene County, Missouri 65807, as a member of the Missouri Board of Occupational Therapy, for a term ending December 11,

2008 and until her successor is duly and qualified; vice, Cynthia Ballentine, term expired.

Larry W. Plunkett, Sr., Democrat, 109 Pine Street, Greenville, Wayne County, Missouri 63944, as a member of the Missouri Gaming Commission, for a term ending April 29, 2007 and until his successor is duly appointed and qualified; vice, Floyd Barch, resigned.

Sharon Smith, 7132 Vernon, University City, Saint Louis County, Missouri 63130, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Dana D. Thompson, Republican, 4611 Georgetown Drive, Columbia, Missouri 65203, as the Chairman of the Board of Probation and Parole, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Christine L. Chinn, 8498 Shelby 360, Emden, Shelby County, Missouri 63439, as a member of the Citizens' Advisory Commission for Marketing Missouri Agricultural Products, for a term ending April 10, 2010, and until her successor is duly appointed and qualified; vice, Joann Pipkin, term expired.

Anthony Thompson, Democrat, 1100 Sandistan Court, Saint Louis, Saint Louis County, Missouri 63146, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2012, and until his successor is duly appointed and qualified; vice, Earl Wilson, term expired.

James Buford, Republican, 1 Kingsbury Place, Saint Louis, Saint Louis County, Missouri 63112, as a member of the Missouri State University Board of Governors, for a term ending August 28, 2010, and until his successor is duly appointed and qualified; vice, James Buford, resigned.

Jan C. Tupper, Republican, 2827 South Michigan, Joplin, Jasper County, Missouri 64804, as a member of the Clean Water Commission, for a term ending April 12, 2007, and until his successor is duly appointed and qualified; vice, Paul Hauser, resigned.

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons moved that the above appointments be returned to the Governor, pursuant to his request, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House

of Representatives to inform the Senate that the House has taken up and adopted **HCR 18**.

HOUSE CONCURRENT RESOLUTION NO.18

BE IT RESOLVED by the members of the House of Representatives of the Ninety-fourth General Assembly, First Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene a joint session in the Hall of the House of Representatives at 10:30 a.m., Wednesday, February 7, 2007, to receive a message from Pete K. Rahn, Director of the Missouri Department of Transportation; and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

In which the concurrence of the Senate is respectfully requested.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Janice C. Enfield and Robert “Bobby” O’Dell, as members of the Missouri Planning Council on Development Disabilities;

Also,

Joseph V. Knodell, Cheryl L. Thruston and John “Gil” Kennon, as members of the Missouri Training and Employment Council;

Also,

Rosemary Vitale, as a member of the Missouri Real Estate Commission;

Also,

Cathy Smith, Republican, as a member of the Missouri State University Board of Governors;

Also,

Sharon K. Garrett, Republican, as a member of the Tourism Commission;

Also,

Samual J. Hais, Republican, as a member of the Missouri Gaming Commission;

Also,

Richard “Rick” Sullivan, Jr., Republican, as a member of the Regional Convention and Sports Complex Authority;

Also,

Gary A. Fraker, Republican, as a member of the State Board of Embalmers and Funeral Directors;

Also,

Stanley A. Archie, Democrat, as a member of the State Board of Education;

Also,

Leila L. Cohoon, as a member of the Board of Cosmetology and Barber Examiners;

Also,

Nanci M. King, Republican, as a member of the Missouri Women’s Council;

Also,

Douglas M. Ommen, as the Director of the Department of Insurance, Financial Institutions, and Professional Registration;

Also,

Charles Keith Schafer, as the Director of the Department of Mental Health;

Also,

Jane Drummond, as the Director of the Department of Health and Senior Services;

Also,

Carrie L. McCray, as a member of the Missouri State Committee of Interpreters;

Also,

William F. Ringer, Republican, as a member of the Labor and Industrial Relations Commission;

Also,

Debra A. Adams, as a member of the Advisory Commission for Dental Hygienists;

Also,

Eric J. Aubert, D.M.D., as a member of the Missouri Dental Board;

Also,

Michael C. Perry, M.D., as a member of the Organ Donation Advisory Committee;

Also,

Ronald G. Hardecke, Republican, as a member of the Clean Water Commission.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which were referred **SB 255**, **SB 249** and **SB 279**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following

reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 9**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 47**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 81**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 115**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 152**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Champion, Chairman of the Committee on Seniors, Families and Public Health, submitted the following reports:

Mr. President: Your Committee on Seniors,

Families and Public Health, to which was referred **SB 25**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Seniors, Families and Public Health, to which was referred **SB 84**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Engler, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 284**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 384**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 52**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 232**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed

on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 19**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 5**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION NO. 5

WHEREAS, chronic obstructive pulmonary disease (COPD), also known as chronic bronchitis and emphysema, is the fourth leading cause of death in the United States and the only one of the top five causes of death whose prevalence and death rate are rising; and

WHEREAS, COPD is a chronic progressive disease which impacts over 175,000 residents of Missouri and 24 million Americans; and

WHEREAS, the annual cost to the nation for COPD in 2004 was estimated to be approximately 37 billion dollars; and

WHEREAS, early diagnosis and management of COPD can effectively reduce the overall financial burden of the illness within public programs such as Medicaid; and

WHEREAS, proper management of COPD can lead to improved quality of life and self-sufficiency on the part of patients with COPD cared for within public programs; and

WHEREAS, disease management has been demonstrated to reduce overall costs of care and increase quality of life for patients with chronic diseases, especially when targeted to appropriate conditions and patients; and

WHEREAS, November is COPD awareness month and November 21, 2007, is COPD awareness day; and

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby recognize November 21, 2007, as COPD awareness day, and

November as COPD awareness month in Missouri; and

BE IT FURTHER RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby support and encourage the Department of Social Services, Division of Medical Services in its efforts with regard to disease management and including COPD in the department's chronic care improvement program in an effort to reduce the financial and clinical burden of COPD on the Medicaid program and the citizens of Missouri.

BE IT FURTHER RESOLVED that the Secretary of Senate be instructed to prepare properly inscribed copies of this resolution for the Department of Social Services.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 70**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Senator Gross assumed the Chair.

Senator Crowell requested unanimous consent of the Senate to withdraw **SB 405**, which request was granted.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 15**, entitled:

An Act to appropriate money for supplemental purposes for the Department of Social Services, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2007.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Senator Shields announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

REFERRALS

President Pro Tem Gibbons referred **SCR 10** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

SB 398—Judiciary and Civil and Criminal Jurisprudence.

SB 399—Judiciary and Civil and Criminal Jurisprudence.

SB 400—Ways and Means.

SB 401—Pensions, Veterans' Affairs and General Laws.

SB 402—Pensions, Veterans' Affairs and General Laws.

SB 403—Pensions, Veterans' Affairs and General Laws.

SB 404—Pensions, Veterans' Affairs and General Laws.

SB 406—Pensions, Veterans' Affairs and General Laws.

SB 407—Commerce, Energy and the Environment.

SB 408—Financial and Governmental Organizations and Elections.

SB 409—Financial and Governmental Organizations and Elections.

SB 410—Financial and Governmental Organizations and Elections.

SB 411—Commerce, Energy and the Environment.

SB 412—Economic Development, Tourism and Local Government.

SB 413—Agriculture, Conservation, Parks

and Natural Resources.

SB 414—Judiciary and Civil and Criminal Jurisprudence.

SB 415—Judiciary and Civil and Criminal Jurisprudence.

SB 416—Commerce, Energy and the Environment.

SB 417—Agriculture, Conservation, Parks and Natural Resources.

SB 418—Seniors, Families and Public Health.

SB 419—Commerce, Energy and the Environment.

SB 420—Financial and Governmental Organizations and Elections.

SB 421—Ways and Means.

SB 422—Ways and Means.

SJR 18—Agriculture, Conservation, Parks and Natural Resources.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

February 1, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol Building
Jefferson City, MO 65101

Dear Mrs. Spieler:

Pursuant to Senate Rule 45, I hereby request that SB 255, 249 & 279 with Senate Committee Substitute be removed from the consent calendar and returned to the Small Business, Insurance and Industrial Relations Committee. This bill has a fiscal note greater than \$100,000.

Please do not hesitate to contact me if you have any questions.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem of the
Missouri Senate

Also,

January 30, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Mrs. Spieler:

I am appointing the following senators to the Joint Committee on Restructuring Fees of the Clean Water and Storm Water Programs:

- Kevin Engler
- Jack Goodman
- Brad Lager
- Harry Kennedy
- Frank Barnitz

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

Also,

January 30, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Mrs. Spieler:

I am reappointing the following senator to the Highway Employees' and Highway Patrol Retirement System Board of Trustees:

- John Griesheimer

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

Also,

January 30, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Mrs. Spieler:

I am reappointing the following senator to the Missouri Health

Facilities Review Board:

- Yvonne Wilson

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

Also,

January 30, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Mrs. Spieler:

I am appointing the following senator to the Advisory Committee on Lead Poisoning:

- Maida Coleman

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

Also,

January 30, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Mrs. Spieler:

I am reappointing the following senator to the Midwestern Interstate Passenger Rail Compact Commission:

- John Griesheimer

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

Also,

January 30, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Mrs. Spieler:

I am reappointing the following senator to the Joint Legislative Oversight Committee on Missouri Job Training:

- John Griesheimer

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

Also,

January 30, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Mrs. Spieler:

I am appointing the following senator to the Missouri Rural Economic Development Council:

- Jack Goodman

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

Also,

January 30, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Mrs. Spieler:

I am appointing the following senator to the Missouri Senior Advocacy and Efficiency Commission:

- Jolie Justus

If you have any questions, please feel free to contact me at your

earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

Also,

January 30, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Mrs. Spieler:

I am appointing the following senator to the Missouri Advisory Council on Pain and Symptom Management:

- Bill Stouffer

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

Also,

January 30, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Mrs. Spieler:

I am reappointing the following senator to the Quality Jobs Advisory Task Force:

- John Griesheimer

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

Also,

January 30, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Mrs. Spieler:

I am reappointing the following senator to the Second State Capitol

Commission:

- Gary Nodler

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

Also,

January 30, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Mrs. Spieler:

I am appointing the following senator to the Small Business Regulatory Fairness Board:

- Kevin Engler

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

Also,

January 30, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Mrs. Spieler:

I am reappointing the following senator to the State Records Commission:

- Gary Nodler

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

Also,

January 30, 2007

Mrs. Terry Spieler
 Secretary of the Missouri Senate
 State Capitol, Room 325
 Jefferson City, MO 65101

Dear Mrs. Spieler:

I am appointing the following senator to Suicide Prevention Advisory Committee:

- Dan Clemens

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
 /s/ Michael R. Gibbons
 MICHAEL R. GIBBONS
 President Pro Tem

Also,

January 30, 2007

Mrs. Terry Spieler
 Secretary of the Missouri Senate
 State Capitol, Room 325
 Jefferson City, MO 65101

Dear Mrs. Spieler:

I am appointing the following senators to Joint Committee on Terrorism, Bioterrorism and Homeland Security:

- Kevin Engler
- Chuck Graham

I am also reappointing the following senator to this committee:

- Rita Days

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
 /s/ Michael R. Gibbons
 MICHAEL R. GIBBONS
 President Pro Tem

Also,

January 31, 2007

Mrs. Terry Spieler
 Secretary of the Missouri Senate
 State Capitol, Room 325
 Jefferson City, MO 65101

Dear Mrs. Spieler:

I am appointing the following senators to the Joint Committee on Transportation Oversight:

- Scott Rupp

- Ryan McKenna

I am also reappointing the following senators to this committee:

- Delbert Scott
- John Griesheimer
- Rita Heard Days
- Frank Barnitz

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
 /s/ Michael R. Gibbons
 MICHAEL R. GIBBONS
 President Pro Tem

Also,

January 31, 2007

Mrs. Terry Spieler
 Secretary of the Missouri Senate
 State Capitol, Room 325
 Jefferson City, MO 65101

Dear Mrs. Spieler:

I am appointing the following senator to Missouri Technology Corporation:

- John Griesheimer

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
 /s/ Michael R. Gibbons
 MICHAEL R. GIBBONS
 President Pro Tem

Also,

January 31, 2007

Mrs. Terry Spieler
 Secretary of the Missouri Senate
 State Capitol, Room 325
 Jefferson City, MO 65101

Dear Mrs. Spieler:

I am appointing the following senator to Missouri Military Preparedness and Enhancement Commission:

- Bill Stouffer

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
 /s/ Michael R. Gibbons
 MICHAEL R. GIBBONS
 President Pro Tem

Also,

January 31, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Mrs. Spieler:

I am appointing the following senators to the Joint Committee on
Legislative Research:

- Jack Goodman
- Brad Lager
- Jolie Justus
- Wes Shoemyer

I am also reappointing the following senators to this committee:

- Gary Nodler, Chairman
- Delbert Scott

If you have any questions, please feel free to contact me at your
earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

Also,

February 1, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Mrs. Spieler:

I am appointing the following senator to the Missouri Consolidated
Health Care Plan:

- Ryan McKenna

If you have any questions, please feel free to contact me at your
earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

On motion of Senator Shields, the Senate
adjourned until 4:00 p.m., Monday, February 5,
2007.

SENATE CALENDAR

EIGHTEENTH DAY--MONDAY, FEBRUARY 5, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 423-Green
SB 424-Green
SB 425-Justus
SB 426-Justus
SB 427-Goodman

SB 428-Purgason
SB 429-Gibbons
SB 430-Shields, et al
SJR 19-Lager
SJR 20-Bartle, et al

HOUSE BILLS ON SECOND READING

HB 15-Icet

SENATE BILLS FOR PERFECTION

SB 284-Griesheimer, et al, with SCS

INFORMAL CALENDAR

CONSENT CALENDAR

Senate Bills

Reported 2/1

SB 9-Kennedy, with SCS

SB 47-Engler, with SCS

SB 81-Griesheimer

SB 115-Scott, with SCS

SB 152-Engler

SB 25-Champion

SB 84-Champion

SB 384-Coleman and Gibbons, with SCS

SB 52-Stouffer, with SCS

SB 232-Crowell, with SCS

SB 19-Shields

RESOLUTIONS

HCR 18-Dempsey (Shields)

Reported from Committee

SCR 5-Shields, with SCS

SR 70-Scott

To be Referred

SCR 11-Purgason

T

Journal of the Senate

FIRST REGULAR SESSION

EIGHTEENTH DAY—MONDAY, FEBRUARY 5, 2007

The Senate met pursuant to adjournment.

Shields
Vogel

Shoemyer
Wilson—34

Smith

Stouffer

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

“The Lord Almighty is the one you are to regard as holy, he is the one you are to dread.” (Isaiah 8:13)

Almighty God, we are thankful for new opportunities You have given us and are grateful to be instruments of Your holy will, which truly humbles us before You. Our trust is in You, relying on Your directing to complete the work that is ahead of us this week. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 1, 2007 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Clemens offered Senate Resolution No. 302, regarding Gary Schultz, Ozark, which was adopted.

Senator Shoemyer offered Senate Resolution No. 303, regarding Marianne Everhart, Vandalia, which was adopted.

Senator Barnitz offered Senate Resolution No. 304, regarding Roger D. Jadwin, Salem, which was adopted.

Senator Vogel offered Senate Resolution No. 305, regarding Steve G. Sapanas, Jefferson City, which was adopted.

Senator Lager offered Senate Resolution No. 306, regarding Tyler Coverdell, Maryville, which was adopted.

Senator Lager offered Senate Resolution

No. 307, regarding Justine Finney Guyer, Purdin, which was adopted.

Senator Shoemyer offered Senate Resolution No. 308, regarding Brick City Custom Works, Mexico, which was adopted.

Senator Barnitz offered Senate Resolution No. 309, regarding the Seventieth Birthday of Warren Helton, Vienna, which was adopted.

Senator Graham offered Senate Resolution No. 310, regarding Melvin C. Platt, Columbia, which was adopted.

Senator Stouffer offered Senate Resolution No. 311, regarding United Parcel Service of America, Incorporated, which was adopted.

Senator Rupp offered Senate Resolution No. 312, regarding Bruce Barnes, Troy, which was adopted.

Senator Justus offered Senate Resolution No. 313, regarding the Metropolitan Organization to Counter Sexual Assault, Kansas City, which was adopted.

Senator Green offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 314

Whereas, the members of the Missouri Senate feel it is altogether fitting and proper to pause from time to time to recognize outstanding organizations and individuals who have contributed to the well-being of the citizens of this great state; and

Whereas, during the late-July 2006 storms, power outages required the employees and contractors, numbering in the thousands, of AmerenUE, a Missouri electric utility company, to work sixteen-hour shifts, endure searing heat, and one employee most unfortunately lost his life, in order to restore power to the more than one-half million affected customers; and

Whereas, the employee who so tragically lost his life was Mr. Robert Tackett, 56 years old, a resident of St. Charles, Missouri, a 13-year employee of Ameren as a Distribution Operating Line Troubleshooter working out of the Dorsett Facility, and a member of the International Brotherhood of Electrical Workers Local 1439, of St. Louis; and

Whereas, during the current winter outages, during which nearly 400,000 AmerenUE customers across Missouri and Illinois were without power due to a massive winter storm that hit the area

on November 30 and December 1, 2006, the employees of AmerenUE, numbering in the hundreds, have been required to demonstrate a similar measure of devotion, by working for restoration during and after the storm, some in rain, sleet, freezing rain, ice, and snow; and

Whereas, the AmerenUE employees and contractors, with strength and courage, battled the weather itself; hunger, fatigue and stress; broken poles and broken live-power lines; irate and frustrated customers; downed and splintered tree limbs and debris of every imaginable sort; under extreme conditions that ranged from more than one hundred degrees Fahrenheit to temperatures in the single digits and below; and encountered dangers difficult even for experts to recognize and handle:

Now, Therefore, Be It Resolved that we, the members of the Missouri Senate, Ninety-fourth General Assembly, join to extend our heartfelt gratitude to the employees of AmerenUE for their dedication and service to the citizens of this state; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for presentation on behalf of the employees of AmerenUE.

Senator Ridgeway assumed the Chair.

President Kinder assumed the Chair.

Senator Scott moved that **SR 70** be taken up for adoption, which motion prevailed.

On motion of Senator Scott, **SR 70** was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Goodman assumed the Chair.

CONCURRENT RESOLUTIONS

Senators Ridgeway and Justus offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 12

WHEREAS, Missouri is pleased to be home to the six-state regional Taipei Economic and Cultural Office in Kansas City; and

WHEREAS, Missouri has demonstrated its commitment to trade with Taiwan by maintaining a Trade Office in Taipei since 1990; and

WHEREAS, trade between Taiwan and the United States has increased significantly during the past decades, with the United States being Taiwan's second-largest source of imports, and Taiwan being the eighth-largest trading partner of the United States; and

WHEREAS, Taiwan ranks as the fifth-largest overseas market for United States agricultural products in general, including the third-largest buyer of United States beef and corn products, the fifth-largest buyer of United States soybean products, the eighth-largest buyer of United States wheat, and the second-largest customer of United States agricultural products worldwide in terms of per capita consumption; and

WHEREAS, the United States International Trade Commission found that, with a Taiwan-United States free trade agreement in place, United States exports to Taiwan would increase by 16%, or roughly \$3.4 billion annually, and the broader interests of the United States in the Asia-Pacific region would be served:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby support the negotiations of a Taiwan-United States free trade agreement; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for George W. Bush, President of the United States; Condoleezza Rice, United States Secretary of State; Carlos M. Gutierrez, United States Secretary of Commerce; Ambassador Susan C. Schwab, the United States Trade Representative, each member of the Missouri Congressional delegation, and the Taipei Economic and Cultural Office in Kansas City.

Senator Shields moved that **HCR 18** be taken up for adoption, which motion prevailed.

On motion of Senator Shields, **HCR 18** was adopted by the following vote:

YEAS—Senators

Bartle	Callahan	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Griesheimer
Gross	Koster	Lager	Loudon
Mayer	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—28

NAYS—Senators

Barnitz	Bray	Green	Justus
Kennedy	McKenna—6		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Gross assumed the Chair.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 431—By Clemens.

An Act to amend chapter 313, RSMo, by adding thereto one new section relating to the state lottery.

SB 432—By Nodler.

An Act to repeal section 170.015, RSMo, and to enact in lieu thereof one new section relating to abortion.

SB 433—By Callahan and Rupp.

An Act to repeal section 288.042, RSMo, and to enact in lieu thereof one new section relating to veterans' unemployment compensation.

SB 434—By Rupp.

An Act to repeal section 478.186, RSMo, and to enact in lieu thereof one new section relating to the forty-fifth judicial circuit.

SB 435—By Rupp.

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to

captioning of electronic video instructional materials.

SB 436—By Rupp.

An Act to repeal sections 160.900, 160.905, 160.910, 160.915, 160.920, 160.925, 160.930, 162.700, and 376.1218, RSMo, and to enact in lieu thereof twelve new sections relating to early intervention services.

SB 437—By Ridgeway.

An Act to repeal section 407.732, RSMo, and to enact in lieu thereof one new section relating to additional charges for rental vehicles.

SB 438—By Ridgeway.

An Act to repeal section 115.045, RSMo, and to enact in lieu thereof one new section relating to boards of election commissioners.

SB 439—By Days, Kennedy, Bray, Wilson, McKenna, Smith and Coleman.

An Act to amend chapter 565, RSMo, by adding thereto one new section relating to the creation of a death penalty commission.

SB 440—By Days and Gibbons.

An Act to repeal sections 33.752, 33.753, and 536.305, RSMo, and to enact in lieu thereof three new sections relating to the minority and women business advocacy commission.

SB 441—By Stouffer.

An Act to repeal section 135.1150, RSMo, and to enact in lieu thereof one new section relating to the Residential Treatment Agency Tax Credit Program.

SB 442—By Stouffer.

An Act to repeal sections 3.070, 8.007, 8.110, 8.120, 8.180, 8.200, 8.250, 8.260, 8.291, 8.310, 8.316, 8.320, 8.325, 8.330, 8.340, 8.350, 8.360, 8.420, 8.661, 8.679, 8.800, 8.830, 8.843, 33.710, 34.031, 37.010, 44.237, 217.575, 251.240, 253.320, 261.010, 311.650, 313.210, 320.260, 334.125, 361.010, and 630.525, RSMo, section

8.177 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 353, ninety-third general assembly, first regular session, and section 8.177 as enacted by senate substitute for senate committee substitute for house bill no. 487, ninety-third general assembly, first regular session, and to enact in lieu thereof thirty-seven new sections relating to design and construction of public buildings.

SB 443—By Smith, Coleman, Callahan, Nodler and Loudon.

An Act to amend chapter 168, RSMo, by adding thereto one new section relating to the establishment of the teach for Missouri act.

SB 444—By Goodman.

An Act to amend chapter 348, RSMo, by adding thereto two new sections relating to the Missouri agricultural and small business development authority.

SB 445—By Goodman.

An Act to repeal section 307.179, RSMo, and to enact in lieu thereof one new section relating to exempting church buses from the child passenger restraint system requirements, with penalty provisions and an emergency clause.

SB 446—By Goodman.

An Act to repeal sections 198.073 and 198.086, RSMo, and to enact in lieu thereof three new sections relating to fire safety standards in long-term care facilities.

SB 447—By Goodman.

An Act to repeal section 215.050, RSMo, relating to repealing a superannuated section of law pertaining to the housing development fund.

SB 448—By Coleman.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to recall

elections for school board members.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

February 1, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Donald B. Bedell, Republican, 1026 North Kingshighway, Sikeston, Scott County, Missouri 63801, as a member of the Southeast Missouri State University Board of Regents, for a term ending January 1, 2013, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

January 30, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Vincent J. Bommarito, 6 Arundel Place, Saint Louis City, Missouri 63105, as a member of the Saint Louis City Board of Police Commissioners, for a term ending January 31, 2011 and until his successor is duly appointed and qualified; vice, Michael Quinn, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

February 1, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice

and consent the following appointment:

Lori A. Clark, 2101 Buehrle Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Organ Donation Advisory Committee, for a term ending January 1, 2010, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

February 1, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Judith K. Doss, Republican, 6217 Rhodes Avenue, Saint Louis City, Missouri 63109, as a member of the Regional Convention and Sports Complex Authority, for a term ending May 31, 2012, and until her successor is duly appointed and qualified; vice, Judith K. Doss, withdrawn.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

February 1, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Richard D. James, D.C., 10 Stone Meadow Court, Saint Peters, Saint Charles County, Missouri 63376, as a member of the Missouri Acupuncturist Advisory Committee, for a term ending December 10, 2007, and until his successor is duly appointed and qualified; vice, Richard D. James, withdrawn.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

February 1, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice
and consent the following appointment:

Larry W. Plunkett, Sr., Democrat, 109 Pine Street, Greenville,
Wayne County, Missouri 63944, as a member of the Missouri
Gaming Commission, for a term ending April 29, 2007, and until
his successor is duly appointed and qualified; vice, Larry W.
Plunkett, Sr., withdrawn.

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons referred the above
appointments to the Committee on Gubernatorial
Appointments.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was
read the 2nd time and referred to the Committee
indicated:

SCR 11—Rules, Joint Rules, Resolutions and
Ethics.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions
were read the 2nd time and referred to the
Committees indicated:

SB 423—Commerce, Energy and the
Environment.

SB 424—Small Business, Insurance and
Industrial Relations.

SB 425—Financial and Governmental
Organizations and Elections.

SB 426—Judiciary and Civil and Criminal
Jurisprudence.

SB 427—Judiciary and Civil and Criminal
Jurisprudence.

SB 428—Agriculture, Conservation, Parks
and Natural Resources.

SB 429—Judiciary and Civil and Criminal
Jurisprudence.

SB 430—Ways and Means.

SJR 19—Financial and Governmental
Organizations and Elections.

SJR 20—Judiciary and Civil and Criminal
Jurisprudence.

Senator Griesheimer assumed the Chair.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and
referred to the Committee indicated:

HB 15—Appropriations.

COMMUNICATIONS

President Pro Tem Gibbons submitted the
following:

February 2, 2007

The Honorable Michael Gibbons
President Pro Tem of the Missouri State Senate
Capitol Building
Jefferson City, MO 65101

RE: Joint Committee on Restructuring Fees of the Clean Water and
Storm Water Programs

Dear Senator,

As we advised you yesterday via email, I will not be able to serve
as a member of this Joint Committee. My already full schedule
does not permit me the time that may be needed to address the
issues of this Joint Committee. Please advise me that you have
replaced me on this committee.

Best regards,
/s/ Harry Kennedy
Harry Kennedy
Senator, District #1

INTRODUCTIONS OF GUESTS

Senator Engler introduced to the Senate,

Kristen Shropshire and Jerry Bingham, Bonne
Terre; and Kay and Kerry Klein, Desloge.

On motion of Senator Shields, the Senate
adjourned under the rules.

SENATE CALENDAR

NINETEENTH DAY—TUESDAY, FEBRUARY 6, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 431-Clemens	SB 440-Days and Gibbons
SB 432-Nodler	SB 441-Stouffer
SB 433-Callahan and Rupp	SB 442-Stouffer
SB 434-Rupp	SB 443-Smith, et al
SB 435-Rupp	SB 444-Goodman
SB 436-Rupp	SB 445-Goodman
SB 437-Ridgeway	SB 446-Goodman
SB 438-Ridgeway	SB 447-Goodman
SB 439-Days, et al	SB 448-Coleman

SENATE BILLS FOR PERFECTION

SB 284-Griesheimer, et al, with SCS

INFORMAL CALENDAR

CONSENT CALENDAR

Senate Bills

Reported 2/1

SB 9-Kennedy, with SCS	SB 152-Engler
SB 47-Engler, with SCS	SB 25-Champion
SB 81-Griesheimer	SB 84-Champion
SB 115-Scott, with SCS	SB 384-Coleman and Gibbons, with SCS

SB 52-Stouffer, with SCS
SB 232-Crowell, with SCS

SB 19-Shields

RESOLUTIONS

Reported from Committee

SCR 5-Shields, with SCS

To be Referred

SCR 12-Ridgeway and Justus

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Journal

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Journal of the Senate

FIRST REGULAR SESSION

NINETEENTH DAY—TUESDAY, FEBRUARY 6, 2007

The Senate met pursuant to adjournment.

Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“How long will you waver between two opinions? If the Lord is God, follow Him...” (I Kings 18:21)

Lord God, we often waver in doing that which is truly right or for that which we know we are to stand forth accepting the challenges of being Your spokesmen or women. In the midst of calls for compromise and weakness to please others we ask that You guide our steps and actions so that what we do may truly reflect what You require of us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Smith offered Senate Resolution No. 315, regarding Premier Knowledge Solutions, St. Louis, which was adopted.

Senator Nodler offered Senate Resolution No. 316, regarding the One Hundredth Birthday of Elizabeth Smith, Joplin, which was adopted.

Senator Nodler offered Senate Resolution No. 317, regarding the Missouri Southern International Piano Competition, Joplin, which was adopted.

Senator Lager offered Senate Resolution No. 318, regarding The Boji Stone Coffee Shop/Bookstore and C’s Café, Trenton and Chillicothe, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 449—By Callahan.

An Act to repeal section 143.124, RSMo, and to enact in lieu thereof one new section relating to income taxation of retirement and pension income.

SB 450—By Callahan.

An Act to repeal section 143.011, RSMo, and to enact in lieu thereof one new section relating to income taxation of resident taxpayers filing combined returns.

SB 451—By Goodman.

An Act to repeal sections 414.012, 414.032, 414.042, 414.052, 414.112, and 414.122, RSMo, and to enact in lieu thereof six new sections relating to automotive lubricants.

SB 452—By Bartle and Callahan.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to media access at certain sports stadiums.

SB 453—By Scott.

An Act to repeal sections 323.010, 323.020, 323.060, 323.075, 323.080, 323.090, and 323.110, RSMo, and to enact in lieu thereof eleven new sections relating to the Missouri propane safety act, with a penalty provision.

SB 454—By Nodler.

An Act to repeal section 30.750, RSMo, and to enact in lieu thereof one new section relating to linked deposits.

SB 455—By Gross.

An Act to amend chapter 33, RSMo, by adding thereto one new section relating to the transfer of certain fund balances to the general revenue fund.

SB 456—By Gross.

An Act to repeal section 163.031, RSMo, and

to enact in lieu thereof one new section relating to state aid for hold harmless school districts, with penalty provisions.

SB 457—By Purgason.

An Act to repeal sections 476.083, 571.080, and 571.090, RSMo, and to enact in lieu thereof two new sections relating to the criminal justice system, with penalty provisions.

SB 458—By Gibbons.

An Act to repeal sections 416.615 and 416.640, RSMo, and to enact in lieu thereof two new sections relating to the sale of motor fuel.

SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 284**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 284**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 284

An Act to amend chapters 67 and 386, RSMo, by adding thereto twenty-one new sections relating to the provision of video services, with an emergency clause.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 284** be adopted.

Senator Griesheimer offered **SS** for **SCS** for **SB 284**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 284

An Act to amend chapter 67, RSMo, by adding thereto twenty new sections relating to the provision of video services, with an emergency clause.

Senator Griesheimer moved that **SS** for **SCS** for **SB 284** be adopted.

Senator Griesheimer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 284, Page 5, Section 67.2679, Lines 25-28 of said page, by striking all of said lines; and

Further amend said bill and section, Page 6, Lines 1 to 27 of said page, by striking said lines and inserting in lieu thereof the following:

“67.2679. 1. The general assembly finds and declares it to be the policy of the state of Missouri that consumers deserve the benefit of competition among all providers of video programming. Creating a process for securing a state-issued video service authorization best promotes the substantial interest of the state of Missouri in facilitating a competitive marketplace that will, in turn, encourage investment and the deployment of new and innovative services in political subdivisions and provide benefits to the citizens of this state. The general assembly further finds and declares that franchise entities will benefit from immediate availability of the state-issued video service authorization to all video service providers, including new entrants and incumbent cable operators. In addition to the benefits to franchise entities found in sections 67.2675 to 67.2715, this immediate availability of state-issued video service authorization will promote fair competition among all video service providers in a local market and thereby provide new revenues to political subdivisions derived from additional video service customers, and the purchase of additional video services by such customers, and the sale of additional advertising by video service providers. This policy will provide a more predictable source of funding for franchise entities which will continue beyond the natural terms of all existing franchise agreements. The franchise entities will also experience cost savings associated with the administrative convenience

of the enactment of the state-issued video service authorization. These benefits are full and adequate consideration to franchise entities, as the term “consideration” is used in article III, section 39(5) of the Missouri constitution.”; and

Further amend said bill, Section 67.2715, Pages 27 and 28, by striking said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted.

Senator Scott assumed the Chair.

Senator Shields requested unanimous consent of the Senate that Major Jeff Weber of the Cass County Sheriff’s office be allowed to enter the Chamber with sidearms, which request was granted.

SA 1 was again taken up.

Senator Griesheimer offered SA 1 to SA 1:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 284, Page 1, Section 67.2679, Line 20, by striking the number “67.2715” and inserting in lieu thereof the following: **“67.2714”**.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

SA 1, as amended, was again taken up.

Senator Griesheimer moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bartle, Gibbons, Gross and Kennedy.

SA 1, as amended, was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Champion
Clemens	Coleman	Days	Gibbons
Goodman	Graham	Green	Griesheimer
Gross	Justus	Kennedy	Koster
McKenna	Ridgeway	Rupp	Shoemyer
Stouffer	Wilson—22		

NAYS—Senators

Callahan	Engler	Lager	Loudon
Mayer	Nodler	Purgason	Scott
Shields—9			

Absent—Senators

Crowell	Vogel—2
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Absent with leave—Senator Smith—1

Vacancies—None

Senator Gross offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 284, Page 18, Section 67.2703, Line 18, by striking the word “may” and inserting in lieu thereof the following: “**shall**”; and

further amend said page and section, lines 19-20, by striking the words “any service tier that is purchased by more than fifty percent of its customers” and inserting in lieu thereof the following: “**all service tiers**”.

Senator Gross moved that the above amendment be adopted.

At the request of Senator Gross, **SA 2** was withdrawn.

Senator Griesheimer offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 284, Page 26, Section 67.2707, Line 23, by inserting after the

word “works” the following: “, **excluding minor beautification projects**”.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 284, Page 16, Section 67.2693, Line 14 of said page, by inserting immediately after said line the following:

“67.2694. Video service providers shall not disclose the name or address of a subscriber for commercial gain to be used in mailing lists or for other commercial purposes not reasonably related to the conduct of the businesses of the video service provider or its affiliates, as required under 47 U.S.C. Section 551, including all notice requirements. Video service providers shall provide an address and telephone number for a local subscriber to use without toll charge to prevent disclosure of the subscriber's name or address.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 284, Pages 18-23, Section 67.2703, by striking all of said section and inserting in lieu thereof the following:

“67.2703. 1. A franchise entity may require a video service provider providing video service in such franchise entity to designate up to three channels for non-commercial public, educational, or governmental “PEG” use if such franchise entity has a population of at least fifty thousand, and up to two PEG channels if such

franchise entity has a population of less than fifty thousand; provided, however, that a PEG Channel that is shared among multiple political subdivisions served by a common headend on the effective date may continue to be shared among those political subdivisions served by that headend. Such limits shall constitute the total number of PEG channels that may be designated on all video service networks that share a common headend, regardless of the number of franchise entities or other political subdivisions served by such headend. The video service provider may provide such channels on any service tier that is purchased by more than fifty percent of its customers. All video service providers serving a political subdivision shall be required to provide the same number of PEG access channels as the incumbent video service provider existing on the date of enactment of sections 67.2675 to 67.2714.

2. Notwithstanding any franchise or ordinance granted by a franchise entity prior to the date of enactment of sections 67.2675 to 67.2714, this section, rather than the franchise or ordinance, shall apply to the designation of PEG access channels by an incumbent cable operator operating under such franchise or ordinance; provided, however, that if such franchise or ordinance requires more PEG access channels than the applicable limit specified in subsection 1 of this section, the requirement in the franchise or ordinance shall apply in lieu of such limit; provided further, that the incumbent cable operator may nonetheless be required to activate additional PEG channel or channels, up to such limit, to the extent the political subdivision certifies that such additional channel or channels will be substantially utilized, as defined in subsection 4 of this section.

3. Any PEG channel designated pursuant to this section that is not substantially utilized, as defined in subsection 4 of this section, by the franchise entity shall no longer be made

available to the franchise entity, but may be programmed at the video service provider's discretion. At such time as the governing body of a franchising entity makes a finding and certifies that a channel that has been reclaimed by a video service provider under this subsection will be substantially utilized, the video service provider shall restore the reclaimed channel within one hundred and twenty days, but shall be under no obligation to carry that channel on any specific tier.

4. For purposes of this section, a PEG channel shall be considered "substantially utilized" when forty hours per week are locally programmed on that channel for at least three consecutive months. In determining whether a PEG channel is substantially utilized, a program may be counted not more than four times during a calendar week.

5. Except as provided in this section, a franchise entity or political subdivision may not require a video service provider to provide any funds, services, programming, facilities, or equipment related to public, educational, or governmental use of channel capacity. The operation of any PEG access channel provided pursuant to this section and the production of any programming that appears on each such channel shall be the sole responsibility of the franchise entity or its duly appointed agent receiving the benefit of such channel, and the video service provider shall bear only the responsibility for the transmission of the programming on each such channel to subscribers.

6. The franchise entity must ensure that all transmissions of content and programming provided by or arranged by it to be transmitted over a PEG channel by a video service provider are delivered and submitted to the video service provider in a manner or form that is capable of being accepted and transmitted by such video service provider holder over its network

without further alteration or change in the content or transmission signal, and which is compatible with the technology or protocol utilized by the video service provider to deliver its video services.

7. The franchise entity shall make the programming of any PEG access channel available to all video service providers in such franchise entity in a nondiscriminatory manner. Each video service provider shall be responsible for providing the connectivity to the franchise entity's or its duly appointed agent's PEG access channel distribution points existing as of effective date of enactment of sections 67.2675 to 67.2714. Where technically necessary and feasible, video service providers in the same franchise entity shall use reasonable efforts and shall negotiate in good faith to interconnect their video service networks on mutually acceptable rates, terms, and conditions for the purpose of transmitting PEG programming within such franchise entity. A video service provider shall have no obligation to provide such interconnection to a new video service provider at more than one point per headend, regardless of the number of franchise entities or other political subdivisions served by such headend. The video service provider requesting interconnection shall be responsible for any costs associated with such interconnection, including signal transmission from the origination point to the point of interconnection. Interconnection may be accomplished by direct cable microwave link, satellite, or other reasonable method of connection acceptable to the person providing the interconnect.”.

Senator Bray moved that the above amendment be adopted.

Senator Gross offered SA 1 to SA 5, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 5
Amend Senate Amendment No. 5 to Senate

Substitute for Senate Committee Substitute for Senate Bill No. 284, Page 1, Section 67.2703, Lines 18-19, by striking all of said lines and inserting in lieu thereof the following: “**provider shall provide such channels on all service tiers. All video**”.

Senator Gross moved that the above amendment be adopted.

At the request of Senator Griesheimer, SB 284, with SCS, SS for SCS, SA 5 and SA 1 to SA 5 (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Gross, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HB 15**, begs leave to report that it has considered the same and recommends that the bill do pass.

CONCURRENT RESOLUTIONS

Senators Justus, Smith, Days and Bray offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 13

Whereas, President George W. Bush has proposed an escalation in the number of United States troops deployed in Iraq; and

Whereas, United States involvement in Iraq has resulted in the deaths of more than 3,000 United States soldiers and the wounding and disabling of more than 22,000 United States military personnel to date; and

Whereas, the war and subsequent civil war between Iraqi religious factions has led to at least 55,000 Iraqi civilian deaths, with others estimating as much as ten times that number, which threatens to engulf our troops in an ever escalating cycle of violence and reprisals; and

Whereas, this proposed escalation will further extend National Guard tours in Iraq, that the costs to the states of the call-up of National Guard members for deployment in Iraq have been significant, as reckoned in lost lives, combat injuries and psychic trauma, disruption of family life, financial hardship for individuals, families and businesses, interruption of careers and damage to the

fabric of civic life in our communities; and

Whereas, the American troops have valiantly upheld their duty in Iraq under dire circumstances; and

Whereas, more than \$357 billion has been appropriated by Congress to fund military operations and reconstruction in Iraq to date, money that could fund desperately needed education, health care, housing, nutrition, and other social services in our communities in the United States or humanitarian assistance abroad; and

Whereas, previous budgets that have prioritized Iraq have led to cuts in critical block grants for states and have increased the federal debt, which compounded by interest payments, will likely lead to even larger cuts in funding for critical needs in the States; and

Whereas, polls show that the vast majority of Americans do not support increasing the number of troops in Iraq; and

Whereas, most military experts oppose escalation in Iraq and press reports indicate that even the Joint Chiefs of Staff have opposed such a strategy; and

Whereas, legal experts on all sides have determined that Congress has not only broad authority, but a long tradition of limiting escalation or forcing redeployment of troops through the Constitutionally-designate power of the purse:

Now, therefore, be it resolved that the members of the Senate of the Ninety-fourth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urges, on behalf of its citizens, that in a period when the Iraq Study Group, leading military and diplomatic officials and allies around the world are calling for a reduction in troops and withdrawal of the United States from Iraq, the United States government should not escalate its involvement in Iraq or increase troop levels; and

Be it further resolved that, at a minimum, the President should obtain explicit approval from Congress if he wants to send more American troops to Iraq; and

Be it further resolved that the Congress should pass legislation prohibiting the President from spending taxpayer dollars on an escalation in Iraq unless he first seeks Congressional approval; and

Be it further resolved that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for George W. Bush, President of the United States, and to each member of the Missouri Congressional delegation.

REFERRALS

President Pro Tem Gibbons referred **SCR 12** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

COMMUNICATIONS

President Pro Tem Gibbons submitted the

following:

February 6, 2007

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

Dear Mrs. Spieler:

I am appointing the following senator to the Joint Committee on Capitol Improvements and Leases Oversight:

- Senator Frank Barnitz

I am also reappointing the following senator to this committee:

- Gary Nodler

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem

Also,

February 6, 2007

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

Dear Mrs. Spieler:

I am appointing the following senator to the Joint Committee on Restructuring Fees of the Clean Water and Storm Water Programs:

- Chuck Graham

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem

Also,

February 6, 2007

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

Dear Mrs. Spieler:

I am reappointing the following senator to the Children's Trust Fund Board:

- Carl Vogel

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

Also,

February 6, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Mrs. Spieler:

I am reappointing the following senators to the Emergency Response Commission:

- John Griesheimer
- Rita Heard Days

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

Also,

February 6, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Mrs. Spieler:

I am reappointing the following senator to the Missouri Investment Trust Board of Trustees:

- Gary Nodler

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

Also,

February 6, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Mrs. Spieler:

I am appointing the following senators to the Multistate Tax Compact Advisory Committee:

- Michael R. Gibbons
- Victor Callahan

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

Also,

February 6, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Mrs. Spieler:

I am appointing the following senators to the Children's Services Commission:

- Jack Goodman
- Jolie Justus

I am also reappointing the following senator to this committee:

- Rita Heard Days

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

Also,

February 6, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Mrs. Spieler:

I am appointing the following senators to the Court Automation

Committee:

- Matt Bartle
- Jolie Justus

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Koster introduced to the Senate, Janet West, Holden; and Jennifer Hicks, Pleasant Hill.

Senator Purgason introduced to the Senate, Alicia Timm and Sarah Stunkel, Laclede County.

Senator Coleman introduced to the Senate, John Long, St. Louis.

Senator Scott introduced to the Senate,

Kimberly Smith, Jefferson City.

Senator Loudon introduced to the Senate, his daughter, Lyda, Chesterfield; and Jedidiah and Josiah Summers, Homeschoolers from Ferguson; and Lyda, Jedidiah and Josiah were made honorary pages.

Senator Griesheimer introduced to the Senate, Connie and Robert Lofton and their daughter, Andrea, Homeschoolers from Union; and Andrea was made an honorary page.

Senator Koster introduced to the Senate, Christy Garnett, Kristie Delarber and Charles Smith.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTIETH DAY—WEDNESDAY, FEBRUARY 7, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 431-Clemens
SB 432-Nodler
SB 433-Callahan and Rupp
SB 434-Rupp
SB 435-Rupp
SB 436-Rupp
SB 437-Ridgeway
SB 438-Ridgeway
SB 439-Days, et al
SB 440-Days and Gibbons
SB 441-Stouffer
SB 442-Stouffer
SB 443-Smith, et al

SB 444-Goodman
SB 445-Goodman
SB 446-Goodman
SB 447-Goodman
SB 448-Coleman
SB 449-Callahan
SB 450-Callahan
SB 451-Goodman
SB 452-Bartle and Callahan
SB 453-Scott
SB 454-Nodler
SB 455-Gross
SB 456-Gross

SB 457-Purgason

SB 458-Gibbons

HOUSE BILLS ON THIRD READING

HB 15-Icet (Gross)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 284-Griesheimer, et al, with SCS, SS
for SCS, SA 5 & SA 1 to SA 5 (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/1

SB 9-Kennedy, with SCS
SB 47-Engler, with SCS
SB 81-Griesheimer
SB 115-Scott, with SCS
SB 152-Engler
SB 25-Champion

SB 84-Champion
SB 384-Coleman and Gibbons, with SCS
SB 52-Stouffer, with SCS
SB 232-Crowell, with SCS
SB 19-Shields

RESOLUTIONS

Reported from Committee

SCR 5-Shields, with SCS

To be Referred

SCR 13-Justus, et al

T

Journal of the Senate

FIRST REGULAR SESSION

TWENTIETH DAY—WEDNESDAY, FEBRUARY 7, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Create in me a clean heart, O God, and put a new and right spirit within me.” (Psalm 51:10)

Lord, so many times we get caught up in our own self importance because You have made us successful people. Help us to realize, as King David learned, that our pride in our accomplishments can get in the way of a right relationship with You. Only You, O Lord, can bring renewal and a pure heart that is willing to serve only You. Let us be such a people O God, and “put a new and right spirit” within us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager

Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Stouffer	Vogel
Wilson—33			

Absent—Senators—None

Absent with leave—Senator Smith—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Purgason offered Senate Resolution No. 319, regarding the Lake of the Ozarks Habitat for Humanity, which was adopted.

Senator Coleman offered Senate Resolution No. 320, regarding the “Capitol Girl Scout Troop”, which was adopted.

Senator Crowell offered Senate Resolution No. 321, regarding the Clippard Elementary School and the Marathon Kids Club, Cape Girardeau, which was adopted.

Senator Barnitz offered Senate Resolution No. 322, regarding the Ninety-fourth Birthday of Guy Malicoat, Rhineland, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 459—By Shoemyer.

An Act to repeal sections 374.710, 374.715, 374.755, 374.787, and 374.789, RSMo, and to enact in lieu thereof ten new sections relating to bail bond agents, with a penalty provision.

SB 460—By Callahan.

An Act to amend chapter 26, RSMo, by adding thereto one new section relating to state contracts for services.

SB 461—By Callahan.

An Act to amend chapter 27, RSMo, by adding thereto one new section relating to immigration enforcement.

SB 462—By Callahan.

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to tobacco products that can be lawfully sold in Missouri.

SB 463—By Callahan.

An Act to amend chapter 376, RSMo, by adding thereto eleven new sections relating to the small business health fairness act of 2007.

SB 464—By Callahan.

An Act to repeal section 301.143, RSMo, and to enact in lieu thereof one new section relating to disabled parking signs, with penalty provisions.

SB 465—By Callahan.

An Act to repeal section 191.900, RSMo, and to enact in lieu thereof two new sections relating to the reporting of Medicaid fraud.

SB 466—By Scott.

An Act to repeal sections 408.052, 408.140, and 408.233, RSMo, and to enact in lieu thereof three new sections relating to home and automobile security plans, with penalty provisions.

SB 467—By Goodman.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to anatomic pathology services.

SB 468—By Coleman.

An Act to repeal section 558.019, RSMo, and to enact in lieu thereof one new section relating to sentencing discretion.

SB 469—By Justus.

An Act to authorize the conveyance of certain property to the city of Kansas City.

SB 470—By Graham.

An Act to repeal section 32.115, RSMo, and to enact in lieu thereof two new sections relating to a tax credit for contributions to support the preservation of Missouri's civil war sites.

SB 471—By Clemens.

An Act to amend chapter 348, RSMo, by adding thereto one new section relating to acquisition of dairy cows.

SB 472—By Clemens.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for sales of certain cattle.

SB 473—By Clemens.

An Act to repeal section 570.030, RSMo, and to enact in lieu thereof one new section relating to stealing livestock, with penalty provisions.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 431—Judiciary and Civil and Criminal Jurisprudence.

SB 432—Judiciary and Civil and Criminal Jurisprudence.

SB 433—Pensions, Veterans' Affairs and General Laws.

SB 434—Judiciary and Civil and Criminal Jurisprudence.

SB 435—Commerce, Energy and the Environment.

SB 436—Education.

SB 437—Commerce, Energy and the Environment.

SB 438—Financial and Governmental Organizations and Elections.

SB 439—Judiciary and Civil and Criminal Jurisprudence.

SB 440—Financial and Governmental Organizations and Elections.

SB 441—Ways and Means.

SB 442—Financial and Governmental Organizations and Elections.

SB 443—Education.

SB 444—Agriculture, Conservation, Parks and Natural Resources.

SB 445—Transportation.

SB 446—Health and Mental Health.

SB 447—Small Business, Insurance and Industrial Relations.

SB 448—Education.

SB 449—Ways and Means.

SB 450—Ways and Means.

SB 451—Agriculture, Conservation, Parks and Natural Resources.

SB 452—Pensions, Veterans' Affairs and General Laws.

SB 453—Commerce, Energy and the Environment.

SB 454—Financial and Governmental Organizations and Elections.

SB 455—Ways and Means.

SB 456—Education.

SB 457—Judiciary and Civil and Criminal Jurisprudence.

SB 458—Commerce, Energy and the Environment.

Senator Gross assumed the Chair.

Senator Shields moved that the Senate recess to repair to the House of Representatives to receive the State of Transportation Address from Mr. Pete Rahn, Director of the Missouri Department of Transportation, which motion prevailed.

JOINT SESSION

The Joint Session was called to order by President Kinder.

On roll call the following Senators were present:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Stouffer	Vogel
Wilson—33			

Absent—Senators—None

Absent with leave—Senator Smith—1

Vacancies—None

On roll call the following Representatives were present:

Present—Representatives

Aull	Bearden	Bivins	Bland
Brandom	Bringer	Brown 50	Bruns
Burnett	Casey	Chappelle-Nadal	Cooper 155
Corcoran	Cox	Cunningham 145	Cunningham 86
Curls	Darrough	Daus	Davis
Day	Deeken	Dempsey	Denison

Dethrow	Dixon	Dougherty	Dusenberg
El-Amin	Emery	Ervin	Faith
Fallert	Fares	Fisher	Flook
Frame	Franz	Funderburk	George
Grill	Grisamore	Guest	Harris 23
Harris 110	Haywood	Hobbs	Hodges
Holsman	Hoskins	Hubbard	Hughes
Hunter	Icet	Jones 89	Kelly
Kingery	Komo	Kratky	Kraus
Kuessner	Lampe	Lembke	LeVota
Liese	Lipke	Loehner	Low 39
Lowe 44	Marsh	May	McClanahan
McGhee	Meadows	Meiners	Munzlinger
Muschany	Nance	Nasheed	Nieves
Nolte	Norr	Onder	Oxford
Page	Pearce	Pollock	Portwood
Pratt	Quinn 7	Quinn 9	Richard
Robb	Robinson	Roorda	Rucker
Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schneider
Schoeller	Schoemehl	Self	Shively
Silvey	Skaggs	Smith 14	Spreng
St. Onge	Storch	Stream	Sutherland
Swinger	Thomson	Threlkeld	Tilley
Todd	Viebrock	Villa	Vogt
Wallace	Walsh	Walton	Wasson
Wells	Weter	Whorton	Wildberger
Wilson 119	Wilson 130	Witte	Wood
Wright 159	Wright-Jones	Yaeger	Yates
Young	Zimmerman	Zweifel	Mr. Speaker—148

Nays—Representative Talboy—1

Absent and Absent with Leave—Representatives

Avery	Baker 25	Baker 123	Bowman
Brown 30	Cooper 120	Cooper 158	Donnelly
Johnson	Jones 117	Moore	Parson
Smith 150	Stevenson—14		

Vacancies—0

The Director of Transportation, Pete Rahn, assumed the dais and delivered the State of Transportation Address to the Joint Assembly:

Pete Rahn
State of Transportation Address
Jefferson City, Missouri
February 7, 2007

Lt. Governor, Mr. Speaker, Mr. President Pro Tem, Distinguished State Officials, Members of the 94th General Assembly, Members of the Missouri Highways and Transportation Commission and Citizens of Missouri:

Missouri has been shaped by the evolution of transportation. We have been blessed with great natural wonders and by the pioneering spirit of visionaries. Mighty rivers carried the canoes of the first Missourians. Lewis and Clark's keelboat followed close behind providing a gateway to the west and the great steamboats of the late 1800's revolutionized travel and commerce.

Missourians also witnessed the advance of railroads that drove western expansion and economic growth throughout our state. Crude cattle trails with now-famous names became roads and then super interstate highways, and flying contraptions led to bustling airports across Missouri that connected us overnight to the world.

Each improved form of transportation produced greater economic opportunity and increased our personal freedom. Today we enjoy, and frankly take for granted, the finest transportation system in the history of mankind. Our livelihoods, our security, our independence, in essence—our very way of life—depend upon the pavements, waterways, rail and runways that link our vast nation. In the very heart of this system, Missouri has great opportunity and a great responsibility.

It is because of this importance that I am proud to report to you that the state of transportation in Missouri is improving dramatically.

This improvement has been the result of greater investment in our transportation system - investment that creates jobs, personal income, economic activity and revenue for education, health care, public safety and other vital services.

The Missouri Department of Economic Development reports that our 5.7 billion-dollar, five-year statewide transportation improvement program provides an impressive economic benefit to citizens. Ultimately, for every one billion dollars we invest in transportation we generate 3.6 billion dollars in economic activity.

Additionally, many millions of dollars are received by the state's general revenue fund each year because of investment in our state's transportation system. That is funding that can be used for other vital public services.

History has demonstrated that investing in transportation has always been of significant value. Transportation is a good investment that returns great yields and leads to a better Missouri. We are seeing the benefits of greater investment in other ways, too.

Our busiest roads are smoother. 74 percent of Missouri's major

highways are now in good condition and drivers are feeling the difference.

Our most traveled highways are safer. We have installed brighter, wider stripes; larger, easier-to-read signs; emergency reference markers; rumble stripes and median guard cables. As a result, 173 fewer people lost their lives in 2006.

According to USA Today, this 14 percent drop is the third largest decrease in traffic fatalities among all states and the District of Columbia. Now, that is a ranking of which we can all be proud.

Ladies and gentleman, our roads are getting smoother and safer, sooner because your department of transportation is getting more efficient and effective every day.

This improved effectiveness was illustrated on December 8, 2006. I was pleased to join Governor Blunt in placing a big yellow banner reading "Completed One Year Ahead Of Schedule" on a Smooth Roads Initiative highway sign.

When we set out to use Amendment 3 funds to make Missouri's busiest 2,200 miles of roads smoother and safer in just three years, we thought that would be an extraordinary accomplishment.

In his 2006 State of the State Address, however, the governor challenged us to deliver the program one year early. And -- as soon as I regained consciousness -- we started working to meet the governor's challenge.

Last year we did just that and the words on the banner changed to reflect completion of the vital initiative not just as promised, but one year and 23 days early.

We cannot, however, at this time place a "Completed As Promised" banner on our mission to make Missouri's highways and bridges better. Together, we have made great advancements toward a world-class transportation system, but we have a long way to go. There are, however, positive indicators of our success. We are hearing from customers commenting about the noticeable improvements in Missouri's roads.

In December, we had further proof of drivers feeling the difference in the condition of our highways. A nationwide survey of truckers by Overdrive Magazine ranked Interstates 44 and 70 in Missouri as the second and third most improved highways in the country.

That is a dramatic change from just the previous year when that same magazine ranked I-44 in Missouri as the second-worst highway in the nation and our highways overall were also ranked second-worst.

This is progress, but not victory. During the past year we have announced steps to make further improvements to our state's roads. Just last month, the Missouri Highways and Transportation Commission approved the Better Roads, Brighter Future Program. If you thought the Smooth Roads Initiative was impressive, just wait until you experience this. Better Roads, Brighter Future is the

Smooth Roads Initiative on steroids.

This groundbreaking program will result in 5,600 miles of our busiest highways being smoother and safer by 2012. I would add that 95 percent of Missourians live within 10 miles of these routes.

These better roads will include smooth pavement; brighter, wider striping; larger signs; rumble stripes; and, in most cases, a minimum four-foot paved shoulder. This means that the success of the Smooth Roads Initiative and all of its improvements will now be applied to our entire major highway system.

At the same time, the program will mean a brighter future. Smooth roads increase fuel efficiency by 2.4 percent. That savings will put an additional 100 million dollars back into the pockets of Missouri's drivers.

Additionally, it will create employment opportunities up and down the highways we improve.

But our efforts don't end there. I thank the General Assembly for the authority to use the innovative design-build method to deliver improvements to Missouri's transportation system.

Our first design-build project is Highway 40 in St. Louis or I-64, as we now call it. I-64 will be the largest single construction project in Missouri's highway history and the implemented innovations are unrivaled here or anywhere else in the country.

We have taken a project that would normally create a virtual parking lot on I-64 for seven years and accelerated construction to just three years with the public feeling significant affects for only two. And the resulting benefits will be worth the temporary inconvenience.

We will be rebuilding and upgrading all pavements and bridges and building 12 new interchanges on 10 miles of I-64 including a new high speed interchange at I-170. Our innovative approach has already saved money and time while creating a model workforce development partnership for the region.

On the other side of the state, in Kansas City, we are proceeding with our second design-build project to replace the existing Paseo Bridge. We are calling this project KcICON because it will provide better interstate connections and will be a landmark bridge of which all Missourians can be proud.

KcICON will mean less traffic congestion and greater mobility in the Kansas City area. It also breaks new ground for community involvement. A 12-member Community Advisory Group has been formed whose members were selected by local officials to provide input and a public perspective regarding the architectural design of the bridge.

The third and final design-build project is our Safe and Sound Bridge Improvement Plan. Safe and Sound will mean more than 800 better bridges by 2012.

With over 10,000 bridges, Missouri has the seventh most of any

state in the union. We face a crisis situation as more than 1,000 are structurally in serious condition. Many are one step away from being closed.

Our bold approach to improve our bridges in record time is not only innovative, but also unprecedented. Other states, transportation organizations and national publications are watching this program with great interest.

A team of contractors and designers will be selected to perform all of the work. This approach works well with large, complicated projects and will give us the best possible opportunity to save money and complete the program within its aggressive time schedule. Each of the bridges will be replaced or repaired and the successful bidder will be required to keep them in good condition for at least 25 years. If their solutions don't perform, we don't pay. That is the ultimate protection of Missouri taxpayers for an extreme makeover of Missouri's bridges.

With all of this innovation accelerating our program, and thanks to voter approval of Amendment 3 in 2004, it is little wonder that we have experienced the largest highway construction program in Missouri history.

Missourians benefited from 1.4 billion dollars invested in road improvements in 2006 meaning that our highways are getting safer and smoother, our state is getting more prosperous and our quality of life is improving.

The people of Missouri trusted us with additional funding through Amendment 3. MoDOT said that we would put that money to quick use improving your state highways. We said what we would do and then we did it. We are on schedule for successful completion of Amendment 3 improvements and to declaring "Completed as Promised."

Our accomplishments, however, have not been limited to highways. We have also worked to improve other modes of transportation in our state.

In June of last year, we began the assessment of Amtrak rail service between St. Louis and Springfield. Additionally, I was proud to certify for operation the MetroLink extension in August. Both of these developments mean the potential for more and better transportation options for Missourians.

We have also made strides toward improving local airports, which are so essential to economic development and business retention. We are currently building an airport with a 5,000-foot runway in Branson West -- the 30th such airport in Missouri. This type of airport is essential for accommodating larger business aircraft.

This will be the 7th new airport constructed by MoDOT since 1990. In fact, Missouri has built more new general aviation airports than any state in the nation during this 16-year period.

Missouri's waterways have also seen investment resulting in economic development. A 500,000-dollar grant to the Southeast

Missouri Regional Port Authority in Scott City resulted in attraction of a corn milling business.

This economic development resulted in 40 million dollars of investment in the local community and creation of nearly 300 jobs in the area. The investment also helped bring about a nearby ethanol plant now under construction, which means another quarter of a billion dollars in private investment and 450 more jobs.

Unfortunately, with current funding, we cannot say, "completed as promised" to becoming a total transportation department. We are called a department of transportation, but we are funded like a highway department. We must find ways to increase investment in other modes of transportation.

When we speak of quality of life, we must discuss safety. We have worked hard to make our highways as safe as possible. And our efforts have led to a decrease in fatalities on our roadways.

Accelerating safety improvements under the Smooth Roads Initiative will save an estimated 14 lives and prevent 589 injuries this year. Earlier completion of these safety improvements will also result in a cost savings of more than \$74 million to the traveling public.

Another great life-saving measure has been the installation of median guard cables. Wherever the center median on our interstates is less than 60 feet wide, we have placed these cables. All of I-70 now has them across Missouri. Much of I-44 and I-29 also have these safety features and they will soon be complete on these corridors as well.

You need only to drive a few miles on these routes to witness the effectiveness of guard cables. As you drive, you will see how frequently the cables are being hit. It costs us nearly 4 million dollars per year to repair these strikes and maintain the guard cables overall.

This is money wisely invested, since each instance represents potential lives saved because the cables have proven 95 percent effective at stopping crossover crashes.

Despite the effectiveness of median guard cables and the other measures we have taken to make our highways safer, we all know that it is driver behavior that results in most highway fatalities and serious injuries. The fact is that the most effective "guard cable" is the one you strap across your body when you enter your vehicle. Unfortunately, not enough people are buckling up. We have seen a drop in safety belt use in Missouri. Usage rates went from 77 percent in 2005 to only 75 percent in 2006. This is the first time since 1998 that safety belt use has not increased.

Even more alarming, safety belt use is lowest among our youngest drivers. Teenagers buckle up only 58 percent of the time, and they make up a disproportionate amount of the people killed and injured in crashes each year.

The facts are clear and convincing. About 68 percent of the people

who die in Missouri traffic crashes are not wearing a safety belt. A driver involved in a traffic crash in 2005 had a one in 32 chance of being killed if not wearing a safety belt. In those cases where drivers wore safety belts, their chance of being killed was only one in 1,017.

It is apparent that safety belts save lives, but only if they are worn. Despite our best efforts. Despite unprecedented public education activities. Safety belt use is on the decline in Missouri.

We all know what action would increase safety belt use based on examples from numerous other states. That action is the passage of a primary safety belt law.

I commend the 39 members of the Missouri House of Representatives who have signed on to co-sponsor House Bill 90 - Missouri's primary safety belt act.

As most of you know, that bill number was not an accident. We could save 90 lives per year by enacting a primary safety belt law. Safety belt usage is required by law now. This bill would simply allow for effective enforcement.

Of the more than 500 traffic offenses in Missouri, our safety belt law is the only one that deliberately discourages police enforcement. The effect of the current law is to declare that a cracked taillight or a dirty license plate is a higher priority for law enforcement than life saving safety belts.

It is time to act. We spend billions of dollars making our highways safer. Without spending a dime, we could save 90 lives each year. It is imperative that we make 2007 the year we say, "completed as promised" about a primary safety belt law and saving those 90 lives.

That promise, however, will not be fulfilled just once. Each of you who help enact this bill will know that with every year that passes, you have saved another 90 lives.

Unfortunately, we are also losing too many MoDOT workers in the line of duty. In the past five years we have lost nine employees. Last year the General Assembly took an important, life-saving step by making work zone laws stricter and the penalties more severe. I thank you, sincerely.

In 2006, four MoDOT employees lost their lives. Bob Eftink, Robert Mayer, Ken Hoierman and William Crain were killed in the line of duty working to make our transportation system better.

MoDOT team members made many sacrifices over the past year working long hours, including nights and weekends, serving the people of our state. These four gentlemen made the ultimate sacrifice in service to the public.

Relatives of Bob Eftink, Robert Mayer, Ken Hoierman and William Crain are here today. They represent the loved ones they lost and the families of all MoDOT workers who have made great sacrifices for the people of Missouri. I ask them to stand so we can express our appreciation.

We have accomplished great things together over the past year. It is our duty, however, to look toward the future, not to remain in the past. That future will require us to think differently than we have before.

Transportation is too important to be locked into conventional solutions. To address the needs of our future, we will have to look beyond what is currently accepted to what is most effective.

The needs we must address are substantial. By 2012 -- just five years from today -- there will be nearly 800,000 more large trucks annually on I-44 and greater than 700,000 more large trucks on I-70. This vital commercial traffic will only increase beyond 2012 and will be even higher in urban areas.

We cannot ignore this growing traffic and I am convinced that we must include dedicated truck lanes as part of our solution to separate semis from family sedans on our two most critical roadways -- I-70 and I-44.

This will make driving safer and more comfortable for motorists and truckers. This can be accomplished within our current cost estimates of 7.2 billion dollars for improvement to both interstates.

The growing traffic congestion on our interstates will be even worse in urban areas. By the year 2020, drivers on the Poplar Street Bridge in St. Louis will experience three-hour backups during morning peak commute times. We must do everything we can to prevent that from happening.

A New Mississippi River Bridge is critical to the long-term economic health of the St. Louis region. Unfortunately, given current funding, we have no means to pay for this project. It is imperative that we find an innovative solution to paying for this bridge.

This bridge and our interstates are just a portion of the 32,000-mile highway system we maintain - the seventh largest in the country. We have nearly 27,000 miles of lettered routes that are so vital to our overall system. Currently, and for the foreseeable future, we can only try to maintain them in their current condition without any significant improvements.

These routes are particularly important for the movement of crops and agricultural products, which are imperative to the economic health of our state. Without additional funding, we can do little to accommodate the changing nature of farm equipment including the transition from the old two-ton flatbed truck to the tractor-trailer rigs that are so common on today's farms.

In order to rebuild our largest, busiest interstates. To improve our lettered routes. To impact growing urban and suburban congestion. To truly move transportation forward in Missouri. We must find a way to direct more dollars to our roads and other modes of transportation.

We are in the midst of a bubble for funding of highway

construction. From the top of this peak we can observe a very low valley. Our current construction program of 1.3 billion dollars, the largest in Missouri history, drops off a cliff in 2010 and plummets to 569 million dollars, which is slightly less than where we were prior to Amendment 3.

I am extremely pleased to see a dialogue about the need for greater transportation funding beginning in the legislature this year. I know that legislation has been introduced that will allow for thoughtful debate about funding highways, bridges and other modes. That is a crucial first step.

As your department of transportation, it is our duty to ensure that taxpayers are confident in our ability to utilize additional funding effectively and efficiently. They also expect us to use the money to improve their roads. We have demonstrated our ability to do just that.

When we started the Smooth Roads Initiative, only 47 percent of Missouri's major highways were in good condition. Today, 74 percent of those highways are in good condition.

We have shown that given additional resources we will use them wisely and for their intended purposes. As we were investing record amounts in highway construction, we were only spending two percent of our budget on administration and with no additional full-time staff.

We have applied practical design to our roads and bridges by cutting out the frills and simply meeting needs. We have applied that same concept to administrative expenses and are directing the maximum amount possible to making our transportation system better.

And, we are being recognized for our efforts.

Roads and Bridges magazine said MoDOT, "has turned over a new leaf, and infrastructure repair work started to flourish over the last year."

Midwest Contractor magazine called MoDOT the leader in innovation among the states in its region.

The Kansas City Star said that MoDOT deserves credit for considering "new approaches to financing infrastructure" in regard to our Safe and Sound Bridge Plan.

And, the Jefferson City News Tribune editorialized that MoDOT has gained momentum and that "The best way to restore credibility is with action, not talk, and the department has done precisely that."

I am grateful for their comments.

Your department of transportation said we would work hard to build credibility with the people of Missouri.

We said we would make your roads smoother.

We said we would make your roads safer.

We said we would get the best value out of every taxpayer dollar we

have been given.

But we are not prepared to say, "Completed as Promised" to all of those goals because we will always work to do things even better, faster and cheaper.

Our future, however, does show great promise and, together, we can make sure that "Completed As Promised" becomes the motto for transportation in Missouri.

Thank you and may God bless your travels.

On motion of Senator Shields, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by Senator Scott.

HOUSE BILLS ON THIRD READING

HB 15, introduced by Representative Icet, entitled:

An Act to appropriate money for supplemental purposes for the Department of Social Services, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2007.

Was taken up by Senator Gross.

On motion of Senator Gross, **HB 15** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Scott	Shields	Shoemyer	Vogel
Wilson—29			

NAYS—Senators—None

Absent—Senators

Koster	Rupp	Stouffer—3
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Absent with leave—Senators

Barnitz	Smith—2
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Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Bartle moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 284**, with **SCS, SS** for **SCS, SA 5** and **SA 1** to **SA 5** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 to **SA 5** was again taken up.

At the request of Senator Gross, the above amendment was withdrawn.

Senator Gross offered **SA 2** to **SA 5**, which was read:

SENATE AMENDMENT NO. 2 TO SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 284, Page 1, Section 67.2703, Lines 18-19 of said page, by striking all of said lines and inserting in lieu thereof the following: **“provider shall provide such channels on the basic service tier. All video”**.

Senator Gross moved that the above amendment be adopted.

At the request of Senator Gross, **SA 2** to **SA 5** was withdrawn.

SA 5 was again taken up.

Senator Bray offered **SA 3** to **SA 5**:

SENATE AMENDMENT NO. 3 TO SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 284, Page 4, Section 67.2703, Line

19 of said page, by inserting immediately after said line the following:

“8. (1) The obligation of an incumbent cable operator to provide monetary and other support for PEG access facilities contained in a franchise existing on the effective date of sections 67.2675 to 67.2714 shall continue until the term of the franchise would have expired if it had not been terminated pursuant to sections 67.2675 to 67.2714 or until January 1, 2009, whichever is earlier.

(2) Each video service provider providing video service in a political subdivision shall have the same obligation to support PEG access facilities as the incumbent cable operator with the most subscribers in such political subdivision as of the date of enactment of sections 67.2675 to 67.2714. To the extent such incumbent cable operator provides such support in the form of a percentage of gross revenue or a per subscriber fee, any other video service provider shall pay the same percentage of gross revenue or per subscriber fee as the incumbent cable operator. To the extent the incumbent cable operator provides such support in the form of a lump sum payment without an offset to its gross receipts fee, any other video service provider shall be responsible for a pro rata share of such payment made by the incumbent cable operator after the date on which the other video service provider commences service in a particular political subdivision, based on its proportion of video service customers in such political subdivision. To the extent the incumbent cable operator provides such support on an in-kind basis after the date on which the other video service provider commences service in a particular political subdivision, any other video service provider shall pay the political subdivision a sum equal to the pro rata amount of the fair market value of such support based on its proportion of video service customers in such political subdivision.

(3) For purposes of this section, the proportion of video service customers of a video service provider shall be determined based on the relative number of subscribers as of the end of the prior calendar year as reported by all incumbent cable operators and holders of video service authorizations. A franchising entity acting under this subsection shall notify a video service provider of the amount of such fee on an annual basis, beginning one year after issuance of the video service authorization.

9. Neither the public service commission nor any political subdivision may require a video service provider to provide any institutional network or equivalent capacity on its video service network. The obligation of an incumbent cable operator to provide such network or capacity contained in a franchise existing on the effective date of sections 67.2675 to 67.2714 shall continue until the term of the franchise would have expired had it not been terminated pursuant to sections 67.2676 to 67.2714, or until January 1, 2009, whichever is earlier, and shall be limited to providing the network as is on the effective date of sections 67.2675 to 67.2714.”.

Senator Bray moved that the above amendment be adopted.

At the request of Senator Griesheimer, **SB 284**, with **SCS, SS** for **SCS, SA 5** and **SA 3** to **SA 5** (pending), was placed on the Informal Calendar.

REFERRALS

President Pro Tem Gibbons referred **SCR 13** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

RESOLUTIONS

Senator Champion offered Senate Resolution No. 323, regarding Nancy Brown Dornan, Springfield, which was adopted.

COMMUNICATIONS

Senator Coleman submitted the following:

February 6, 2007

Terry Spieler - Secretary of the Senate
State Capitol, Room 325
Jefferson City, Missouri 65101

RE: Joint Committee on Transportation Oversight

Dear Ms. Spieler:

Pursuant to section 21.795 RSMo, I make the following appointments to the Joint Committee on Transportation Oversight:

Senator Joan Bray
Senator Rita Days
Senator Frank Barnitz.

Thank you.

Sincerely,
/s/ Maida J. Coleman
Maida J. Coleman
Minority Floor Leader

Also,

Senator Kennedy submitted the following:

February 7, 2007

Re: SB 9

Dear Ms. Spieler

As sponsor of SB 9, I respectfully request that it be removed from the Senate Consent Calendar and returned to the Committee on Economic Development, Tourism and Local Government for further consideration.

Yours truly,
/s/ Harry Kennedy
Senator Harry Kennedy

Also,

Senator Shields submitted the following:

February 7, 2007

Ms. Terry Spieler
Secretary of the Senate
State Capitol, Office 325
Jefferson City, MO 65101

Dear Ms. Spieler:

As chairman of the Senate Rules, Joint Rules, Resolutions and Ethics Committee, I would like to reflect the recommendations of the committee by removing Senate Bill 47 and Senate Bill 384 from the Senate Consent Calendar.

Sincerely,
/s/ Charlie Shields
Charlie Shields

INTRODUCTIONS OF GUESTS

On behalf of Senator Smith and himself, Senator Kennedy introduced to the Senate, Dr. Tim McCann, M.D. and his son, John Nicholas, St. Louis; and John Nicholas was made an honorary page.

On behalf of Senator Koster and himself, Senator Kennedy introduced to the Senate, Emily Lange, Peculiar.

Senator Scott introduced to the Senate, Brent DeRossett, Bolivar.

Senator Gibbons introduced to the Senate, MacKenzie Thiessen, Fayette, who was made an honorary page.

Senator Purgason introduced to the Senate, Dan Whittle, Smyrna, Tennessee.

Senator Stouffer introduced to the Senate, Vickie McCalley and constituents from the Richmond area.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-FIRST DAY—THURSDAY, FEBRUARY 8, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 459-Shoemyer
SB 460-Callahan
SB 461-Callahan
SB 462-Callahan
SB 463-Callahan
SB 464-Callahan
SB 465-Callahan
SB 466-Scott

SB 467-Goodman
SB 468-Coleman
SB 469-Justus
SB 470-Graham
SB 471-Clemens
SB 472-Clemens
SB 473-Clemens

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 284-Griesheimer, et al, with SCS, SS
for SCS, SA 5 & SA 3 to SA 5
(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/1

SB 81-Griesheimer
SB 115-Scott, with SCS
SB 152-Engler
SB 25-Champion

SB 84-Champion
SB 52-Stouffer, with SCS
SB 232-Crowell, with SCS
SB 19-Shields

Unofficial
RESOLUTIONS

Reported from Committee

SCR 5-Shields, with SCS

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Journal of the Senate

FIRST REGULAR SESSION

TWENTY-FIRST DAY—THURSDAY, FEBRUARY 8, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“But as for me and my household, we will serve the Lord.”
(Joshua 24:15b)

Gracious God, we trust in Your promise and pledge our obedience to Your commands. We are aware we often miss the mark and fail to be all You have created us to be but we pray that we will continue to trust in You, our God and bind our ourselves and our families in faithful service to You. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler

Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Stouffer	Vogel
Wilson—33			

Absent—Senators—None

Absent with leave—Senator Smith—1

Vacancies—None

The Lieutenant Governor was present.

Senator Nodler announced that photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

Senator Gross assumed the Chair.

RESOLUTIONS

Senator Days offered Senate Resolution No. 324, regarding Lieutenant Colonel Gregory R. Hawkins, which was adopted.

Senator Lager offered Senate Resolution No. 325, regarding Trevor Eugene Sherrow, Chillicothe, which was adopted.

Senator Lager offered Senate Resolution No. 326, regarding Ryan Alan Riggs, Chillicothe, which was adopted.

Senator Lager offered Senate Resolution No. 327, regarding the Eightieth Birthday of Lois

Darlene Wall, Savannah, which was adopted.

Senator Kennedy offered Senate Resolution No. 328, regarding the Seventieth Birthday of Michael J. Sacco, Saint Louis County, which was adopted.

Senator Stouffer offered Senate Resolution No. 330, regarding Chris Chinn, Clarence, which was adopted.

Senator Stouffer offered Senate Resolution No. 331, regarding Ham Hill Farms, Saline County, which was adopted.

Senator Stouffer offered Senate Resolution No. 332, regarding Greg Speiser, Glasgow, which was adopted.

Senator Stouffer offered Senate Resolution No. 333, regarding the death of Lori Lynne Byrd, Keytesville, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 474—By Callahan, Graham, McKenna and Rupp.

An Act to repeal section 414.255, RSMo, and to enact in lieu thereof one new section relating to the mixing of motor fuels.

SB 475—By Crowell.

An Act to amend chapter 490, RSMo, by adding thereto one new section relating to the reliability of expert witness testimony.

SB 476—By Crowell.

An Act to repeal section 104.320, RSMo, and to enact in lieu thereof one new section relating to the establishment of medical benefit funds.

SB 477—By Days.

An Act to repeal section 590.050, RSMo, and to enact in lieu thereof one new section relating to peace officer training.

SB 478—By Gross.

An Act to repeal section 313.820, RSMo, and to enact in lieu thereof one new section relating to excursion gambling boat admission fee revenues.

SB 479—By Ridgeway.

An Act to repeal sections 301.132, 301.147, 301.190, 307.350, 307.353, 307.355, 307.360, 307.365, 307.370, 307.375, 307.380, 307.385, and 307.390, RSMo, and to enact in lieu thereof six new sections relating to the motor vehicle safety inspection program, with penalty provisions and an effective date.

SB 480—By Ridgeway, Days, Callahan, Shields, Mayer, Nodler and Coleman.

An Act to repeal section 168.021, RSMo, and to enact in lieu thereof two new sections relating solely to teacher mentoring and teacher certification.

SB 481—By Ridgeway.

An Act to repeal sections 621.250 and 640.013, RSMo, and to enact in lieu thereof two new sections relating to certain appeals to be heard by the administrative hearing commission.

SB 482—By Gibbons, Clemens, Callahan and Vogel.

An Act to repeal section 337.700, RSMo, and to enact in lieu thereof one new section relating to family and marital therapists.

SB 483—By Rupp.

An Act to amend chapter 374, RSMo, by adding thereto fourteen new sections relating to the market conduct surveillance act, with penalty provisions.

SB 484—By Stouffer.

An Act to repeal section 304.230, RSMo, and to enact in lieu thereof three new sections relating to commercial motor vehicles, with penalty provisions.

SB 485—By Coleman.

An Act to amend chapter 407, RSMo, by

adding thereto one new section relating to false or deceptive business practices.

SB 486—By Coleman.

An Act to repeal section 84.010, RSMo, and to enact in lieu thereof five new sections relating to the St. Louis police force.

President Pro Tem Gibbons assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HB 15**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

REPORTS OF STANDING COMMITTEES

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 339**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which were referred **SB 255**, **SB 249** and **SB 279**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial

and Governmental Organizations and Elections, to which was referred **SB 420**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 21**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 211**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 264**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 288**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic

Development, Tourism and Local Government, to which was referred **SB 298**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 311**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 322**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Champion, Chairman of the Committee on Seniors, Families and Public Health, submitted the following reports:

Mr. President: Your Committee on Seniors, Families and Public Health, to which was referred **SB 46**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Seniors, Families and Public Health, to which was referred **SB 161**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 163**, begs leave to report

that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 107**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 27**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 79**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 198**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 315**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Nodler, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 389**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Gross assumed the Chair.

Senator Days raised the point of order that the committee report made by the Committee on Education is out of order as it relates to Senate Bill No. 389; stating that the report indicates that the committee recommended “do pass” on senate committee substitute number 2 for senate bill 389. However, senate committee substitute number 2 was exactly the same as senate committee substitute number 1 before it was amended. Therefore, it was not a true substitute. The same effect could have been achieved by defeating the amendments to senate committee substitute number 1.

The point of order was referred to the President Pro Tem who ruled it not well taken.

President Pro Tem Gibbons assumed the Chair.

Senator Purgason, Chairman of the Committee on Health and Mental Health, submitted the following report:

Mr. President: Your Committee on Health and Mental Health, to which was referred **SB 4**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Engler, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which were referred **SB 49**, **SB 65**, **SB 210** and **SB 251**, begs leave to report that it has considered the same

and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Crowell, Chairman of the Committee on Pensions, Veterans’ Affairs and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions, Veterans’ Affairs and General Laws, to which was referred **SB 127**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions, Veterans’ Affairs and General Laws, to which was referred **SB 244**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions, Veterans’ Affairs and General Laws, to which was referred **SB 287**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Pensions, Veterans’ Affairs and General Laws, to which was referred **SB 401**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions, Veterans’ Affairs and General Laws, to which was referred **SB 402**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions, Veterans’ Affairs and General Laws, to which was referred **SB 403**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 404**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 406**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 384**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 129**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 130**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 238**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on

Transportation, to which was referred **SB 240**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 226**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 104**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 103**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 102**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 91**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Gross assumed the Chair.

RESOLUTIONS

President Pro Tem Gibbons, joined by the entire membership offered the following resolution, which was read:

SENATE RESOLUTION NO. 329

Whereas, the members of the Missouri Senate feel it is altogether fitting and proper to pause from time to time to recognize the outstanding organizations and individuals who have contributed materially to the well-being of the citizens of this great state; and

Whereas, the St. Louis Baseball Cardinals brought great honor and esteem to the State of Missouri, the City of St. Louis, and the new Busch Stadium when they won the 2006 World Series; and

Whereas, since 1892, Missourians have been treated to over 113 consecutive years of National League Baseball, and the Cardinals have won over 8,600 games, ten World Series, seventeen National League Pennants, three National League Eastern Division titles, and five National League Central Division titles; and

Whereas, the Cardinals, with the development of the new ballpark and Ballpark Village, have invested over one billion dollars in private funds in the State of Missouri with one of downtown St. Louis's largest projects in history; and

Whereas, in the first season at the new Busch Stadium, the Cardinals won the first and last games played there; won their tenth World Series, the second most of any Major League team; won their first World Series championship in twenty-four years; won their seventeenth National League Pennant; and reached the post-season for the twenty-second time; and

Whereas, the Cardinals reached the post-season for the sixth time in the last seven years, reached the World Series for the second time in three years, and won the National League Central Division for the third year in a row; and

Whereas, the Cardinals welcomed 3,407,104 fans in the new Stadium's first year, over one million of them from outside the state of Missouri, and the Cardinals became the first team since the 1923 New York Yankees to win the World Series in the first year in a new stadium; and

Whereas, since its inception in 1997, Cardinals Care, the team's charitable foundation, has donated over ten million dollars to charities supporting children and has donated well in excess of one hundred thousand tickets every year to worthy organizations; and

Whereas, forty former Cardinals players and managers are enshrined in the National Baseball Hall of Fame:

Now, Therefore, Be It Resolved that we, the members of the Missouri Senate, Ninety-fourth General Assembly, extend our congratulations to the St. Louis Baseball Cardinals on the occasion

of their winning the 2006 World Series and extend our gratitude to them for the honor they have bestowed upon this state; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for presentation to the St. Louis Baseball Cardinals.

President Pro Tem Gibbons moved that the above resolution be adopted, which motion prevailed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 6, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Erwin P. Gadd, Republican, 2700 Garden View, Jefferson City, Cole County, Missouri 65109, as a member of the State Milk Board, for a term ending September 28, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 6, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Lesley J. Graves, Republican, 110 State 10th Street, Tarkio, Atchison County, Missouri 64491, as a member of the Missouri Western State University Board of Governors, for a term ending October 29, 2011, and until her successor is duly appointed and qualified; vice, William Hurley, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

February 6, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice
and consent the following appointment:

Patricia M. Mahoney, Democrat, 4039 Crosby Drive, Saint
Louis City, Missouri 63123, as a member of the State Milk Board,
for a term ending September 28, 2010, and until her successor is
duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

February 6, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice
and consent the following appointment:

Frank L. Shorney, Democrat, 4609 Northeast Dick Howser
Circle, Lee's Summit, Jackson County, Missouri 64064, as a
member of the Clean Water Commission, for a term ending April
12, 2010, and until his successor is duly appointed and qualified;
vice, Daniel Johanningmeier, resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

February 6, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice
and consent the following appointment:

Robert H. Spence, 3603 East Kensington, Springfield, Greene
County, Missouri 65802, as a member of the Missouri Higher
Education Loan Authority, for a term ending October 22, 2008, and
until his successor is duly appointed and qualified; vice, Karen
Luebbert, resigned.

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons referred the above
appointments to the Committee on Gubernatorial
Appointments.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time
and referred to the Committees indicated:

SB 459—Judiciary and Civil and Criminal
Jurisprudence.

SB 460—Governmental Accountability and
Fiscal Oversight.

SB 461—Pensions, Veterans' Affairs and
General Laws.

SB 462—Judiciary and Civil and Criminal
Jurisprudence.

SB 463—Health and Mental Health.

SB 464—Transportation.

SB 465—Health and Mental Health.

SB 466—Financial and Governmental Organi-
zations and Elections.

SB 467—Seniors, Families and Public Health.

SB 468—Judiciary and Civil and Criminal
Jurisprudence.

SB 469—Economic Development, Tourism
and Local Government.

SB 470—Ways and Means.

SB 471—Financial and Governmental Organi-
zations and Elections.

SB 472—Ways and Means.

SB 473—Agriculture, Conservation, Parks
and Natural Resources.

INTRODUCTIONS OF GUESTS

Senator Goodman introduced to the Senate,
his father, Presiding Commissioner Sam Goodman,
Western Commissioner Rodney Barnes and
Eastern Commissioner Earl Dotson, Lawrence
County.

Senator Gross introduced to the Senate, Ms. Janet Doll and her daughter, Olivia, St. Peters; and Olivia was made an honorary page.

Senator Bray introduced to the Senate, Judy Carmi, St. Louis.

On behalf of Senators Coleman, Days, Green and herself, Senator Bray introduced to the Senate, representatives of People First of St. Louis and Community Advocates of St. Louis.

Senator Graham introduced to the Senate, the Physician of the Day, Dr. Gale Osgood, M.D., and

his wife Patti, Columbia.

Senator Graham introduced to the Senate, “Tiger” John Cleek, John Cleek, Jr. and Greg Kramer, Columbia.

On behalf of Senator Gross, Senator Nodler introduced to the Senate, Mr. Kelley Foust and his sons, Noah, Spencer and Nathan, and Mrs. Angie Hemmer and her son, Kaden, St. Peters.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, February 12, 2007.

SENATE CALENDAR

TWENTY-SECOND DAY—MONDAY, FEBRUARY 12, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 474-Callahan, et al
SB 475-Crowell
SB 476-Crowell
SB 477-Days
SB 478-Gross
SB 479-Ridgeway
SB 480-Ridgeway, et al

SB 481-Ridgeway
SB 482-Gibbons, et al
SB 483-Rupp
SB 484-Stouffer
SB 485-Coleman
SB 486-Coleman

SENATE BILLS FOR PERFECTION

1. SB 339-Mayer, with SCS
2. SBs 255, 249 & 279-Loudon, with SCS
3. SB 46-Mayer, et al, with SCS
4. SB 161-Shields, with SCS
5. SB 107-Wilson
6. SB 27-Bartle and Koster

7. SB 389-Nodler, et al, with SCS
8. SBs 49, 65, 210 & 251-Engler, et al, with SCS
9. SB 287-Crowell and Vogel
10. SB 384-Coleman and Gibbons, with SCS
11. SB 129-Stouffer and Crowell, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 284-Griesheimer, et al, with SCS, SS
for SCS, SA 5 & SA 3 to SA 5 (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/1

SB 81-Griesheimer
SB 115-Scott, with SCS
SB 152-Engler
SB 25-Champion

SB 84-Champion
SB 52-Stouffer, with SCS
SB 232-Crowell, with SCS
SB 19-Shields

Reported 2/8

SB 420-Gibbons, et al, with SCS
SB 21-Griesheimer, with SCS
SB 211-Goodman
SB 264-Green
SB 288-Engler, with SCS
SB 298-Engler
SB 311-Scott, with SCS
SB 322-Engler
SB 163-Mayer, with SCS
SB 79-Scott
SB 198-Mayer, with SCS
SB 315-Clemens
SB 4-Gross, with SCS
SB 127-Mayer

SB 244-Mayer
SB 401-Crowell
SB 402-Crowell
SB 403-Crowell
SB 404-Crowell
SB 406-Crowell
SB 130-Stouffer
SB 238-Stouffer
SB 240-Stouffer
SB 226-Stouffer, with SCS
SB 104-Stouffer, with SCS
SB 103-Stouffer, with SCS
SB 102-Stouffer
SB 91-Nodler, with SCS

RESOLUTIONS

Reported from Committee

SCR 5-Shields, with SCS

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-SECOND DAY—MONDAY, FEBRUARY 12, 2007

The Senate met pursuant to adjournment.

Ridgeway	Rupp	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

Absent—Senators—None

“With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in;” (A. Lincoln 1865)

Absent with leave—Senators

Loudon Scott—2

Almighty God, King of the Universe, we come together to begin a new week and as we do we pray like Lincoln that we will “with firmness” do that which is right and do our utmost to finish what we have started. So we pray we may work each day with that end in sight and that all may be completed by us as You direct us. In Your Holy Name we pray. Amen.

Vacancies—None

The Lieutenant Governor was present.

The Pledge of Allegiance to the Flag was recited.

RESOLUTIONS

Senator Griesheimer offered Senate Resolution No. 334, regarding William “Bill” Johnson, Fenton, which was adopted.

A quorum being established, the Senate proceeded with its business.

Senator Shields offered Senate Resolution No. 335, regarding John W. Richmond, Albany, which was adopted.

The Journal for Thursday, February 8, 2007 was read and approved.

On behalf of Senator Scott, Senator Shields offered Senate Resolution No. 336, regarding J.D. Johnson, Lincoln, which was adopted.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Mayer	McKenna	Nodler	Purgason

Senator Graham offered Senate Resolution No. 337, regarding Dr. Carol Grove, which was adopted.

Senator Graham offered Senate Resolution No. 338, regarding the City of Columbia, which was adopted.

Senator Bray offered Senate Resolution No. 339, regarding Ronald F. Pfeiffer, Richmond Heights, which was adopted.

Senator Bray offered Senate Resolution No. 340, regarding the American Heart Association's "Wear Red Day for Women", which was adopted.

Senator Lager offered Senate Resolution No. 341, regarding Hayden Oswald, Rock Port, which was adopted.

Senator Vogel offered Senate Resolution No. 342, regarding Tyler Evan Kempker, Jefferson City, which was adopted.

Senator Bray offered Senate Resolution No. 343, regarding Patrick Michael Maloney, Kirkwood, which was adopted.

Senator Bray offered Senate Resolution No. 344, regarding Alec Sydlow, Kirkwood, which was adopted.

Senator Bray offered Senate Resolution No. 345, regarding Michael J. Kelly, Kirkwood, which was adopted.

Senator Gross offered Senate Resolution No. 346, regarding Lou and Jacqueline Brock, Saint Louis, which was adopted.

Senator Gross offered Senate Resolution No. 347, regarding Saint Charles county government, which was adopted.

Senator Barnitz offered Senate Resolution No. 348, regarding the Oak Hill R-I School District, Dent County, which was adopted.

Senator Barnitz offered Senate Resolution No. 349, regarding Wal-Mart Transportation, St. James, which was adopted.

Senator Rupp offered Senate Resolution No. 350, regarding Jordan D. McCue, Wentzville, which was adopted.

Senator Griesheimer offered Senate Resolution No. 351, regarding Patrick M. Tracy, Ballwin, which was adopted.

Senator Gibbons offered Senate Resolution No. 352, regarding Laclede Gas Company, which was adopted.

Senator McKenna offered Senate Resolution No. 353, regarding Ridgewood Middle School, Arnold, which was adopted.

Senator Gibbons offered Senate Resolution No. 354, regarding Epworth Children and Family Services, St. Louis, which was adopted.

Senator Lager offered Senate Resolution No. 355, regarding Ronald Wampler, Savannah, which was adopted.

CONCURRENT RESOLUTIONS

Senator Graham offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 14

WHEREAS, the National Forest Service is a federal agency within the United States Department of Agriculture that manages public lands in national forests and grasslands, engages in important research as the world's largest forestry research organization, and provides assistance to state and private forestry entities; and

WHEREAS, the origination of the Forest Service can be traced back to the passage of the Forest Reserve Act of 1891, which allowed presidents to establish forest reserves from timber-covered land in the public domain; and

WHEREAS, a progressive United States Congress and President Theodore Roosevelt, the most notable conservationist among all U.S. presidents deceased and living, established the Forest Service in 1905; and

WHEREAS, a primary objective of the Forest Service is to enable citizens to enjoy its 155 national forest and 20 grasslands, which collectively comprise about 8.5 percent of the total land area of the United States; and

WHEREAS, another chief goal of the Forest Service is to protect the environment for generations yet to come and manage the National Forest System for the overall benefit of the American people; and

WHEREAS, Gifford Pinchot, the first Chief of the Forest Service, summed up the mission of the Forest Service by stating that it should "provide the greatest amount of good for the greatest amount of people in the long run"; and

WHEREAS, Pinchot's vision of the Forest Service has recently been called into question by a new Bush Administration proposal to possibly sell more about 274,000 acres of national forest

to private owners and developers; and

WHEREAS, this newest proposal is similar to a 2006 Bush Administration plan that was largely opposed by Missouri citizens; and

WHEREAS, 21,588 acres of the Mark Twain National Forest in Missouri is under consideration for sale, which ranks Missouri in the Top 5 of states with potential lost forest; and

WHEREAS, Forest Service stewards have in the past participated in limited land-exchange programs but have never engaged in the outright sale of our national forests, which is undoubtedly one of our country's most precious assets; and

WHEREAS, the money raised from the sale of our national forests would be used to fund a program created by the Secure Rural Schools and Community Self Determination Act of 2000 – a program that is of little benefit to the citizens of the state of Missouri, even under the spending guidelines of the newest proposal:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fourth General Assembly, First Regular Session, the House of Representatives concurring herein, hereby express their opposition to the Bush Administration's unprecedented proposed sale of national forest land; and

BE IT FURTHER RESOLVED that we urge Missouri citizens to contact the Forest Service during its allotted time of public comment to speak out against this plan; and

BE IT FURTHER RESOLVED that we ask Missouri's nine Congressmen in the U.S. House of Representatives and its two U.S. senators to use their influence to oppose the proposed sale of public lands; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for U.S. Agriculture Secretary Mike Johanns, Chief of the National Forest Service Abigail Kimbell, and each of Missouri's federal representatives and senators.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 487—By Stouffer.

An Act to repeal section 80.570, RSMo, and to enact in lieu thereof one new section relating to disincorporation of towns and villages.

SB 488—By Clemens.

An Act to repeal sections 261.035, 261.230, 261.235, 261.239, and 265.200, RSMo, and to enact in lieu thereof five new sections relating to

the department of agriculture.

SB 489—By Clemens.

An Act to repeal section 348.434, RSMo, and to enact in lieu thereof one new section relating to agricultural tax credits.

SB 490—By Mayer.

An Act to repeal sections 192.925, 197.500, 198.006, 198.070, 198.090, 198.532, 208.909, 208.912, 208.915, 210.900, 210.906, 210.933, 559.100, 565.180, 565.182, 565.184, 565.188, 565.200, 570.145, 660.010, 660.050, 660.053, 660.054, 660.055, 660.057, 660.058, 660.060, 660.062, 660.067, 660.069, 660.070, 660.099, 660.250, 660.255, 660.260, 660.261, 660.263, 660.265, 660.270, 660.275, 660.280, 660.285, 660.290, 660.295, 660.300, 660.305, 660.310, 660.315, 660.317, 660.320, 660.321, 660.400, 660.403, 660.405, 660.407, 660.409, 660.411, 660.414, 660.416, 660.418, 660.420, 660.512, 660.620, 660.625, 660.600, 660.603, 660.605, and 660.608, RSMo, and to enact in lieu thereof sixty-three new sections relating to citizens most at risk for exploitation, with penalty provisions.

SB 491—By Ridgeway.

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to certain legal actions against the state or any of its agencies or political subdivisions.

SB 492—By Crowell.

An Act to repeal sections 105.660 and 105.665, RSMo, and to enact in lieu thereof six new sections relating to certain public employee retirement plans, with penalty provisions.

SB 493—By Koster.

An Act to repeal sections 454.850, 454.855, 454.857, 454.860, 454.867, 454.869, 454.871, 454.874, 454.877, 454.880, 454.885, 454.887, 454.890, 454.892, 454.895, 454.897, 454.902, 454.905, 454.907, 454.912, 454.917, 454.920, 454.927, 454.930, 454.932, 454.934, 454.936,

454.943, 454.946, 454.951, 454.956, 454.958, 454.963, 454.971, 454.973, 454.976, 454.983, 454.989, 454.991, 454.993, and 454.997, RSMo, and to enact in lieu thereof forty-three new sections relating to the interstate family support act.

SB 494—By Koster.

An Act to amend chapter 452, RSMo, by adding thereto twelve new sections relating to the uniform premarital agreement act.

SB 495—By Koster.

An Act to repeal sections 452.440, 452.445, 452.450, 452.455, 452.460, 452.465, 452.470, 452.475, 452.480, 452.485, 452.490, 452.495, 452.500, 452.505, 452.510, 452.515, 452.520, 452.525, 452.530, 452.535, 452.540, 452.545, and 452.550, RSMo, and to enact in lieu thereof fifty new sections relating to child custody jurisdiction and enforcement.

SB 496—By Koster.

An Act to repeal sections 58.720, 194.210, 194.220, 194.230, 194.233, 194.240, 194.250, 194.260, 194.270, 194.280, 194.290, and 194.304, RSMo, and to enact in lieu thereof twenty-six new sections relating to anatomical gifts, with penalty provisions.

SJR 21—By Clemens.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 2, 5, 8, 9, and 11 of article III of the Constitution of Missouri, and adopting five new sections in lieu thereof relating to the general assembly.

The Senate paused for a moment of silence in memory of former Lt. Governor and State Senator Harriett Woods.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the House has taken up and passed **HB 353**, entitled:

An Act to repeal sections 191.900, 191.905, and 191.910, RSMo, and to enact in lieu thereof nine new sections relating to Medicaid fraud, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 284**, with **SCS, SS** for **SCS, SA 5** and **SA 3** to **SA 5** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 3 to **SA 5** was again taken up.

Senator Koster assumed the Chair.

Senator Rupp assumed the Chair.

Senator Bray moved that **SA 3** to **SA 5** be adopted, which motion prevailed.

SA 5, as amended, was again taken up.

Senator Graham offered **SA 4** to **SA 5**, which was read:

SENATE AMENDMENT NO. 4 TO SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 284, Page 2, Section 67.2703, Line 3, by inserting after the word “**enactment**”, the following: “**or any franchise that is in negotiations at the time of enactment**”.

Senator Graham moved that the above amendment be adopted.

At the request of Senator Griesheimer, **SB 284**, with **SCS, SS** for **SCS, SA 5** and **SA 4** to **SA 5** (pending), was placed on the Informal Calendar.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 474—Agriculture, Conservation, Parks and Natural Resources.

SB 475—Judiciary and Civil and Criminal Jurisprudence.

SB 476—Pensions, Veterans' Affairs and General Laws.

SB 477—Financial and Governmental Organizations and Elections.

SB 478—Ways and Means.

SB 479—Transportation.

SB 480—Education.

SB 481—Judiciary and Civil and Criminal Jurisprudence.

SB 482—Financial and Governmental Organizations and Elections.

SB 483—Small Business, Insurance and Industrial Relations.

SB 484—Transportation.

SB 485—Commerce, Energy and the Environment.

SB 486—Economic Development, Tourism and Local Government.

COMMUNICATIONS

Senator McKenna submitted the following:

February 8, 2007

Ms. Terry Spieler
Secretary of the Senate
State Capitol, Rm. 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I hereby give my resignation as a member to the Joint Committee on Transportation Oversight. I appreciate your cooperation in this matter.

Sincerely,

/s/ Ryan McKenna

State Senator, 22nd District

Also,

President Pro Tem Gibbons submitted the following:

February 12, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol Building, Room 325
Jefferson City, MO 65101

Re: Appointment to the Joint Committee on Transportation Oversight

Dear Terry:

Due to the vacancy created by the resignation of Senator Ryan McKenna pursuant to Section 21.795, RSMo 2002, I am appointing Senator Joan Bray to the Joint Committee on Transportation Oversight.

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

Also,

February 12, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Mrs. Spieler:

I am appointing the following senator to the Children's Services Commission:

• Scott Rupp

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Smith introduced to the Senate, Jermaine and Shaq Wilson, Ben Stein, Violet Stopp and Steve Smith, St. Louis.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-THIRD DAY—TUESDAY, FEBRUARY 13, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 487-Stouffer	SB 493-Koster
SB 488-Clemens	SB 494-Koster
SB 489-Clemens	SB 495-Koster
SB 490-Mayer	SB 496-Koster
SB 491-Ridgeway	SJR 21-Clemens
SB 492-Crowell	

HOUSE BILLS ON SECOND READING

HB 353-Schaaf, et al

SENATE BILLS FOR PERFECTION

- | | |
|--|---|
| 1. SB 339-Mayer, with SCS | 7. SB 389-Nodler, et al, with SCS |
| 2. SBs 255, 249 & 279-Loudon, with SCS | 8. SBs 49, 65, 210 & 251-Engler, et al,
with SCS |
| 3. SB 46-Mayer, et al, with SCS | 9. SB 287-Crowell and Vogel |
| 4. SB 161-Shields, with SCS | 10. SB 384-Coleman and Gibbons, with SCS |
| 5. SB 107-Wilson | 11. SB 129-Stouffer and Crowell, with SCS |
| 6. SB 27-Bartle and Koster | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 284-Griesheimer, et al, with SCS, SS
for SCS, SA 5 & SA 4 to SA 5 (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/1

SB 81-Griesheimer
SB 115-Scott, with SCS
SB 152-Engler
SB 25-Champion

SB 84-Champion
SB 52-Stouffer, with SCS
SB 232-Crowell, with SCS
SB 19-Shields

Reported 2/8

SB 420-Gibbons, et al, with SCS
SB 21-Griesheimer, with SCS
SB 211-Goodman
SB 264-Green
SB 288-Engler, with SCS
SB 298-Engler
SB 311-Scott, with SCS
SB 322-Engler
SB 163-Mayer, with SCS
SB 79-Scott
SB 198-Mayer, with SCS
SB 315-Clemens
SB 4-Gross, with SCS
SB 127-Mayer

SB 244-Mayer
SB 401-Crowell
SB 402-Crowell
SB 403-Crowell
SB 404-Crowell
SB 406-Crowell
SB 130-Stouffer
SB 238-Stouffer
SB 240-Stouffer
SB 226-Stouffer, with SCS
SB 104-Stouffer, with SCS
SB 103-Stouffer, with SCS
SB 102-Stouffer
SB 91-Nodler, with SCS

RESOLUTIONS

Reported from Committee

SCR 5-Shields, with SCS

To be Referred

SCR 14-Graham

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-THIRD DAY—TUESDAY, FEBRUARY 13, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Senator Scott offered the following prayer:

“The steps of a good man are ordered by the Lord, and he delights in his way. Though he fall, he shall not be utterly cast down; for the Lord upholds him with his hand.” (Psalm 37:23, 24)

Lord, we are grateful today for the many blessings You have given us.

Blessings of health, blessings of being able to participate in public service, even blessings of a beautiful snowy day.

We ask for Your wisdom today as we work to solve complicated issues. We ask that You would bless those who work in this building to make the operation run smoothly and that You bless our families at home whose work and responsibilities are increased in our absence. We pray especially that You will uphold us with Your hand.

For everything You have done for us we thank You in The Name of Our Lord Jesus. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz Bartle Bray Callahan

Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

Senator Shields announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Days offered Senate Resolution No. 356, regarding Anne C. Ream, O.D., West Plains, which was adopted.

Senator Vogel offered Senate Resolution No. 357, regarding Wesley F. Hentges, Tipton, which was adopted.

Senator Vogel offered Senate Resolution

No. 358, regarding Larry G. Wyrick, Tuscumbia, which was adopted.

Senator Vogel offered Senate Resolution No. 359, regarding Marion Davis McMillan, Jefferson City, which was adopted.

Senator Crowell offered Senate Resolution No. 360, regarding the Southeast Missourian Building, Cape Girardeau, which was adopted.

CONCURRENT RESOLUTIONS

Senators Barnitz, Callahan, Shoemyer, Purgason, Rupp, Green, Griesheimer, Engler and Loudon offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 15

Whereas, President George W. Bush established the Security and Prosperity Partnership (SPP) of North America, with the nations of Mexico and Canada on March 23, 2005; and

Whereas, a television reporter asked President Bush on March 23, 2005, whether in light of the European Union, the SPP was a step towards continental integration and he responded, "...So that the vision that you asked about in your question as to what kind of union might there be, I see one based upon free trade, that would then entail commitment to markets and democracy, transparency, rule of law..."; and

Whereas, the gradual creation of such a North American Union from a merger of the United States, Mexico, and Canada would be a direct threat to the Constitution and national independence of the United States, and imply an eventual end to national borders within North America; and

Whereas, a White House news release confirmed the continuing existence of the SPP and its "ongoing process of cooperation" on March 31, 2006; and

Whereas, Congressman Ron Paul has written that a key to the SPP plan is an extensive new NAFTA superhighway: "[U]nder this new 'partnership', a massive highway is being planned to stretch from Canada to Mexico, through the state of Texas."; and

Whereas, this trilateral partnership to develop a North American Union has never been presented to Congress as an agreement or treaty, and has had virtually no congressional oversight; and

Whereas, state and local governments throughout the United States would be negatively impacted by the SPP/North American Union process, such as the "open borders" vision of the SPP, eminent domain takings of private property along the planned superhighways, and increased law enforcement problems along those same superhighways:

Now, therefore, be it resolved that the members of the Senate of the Ninety-fourth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge and petition the Congress of the United States to use all of its efforts, energies, and diligence to withdraw the United States from any further participation in the Security and Prosperity Partnership of North America and any other bilateral or multilateral activity, however named, which seeks to advance, authorize, fund, or in any way promote the creation of any structure to accomplish any form of a North American Union as herein described; and

Be it further resolved that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for each member of the Missouri Congressional delegation.

Senator Scott offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 16

WHEREAS, we recognize that Missouri is comprised of many hard-working, tax-paying, lawfully present immigrants who embody values shared by their Missouri neighbors; and

WHEREAS, lawfully present immigrants contribute positively to the rich cultural heritage of this nation and state; and

WHEREAS, since illegal immigrants are in violation of federal law through their mere presence in this country, other benefits conferred under federal law including the distribution of compensation through our country's social programs should not befall such individuals; and

WHEREAS, we recognize that the Social Security program is becoming increasingly depleted financially and that extending benefits to illegal immigrants will have a deleterious effect on the ability of the system to pay beneficiaries who have contributed to the system through years of gainful and legal employment:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby call on Congress for a unified voice in opposing legislation or any other agreement that proposes to extend Social Security benefits to illegal immigrants who are not lawfully present in the United States and in so being, stand in violation of federal law; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States and the members of the Missouri Congressional Delegation.

Senator Rupp offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 17

WHEREAS, the Securities and Exchange Commission has

determined that business activities in U.S.-sanctioned terrorist-sponsoring states can materially harm the share value of foreign companies that may be held in portfolio by Missouri's public retirement systems; and

WHEREAS, U.S. publicly traded companies are not allowed to do business in or with U.S. State Department-designated terrorist-sponsoring states; and

WHEREAS, Missouri's public pension systems currently invest on behalf of the citizens of Missouri in foreign publicly traded companies that may be at risk due to such ties to terrorism; and

WHEREAS, the General Assembly of the State of Missouri views state investments in foreign publicly traded companies that have business operations in or with U.S. State Department-designated terrorist-sponsoring states as putting at risk the pensions of its dedicated public employees; and

WHEREAS, the exclusion of companies with such ties to terrorism from public portfolios will help protect Missouri's public pension systems from investment losses related to such business activities and could improve the performance of these public funds; and

WHEREAS, the General Assembly of the State of Missouri finds it unconscionable for the State of Missouri to invest in companies whose business activities benefit nations that are egregious violators of human rights and known sponsors of terrorism and that, according to the U.S. government, are developing weapons of mass destruction and delivery capabilities:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby calls on the public retirement funds of Missouri to immediately enact all necessary provisions and take all necessary actions to ensure that no funds of the State of Missouri are invested in entities that have direct business operations with the U.S. State Department-designated terrorist-sponsoring states; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the Governor.

Senators Gibbons and Coleman offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 18

WHEREAS, Section 21.760 of the Revised Statutes of Missouri provides that during the regular legislative session which convenes in an odd-numbered year, the General Assembly shall, by concurrent resolution, employ an independent certified public accountant or certified public accounting firm to conduct an audit examination of the accounts, functions, programs, and management of the State Auditor's office:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby authorize the employment of an independent certified public accountant or certified public accounting firm pursuant to the provisions of Section 21.760; and

BE IT FURTHER RESOLVED that the audit examination be made in accordance with generally accepted auditing standards, including such reviews and inspections of books, records and other underlying data and documents as are necessary to enable the independent certified public accountant performing the audit to reach an informed opinion on the condition and performance of the accounts, functions, programs, and management of the State Auditor's Office; and

BE IT FURTHER RESOLVED that upon completion of the audit, the independent certified public accountant make a written report of his or her findings and conclusions, and supply each member of the General Assembly, the Governor, and the State Auditor with a copy of the report; and

BE IT FURTHER RESOLVED that the cost of the audit and report be paid out of the joint contingent fund of the General Assembly; and

BE IT FURTHER RESOLVED that the Commissioner of Administration bid these services, at the direction of the General Assembly, pursuant to state purchasing laws; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the Commissioner of Administration.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 497—By Scott.

An Act to repeal sections 58.500, 58.510, 110.130, 110.140, and 110.150, RSMo, and to enact in lieu thereof five new sections relating to county treasurers.

SB 498—By Scott.

An Act to repeal section 337.510, RSMo, and to enact in lieu thereof one new section relating to professional counselors.

SB 499—By Engler and Clemens.

An Act to repeal section 142.028, RSMo, and to enact in lieu thereof one new section relating

to qualified bio-mass.

SB 500—By Koster.

An Act to amend chapter 287, RSMo, by adding thereto one new section relating to worker's compensation for public safety workers.

SB 501—By Koster.

An Act to amend chapter 142, RSMo, by adding thereto one new section relating to motor fuel tax exemptions.

SB 502—By Koster.

An Act to authorize the conveyance of property owned by the state in Johnson County to the City of Warrensburg.

SB 503—By Clemens.

An Act to repeal sections 135.800, 135.805, 348.430, and 348.432, RSMo, and to enact in lieu thereof four new sections relating to agricultural tax credits.

SENATE BILLS FOR PERFECTION

At the request of Senator Mayer, **SB 339**, with **SCS**, was placed on the Informal Calendar.

SB 255, **SB 249** and **SB 279**, with **SCS**, were placed on the Informal Calendar.

At the request of Senator Mayer, **SB 46**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Shields, **SB 161**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Wilson, **SB 107** was placed on the Informal Calendar.

At the request of Senator Bartle, **SB 27** was placed on the Informal Calendar.

Senator Nodler moved that **SB 389**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 389**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 389

An Act to repeal sections 160.254, 173.005, 173.200, 173.203, 173.205, 173.210, 173.215,

173.220, 173.225, 173.230, 173.616, 173.810, 173.813, 173.816, 173.820, 173.825, 173.827, 173.830, and 313.835, RSMo, and to enact in lieu thereof eighteen new sections relating to higher education, with penalty provisions and an emergency clause.

Was taken up.

Senator Nodler moved that **SCS** for **SB 389** be adopted.

Senator Nodler offered **SS** for **SCS** for **SB 389**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 389

An Act to repeal sections 160.254, 173.005, 173.200, 173.203, 173.205, 173.210, 173.215, 173.220, 173.225, 173.230, 173.616, 173.810, 173.813, 173.816, 173.820, 173.825, 173.827, 173.830, and 313.835, RSMo, and to enact in lieu thereof eighteen new sections relating to higher education, with penalty provisions and an emergency clause.

Senator Nodler moved that **SS** for **SCS** for **SB 389** be adopted.

Senator Nodler offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 389, Page 14, Section 173.475, Lines 9-20, by striking all of said lines and inserting in lieu thereof the following: "**the Missouri development finance board by the Missouri technology corporation, authorized under section 348.251, RSMo, in an amount equal to fifteen million dollars, and for capital projects at state educational institutions as defined in section 176.010, RSMo, as follows:**

(1) **The Morrow/Garrison project at Central Missouri State University in an amount equal to thirteen million two hundred twenty-nine thousand dollars;**

(2) **The CORTEX Accelerator Facility at Harris-Stowe State University in an amount**

equal to five million five hundred thousand dollars;

(3) The Early Childhood and Parent Education Center at Harris-Stowe State University in an amount equal to ten million two hundred twenty-six thousand dollars;

(4) The Jason Hall project at Lincoln University in an amount equal to two million nine hundred seventy-four thousand dollars;

(5) The Health Sciences Building at Missouri Southern State University in an amount equal to eighteen million nine hundred seventy-six thousand dollars;

(6) The Facilities Reutilization Plan at Missouri State University in an amount equal to twenty-nine million seven hundred four thousand dollars;

(7) The business incubator at Missouri State University in an amount equal to five million dollars;

(8) The Agenstein Science and Math, Phase I project at Missouri Western State University in an amount equal to thirty million one hundred fifteen thousand dollars;

(9) The Center for Plant Biologics at Northwest Missouri State University in an amount equal eleven million four hundred thousand dollars;

(10) The business incubator at Southeast Missouri State University in an amount equal to four million five hundred thousand dollars;

(11) The River Campus at Southeast Missouri State University in an amount equal to seventeen million two hundred thousand dollars;

(12) The Pershing Building at Truman State University in an amount equal to twenty-one million five hundred fifty-eight thousand dollars;

(13) The Health Sciences Research and

Education Center at the University of Missouri-Columbia in an amount equal to eighty-five million twenty-nine thousand dollars;

(14) The business incubator at the University of Missouri-Columbia in an amount equal to two million dollars;

(15) The Plant Science Research Center at the University of Missouri-Columbia in an amount equal to three million dollars;

(16) The Greenley Learning and Discovery Park at the University of Missouri-Columbia in an amount equal to two million dollars;

(17) The Delta Research Center and Plant Science Greenhouse at the University of Missouri-Columbia in an amount equal to two million dollars;

(18) The business incubator at the University of Missouri-Kansas City in an amount equal to twelve million dollars;

(19) The Health Sciences Center at the University of Missouri-Kansas City in an amount equal to three million dollars;

(20) The School of Dentistry at the University of Missouri-Kansas City in an amount equal to three million four hundred thousand dollars;

(21) The Toomey Hall project at the University of Missouri-Rolla in an amount equal to eleven million dollars;

(22) The Center for Emerging Technologies II at the University of Missouri-St. Louis in an amount equal to five million five hundred thousand dollars;

(23) The Benton/Stadler Halls project at the University of Missouri-St. Louis in an amount equal to eighteen million dollars; and

(24) To the twelve public community colleges of this state in amount equal to twelve million dollars to be divided equally among the twelve public community colleges of this state

and an amount equal to six million dollars for maintenance and repair at the twelve public community colleges in the following amounts:

(a) Crowder College in an amount equal to two hundred one thousand five hundred eighteen dollars;

(b) East Central College in an amount equal to two hundred thirty-three thousand nine hundred seven dollars;

(c) Jefferson College in an amount equal to three hundred forty-three thousand two hundred five dollars;

(d) Metropolitan Community College in an amount equal to one million four hundred twenty-five thousand eight hundred forty dollars;

(e) Mineral Area College in an amount equal to two hundred twenty-four thousand eight hundred sixty one dollars;

(f) Moberly Area Community College in an amount equal to two hundred twenty-one thousand two hundred forty-three dollars;

(g) North Central Missouri College in an amount equal to one hundred eleven thousand three dollars;

(h) Ozarks Technical Community College in an amount equal to four hundred thirty thousand six hundred fifty-eight dollars;

(i) St. Charles Community College in an amount equal to three hundred twenty-four thousand seven hundred twenty-six dollars;

(j) St. Louis Community College in an amount equal to two million fifty thousand two hundred thirty-three dollars;

(k) State Fair Community College in an amount equal to two hundred thirty-eight thousand four hundred fourteen dollars;

(l) Three Rivers Community College in an amount equal to one hundred ninety-four thousand three hundred ninety-two dollars.”.

Senator Nodler moved that the above amendment be adopted.

Senator Barnitz offered SSA 1 for SA 1, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 389, Pages 13-16, Section 173.475, by striking said section and inserting in lieu thereof the following:

“173.475. In addition to the purposes and powers set forth in sections 173.350 to 173.445, the authority's purposes shall include the power to transfer certain funds from the authority to the general revenue fund. The funds transferred from the authority to the general revenue fund may be utilized in any manner as determined by the general assembly through the appropriation process.”.

Senator Barnitz moved that the above substitute amendment be adopted.

Senator Gross assumed the Chair.

Senator Scott assumed the Chair.

President Kinder assumed the Chair.

Senator Griesheimer assumed the Chair.

Senator Shields announced that photographers from KMIZ-TV were given permission to take pictures in the Senate Chamber today.

President Kinder assumed the Chair.

Senator Gross assumed the Chair.

Senator Rupp assumed the Chair.

At the request of Senator Nodler, **SB 389**, with **SCS**, **SS** for **SCS**, **SA 1** and **SSA 1** for **SA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 300**, entitled:

An Act to repeal sections 320.200, 320.271, and 320.300, RSMo, and to enact in lieu thereof seven new sections relating to fire protection.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 453**, entitled:

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to income tax credits for donations to food pantries.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 454**, entitled:

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to supplemental food stamp assistance.

In which the concurrence of the Senate is

respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 352**, entitled:

An Act to repeal sections 34.165 and 178.930, RSMo, and to enact in lieu thereof two new sections relating to state purchasing and printing.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REFERRALS

President Pro Tem Gibbons referred **SCR 14** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

INTRODUCTIONS OF GUESTS

Senator Coleman introduced to the Senate, Chelsea Hyatt, Wappapello.

Senator Mayer introduced to the Senate, Kristen Bush, Dexter.

Senator Vogel introduced to the Senate, Avory Werdehausen and Anthony Murphy, Jefferson City; and Avory and Anthony were made honorary pages.

Senator Kennedy introduced to the Senate, members of St. Catherine Girl Scout Troop 2249, St. Louis; and Laura Rottman, Rebbecca Bosch, Kathryn Doder and Natalie Haffner were made honorary pages.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-FOURTH DAY—WEDNESDAY, FEBRUARY 14, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 487-Stouffer	SB 496-Koster
SB 488-Clemens	SB 497-Scott
SB 489-Clemens	SB 498-Scott
SB 490-Mayer	SB 499-Engler and Clemens
SB 491-Ridgeway	SB 500-Koster
SB 492-Crowell	SB 501-Koster
SB 493-Koster	SB 502-Koster
SB 494-Koster	SB 503-Clemens
SB 495-Koster	SJR 21-Clemens

HOUSE BILLS ON SECOND READING

HB 353-Schaaf, et al	HB 454-Jetton, et al
HCS for HB 300	HB 352-Hobbs, et al
HCS for HB 453	

SENATE BILLS FOR PERFECTION

SBs 49, 65, 210 & 251-Engler, et al, with SCS	SB 384-Coleman and Gibbons, with SCS
SB 287-Crowell and Vogel	SB 129-Stouffer and Crowell, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 27-Bartle and Koster	SB 284-Griesheimer, et al, with SCS, SS
SB 46-Mayer, et al, with SCS	for SCS, SA 5 & SA 4 to SA 5
SB 107-Wilson	(pending)
SB 161-Shields, with SCS	SB 339-Mayer, with SCS
SBs 255, 249 & 279-Loudon, with SCS	SB 389-Nodler, et al, with SCS, SS for
	SCS, SA 1 & SSA 1 for SA 1 (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/1

SB 81-Griesheimer
SB 115-Scott, with SCS
SB 152-Engler
SB 25-Champion

SB 84-Champion
SB 52-Stouffer, with SCS
SB 232-Crowell, with SCS
SB 19-Shields

Reported 2/8

SB 420-Gibbons, et al, with SCS
SB 21-Griesheimer, with SCS
SB 211-Goodman
SB 264-Green
SB 288-Engler, with SCS
SB 298-Engler
SB 311-Scott, with SCS
SB 322-Engler
SB 163-Mayer, with SCS
SB 79-Scott
SB 198-Mayer, with SCS
SB 315-Clemens
SB 4-Gross, with SCS
SB 127-Mayer

SB 244-Mayer
SB 401-Crowell
SB 402-Crowell
SB 403-Crowell
SB 404-Crowell
SB 406-Crowell
SB 130-Stouffer
SB 238-Stouffer
SB 240-Stouffer
SB 226-Stouffer, with SCS
SB 104-Stouffer, with SCS
SB 103-Stouffer, with SCS
SB 102-Stouffer
SB 91-Nodler, with SCS

RESOLUTIONS

Reported from Committee

SCR 5-Shields, with SCS

To be Referred

SCR 15-Barnitz, et al
SCR 16-Scott

SCR 17-Rupp
SCR 18-Gibbons and Coleman

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-FOURTH DAY—WEDNESDAY, FEBRUARY 14, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Love one another with mutual affection...” (Romans 12:10a)

Loving Lord, let us on this Valentine’s Day take serious the exhortation to express love to those who mean so much to us showing them how special they are to us. Let us show we care for our colleagues and staff in the way we interact with each other not just this special day but everyday in our appreciation of them and for what they do for and with us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler

Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Lager offered Senate Resolution No. 361, regarding the Ninetieth Birthday of Clara Ruth McCrary, Kidder, which was adopted.

Senator Champion offered Senate Resolution No. 362, regarding Taylor James Aiken, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 363, regarding Philip Laurent Clothiaux, Rogersville, which was adopted.

Senator Lager offered Senate Resolution No. 364, regarding the Forty-eighth Wedding Anniversary of Mr. and Mrs. Kenneth Smith, Allendale, which was adopted.

Senator Lager offered Senate Resolution No. 365, regarding the Fiftieth Wedding

Anniversary of Mr. and Mrs. Bob Holland, Brookfield, which was adopted.

Senator Shields offered Senate Resolution No. 366, regarding Isaac David Zeilinger, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 367, regarding Travis Wayne Cash, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 368, regarding Grant Richard Sampson, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 369, regarding James Edward Leach, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 370, regarding Ryan Daniel Harris, Parkville, which was adopted.

Senator Shields offered Senate Resolution No. 371, regarding Austin Connor Cade, Parkville, which was adopted.

Senator Lager offered Senate Resolution No. 372, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Hubert Seipel, Maryville, which was adopted.

Senator Loudon offered Senate Resolution No. 373, regarding Stephen E. Frank, which was adopted.

Senator Loudon offered Senate Resolution No. 374, regarding Paul Joseph Fields, which was adopted.

Senators Gibbons and Days offered Senate Resolution No. 375, regarding the Missouri Coalition of Minority and Women Business Owners, which was adopted.

Senator Days offered Senate Resolution No. 376, regarding the Eighty-eighth Birthday of Ethel Lee Griffin Johnson, University City, which was adopted.

Senators Days, Coleman and Smith offered Senate Resolution No. 377, regarding the One

Hundredth Birthday of Josephine Waddy Dismuke, St. Louis, which was adopted.

Senator Nodler offered Senate Resolution No. 378, regarding Images in Tile, LLC, Joplin, which was adopted.

Senators Gibbons and Kennedy offered Senate Resolution No. 379, regarding Lindbergh Investments, LLC, St. Louis County, which was adopted.

Senators Gibbons and Kennedy offered Senate Resolution No. 380, regarding Jennifer Miller Bell, St. Louis County, which was adopted.

Senators Gibbons and Kennedy offered Senate Resolution No. 381, regarding Mr. and Mrs. Ray Simone, Crestwood, which was adopted.

Senators Gibbons and Kennedy offered Senate Resolution No. 382, regarding Jane M. Pesek, St. Louis County, which was adopted.

Senators Gibbons and Kennedy offered Senate Resolution No. 383, regarding Tom Brady, Saint Louis County, which was adopted.

Senators Gibbons and Kennedy offered Senate Resolution No. 384, regarding Rob Gion, Jr., which was adopted.

Senator Ridgeway offered Senate Resolution No. 385, regarding OsteoGeneX Incorporated, Kansas City, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 504—By Koster.

An Act to amend chapter 261, RSMo, by adding thereto five new sections relating to sustainable agriculture and local foods.

SB 505—By Koster.

An Act to amend chapters 379 and 537, RSMo, by adding thereto two new sections relating to the assignment of comparative fault for

operating a motorcycle.

SB 506—By Smith, Bray and Green.

An Act to repeal sections 409.1-102, 409.2-202, 409.3-304, 409.4-401, 409.4-404, 409.4-408, 409.4-412, 409.5-501, 409.6-604, and 409.6-607, RSMo, and to enact in lieu thereof ten new sections relating to the Missouri securities act.

SB 507—By Green.

An Act to amend chapter 407, RSMo, by adding thereto three new sections relating to consumer credit reports.

SB 508—By Green.

An Act to amend chapter 313, RSMo, by adding thereto one new section relating to prohibited acts of the Missouri gaming commission.

SB 509—By Scott.

An Act to repeal section 337.715, RSMo, and to enact in lieu thereof one new section relating to marital and family therapists.

SB 510—By Scott.

An Act to repeal sections 214.275 and 214.340, RSMo, and to enact in lieu thereof two new sections relating to cemeteries.

SB 511—By Scott, Clemens, Shoemyer, Bartle, Gibbons, Mayer, Kennedy, McKenna, Purgason, Bray and Graham.

An Act to repeal sections 195.070 and 195.100, RSMo, and to enact in lieu thereof two new sections relating to advanced practice registered nurses.

SB 512—By Bray.

An Act to repeal sections 383.015, 383.016, 383.020, 383.035, and 383.206, RSMo, and to enact in lieu thereof six new sections relating to medical malpractice insurance.

SJR 22—By Koster.

Joint Resolution submitting to the qualified

voters of Missouri, an amendment repealing section 7 of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to tax relief for local economic development purposes.

SENATE BILLS FOR PERFECTION

Senator Nodler moved that **SB 389**, with **SCS**, **SS** for **SCS**, **SA 1** and **SSA 1** for **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Nodler, **SS** for **SCS** for **SB 389** was withdrawn.

Senator Nodler offered **SS No. 2** for **SCS** for **SB 389**, entitled:

SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 389

An Act to repeal sections 160.254, 173.005, 173.200, 173.203, 173.205, 173.210, 173.215, 173.220, 173.225, 173.230, 173.616, 173.810, 173.813, 173.816, 173.820, 173.825, 173.827, 173.830, and 313.835, RSMo, and to enact in lieu thereof eighteen new sections relating to higher education, with penalty provisions and an emergency clause.

Senator Nodler moved that **SS No. 2** for **SCS** for **SB 389** be adopted.

At the request of Senator Nodler, **SB 389**, with **SCS** and **SS No. 2** for **SCS** (pending) was placed on the Informal Calendar.

Senator Griesheimer moved that **SB 284**, with **SCS**, **SS** for **SCS**, **SA 5** and **SA 4** to **SA 5** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 4 to **SA 5** was again taken up.

At the request of Senator Graham, the above amendment was withdrawn.

SA 5 was again taken up.

Senator Koster assumed the Chair.

Senator Bray moved that **SA 5** be adopted, which motion prevailed.

Senator Bray offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 284, Pages 15-16, Section 67.2692, by striking all of said section and inserting in lieu thereof the following:

“67.2692. 1. For purposes of this section, the following terms shall mean:

(1) “Normal business hours”, those hours during which most similar businesses in the community are open to serve customers. In all cases the term normal business hours must include some evening hours at least one night per or some weekend hours;

(2) “Normal operating conditions” those service conditions which are within the control of the video service provider. Those conditions which are not within the control of the video service provider include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Those conditions which are ordinarily within the control of the video service provider include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the video system;

(3) “Service interruption”, the loss of picture or sound on one or more video channels;

2. Upon ninety days notice, a franchise entity may require a video service provider to adopt the following customer service requirements:

(1) The video service provider will maintain a local, toll-free or collect call telephone access

line which may be available to its subscribers twenty-four hours a day, seven days a week;

(2) The video service provider shall have trained company representatives available to respond to customer telephone inquiries during normal business hours;

(3) After normal business hours, the access line may be answered by a service or an automated response system, including an answering machine. Inquiries received after normal business hours shall be responded to, by a trained company representative, on the next business day;

(4) Under normal operating conditions, telephone answer time by a customer representative, including wait time, shall not exceed thirty seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty seconds. These standards shall be met no less than ninety percent of the time under normal operating conditions, measured on a quarterly basis.

(5) The operator will not be required to acquire equipment or perform surveys to measure compliance with the telephone answering standards provided under subdivisions 1-4 of this subsection, unless a historical record of complaints indicates a clear failure to comply;

(6) Under normal operating conditions, the customer will receive a busy signal less than three percent of the time;

(7) Customer service center and bill payment locations shall be open at least during normal business hours and shall be conveniently located;

(8) Under normal operating conditions, each of the following four standards shall be met no less than ninety-five percent of the time measured on a quarterly basis:

(a) Standard installations shall be

performed within seven business days after an order has been placed. “Standard” installation are those that are located up to one hundred and twenty-five feet from the existing distribution system;

(b) Excluding conditions beyond the control of the operator, the video service provider shall begin working on “service interruptions” promptly and in no event later than twenty-four hours after the interruption becomes known. The video service provider must begin actions to correct other service problems the next business day after notification of the service problem.

(c) The “appointment window” alternatives for installations, service calls, and other installation activities will be either a specific time or, at maximum, a four-hour time block during normal business hours. The operator may schedule service calls and other installation activities outside of normal business hours for the express convenience of the customer;

(d) If a video service provider's representative is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer be contacted. The appointment shall be rescheduled, as necessary, at a time which is convenient for the customer;

(9) Refund checks shall be issued promptly, but no later than either:

(a) The customer's next billing cycle following resolution of the request or thirty days, whichever is earlier, or

(b) The return of the equipment supplied by the video service provider if the service is terminated.

(10) Credits for service shall be issued no later than the customer's next billing cycle following the determination that a credit is warranted.

3. An agency of the state of Missouri shall not have the power to enact or adopt customer service requirements specifically applicable to the provision of video service.

4. A video service provider shall implement an informal process for handling inquiries from franchise entities and customers concerning billing issues, service issues, and other complaints. In the event an issue is not resolved through this informal process, a franchising entity may request a confidential non-binding mediation with the video service provider, with the costs of such mediation to be shared equally between the franchising entity and the video service provider.

5. Each video service provider shall maintain a local or toll free telephone number for customer service contact.

6. (1) In the case of repeated, willful, and material violations of the provisions of this section, by a video service provider, a franchise entity may file a complaint on behalf of a resident harmed by such violations with the administrative hearing commission seeking an order revoking the video service provider's franchise for that political subdivision. A franchise entity or a video service provider may appeal any determination made by the administrative hearing commission under this section to a court of competent jurisdiction, which shall have the power to review the decision de novo.

(2) No franchise entity shall file a complaint seeking revocation unless the video service provider has been given sixty days notice by the franchise entity to cure alleged breaches, but has failed to do so.”.

Senator Bray moved that the above amendment be adopted.

Senator Shields announced that photographers from the Daily Journal were given permission to take pictures in the Senate Chamber today.

Senator Callahan offered SSA 1 for SA 6:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 284, Page 8, Section 67.2679, Line 9 of said page, by inserting immediately after “service.” the following: **“A person seeking to commence providing video service shall demonstrate that it has a process for handling inquiries from franchise entities and customers concerning billing issues, service issues, and other unresolved complaints prior to the public service commission granting a video service authorization to such person.”**; and

Further amend said bill and section, page 9, line 8 of said page, by striking the word “and”; and further amend line 10 of said page, by inserting immediately after the word “service” the following: **“; and**

(7) That the video service provider shall implement the process described in its application for handling inquiries from franchise entities and customers concerning billing issues, service issues, and other unresolved complaints within ninety days of receipt of a video authorization”; and

Further amend said bill, pages 15-16, section 67.2692, by striking all of said section and inserting in lieu thereof the following:

“67.2692. 1. For purposes of this section, the following terms shall mean:

(1) “Normal business hours”, those hours during which most similar businesses in the community are open to serve customers. In all cases the term normal business hours must include some evening hours at least one night per or some weekend hours;

(2) “Normal operating conditions” those service conditions which are within the control of the video service provider. Those conditions

which are not within the control of the video service provider include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Those conditions which are ordinarily within the control of the video service provider include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the video system;

(3) “Service interruption”, the loss of picture or sound on one or more video channels;

2. Upon ninety days notice, a franchise entity may require a video service provider to adopt the following customer service requirements:

(1) The video service provider will maintain a local, toll-free or collect call telephone access line which may be available to its subscribers twenty-four hours a day, seven days a week;

(2) The video service provider shall have trained company representatives available to respond to customer telephone inquiries during normal business hours;

(3) After normal business hours, the access line may be answered by a service or an automated response system, including an answering machine. Inquiries received after normal business hours shall be responded to, by a trained company representative, on the next business day;

(4) Under normal operating conditions, telephone answer time by a customer representative, including wait time, shall not exceed thirty seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty seconds. These standards shall be met no less than ninety percent of the time under normal operating conditions, measured on a quarterly basis.

(5) The operator shall not be required to

acquire equipment or perform surveys to measure compliance with the telephone answering standards provided under subdivisions 1-4 of this subsection, unless a historical record of complaints indicates a clear failure to comply;

(6) Under normal operating conditions, the customer will receive a busy signal less than three percent of the time;

(7) Customer service center and bill payment locations shall be open at least during normal business hours and shall be conveniently located;

(8) Under normal operating conditions, each of the following four standards shall be met no less than ninety-five percent of the time measured on a quarterly basis:

(a) Standard installations shall be performed within seven business days after an order has been placed. Standard installations are those that are located up to one hundred and twenty-five feet from the existing distribution system;

(b) Excluding conditions beyond the control of the operator, the video service provider shall begin working on “service interruptions” promptly and in no event later than twenty-four hours after the interruption becomes known. The video service provider shall begin actions to correct other service problems the next business day after notification of the service problem.

(c) The “appointment window” alternatives for installations, service calls, and other installation activities shall be either a specific time or, at maximum, a four-hour time block during normal business hours. The operator may schedule service calls and other installation activities outside of normal business hours for the express convenience of the customer;

(d) If a video service provider's representative is running late for an appointment with a customer and will not be

able to keep the appointment as scheduled, the customer shall be contacted. The appointment shall be rescheduled, as necessary, at a time which is convenient for the customer;

(9) Refund checks shall be issued promptly, but no later than either:

(a) The customer's next billing cycle following resolution of the request or thirty days, which ever is earlier, or

(b) The return of the equipment supplied by the video service provider if the service is terminated.

(10) Credits for service shall be issued no later than the customer's next billing cycle following the determination that a credit is warranted.

3. A video service provider shall implement an informal process for handling inquiries from franchise entities and customers concerning billing issues, service issues, and other complaints. In the event an issue is not resolved through this informal process, a franchising entity may request a confidential non-binding mediation with the video service provider, with the costs of such mediation to be shared equally between the franchising entity and the video service provider.

4. Each video service provider shall maintain a local or toll free telephone number for customer service contact.

5. (1) In the case of repeated, willful, and material violations of the provisions of this section by a video service provider, a franchise entity may file a complaint on behalf of a resident harmed by such violations with the public service commission seeking an order revoking the video service provider's franchise for that political subdivision. A franchise entity or a video service provider may appeal any determination made by the public service commission under this section to a court of competent jurisdiction, which shall have the

power to review the decision de novo.

(2) No franchise entity shall file a complaint seeking revocation unless the video service provider has been given sixty days notice by the franchise entity to cure alleged breaches, but has failed to do so.

6. (1) Any customer of a video service provider who loses service for more than six hours in any twenty-four-hour period shall be entitled to a discount on the customer's bill in the amount of ten dollars for that billing period.

(2) Any customer of a video service provider who loses service for more than twelve hours in any twenty-four-hour period shall be entitled to a discount on the customer's bill in the amount of twenty dollars for that billing period.

(3) Any customer of a video service provider who loses service for more than twenty-four hours in any billing period shall be entitled to a discount on the customer's bill in the amount of forty dollars for such billing period.

(4) Any customer of a video service provider who loses service for more than forty-eight hours in any billing period shall be entitled to a discount on the customer's bill of one hundred dollars for such billing period.

(5) Any customer of a video service provider who loses service for more than seventy-two hours in any billing period shall be entitled to a discount on the customer's bill of two hundred dollars for such billing period.

(6) The discounts due to a customer under this subsection shall not apply to any customer who has lost service due to the fault of that customer.

(7) Each video service provider shall provide annually a notice to customers explaining customers' rights under this section. The notice shall contain the name, address, and

telephone number of a person assigned by the video service provider to contact for customers who believe they are entitled to a discount under this section.

(8) Either the public service commission or the political subdivision providing the franchise to the video service provider shall periodically audit the bills to ensure that video service providers are providing the discounts required in this subsection to customers.”; and

Further amend said bill, page 27, section 67.2711, by striking all of said section and inserting in lieu thereof the following:

“67.2711. 1. If a franchise entity or customer makes a complaint to the public service commission regarding noncompliance or violation of the provisions of sections 67.2675 to 67.2714, the public service commission shall provide written notice to the video service provider of the alleged noncompliance or violation. A video service provider shall have ninety days from receipt of such written notice to cure such violation or become compliant. In the event the alleged noncompliance or violation is not resolved through such process, a franchise entity or customer may petition the public service commission for mediation or resolution of the dispute.

2. The public service commission shall promulgate rules necessary to resolve disputes on behalf of franchise entities and customers regarding noncompliance or violations of the provisions of sections 67.2675 to 67.2714. The public service commission shall have the authority to resolve disputes, hold hearings, and take evidence on issues presented alleging noncompliance or violations of sections 67.2675 to 67.2714. Any interested party may appeal a decision of the public service commission to a circuit court with proper venue either where the cause of action accrued or where the public service commission held the hearing.

3. Any video service provider who is found by an appropriate court to have violated the customer service standards required by this section shall state such fact on each bill provided to the video service provider's customers for a period of one year following the judgment from the court.

4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.”.

Senator Callahan moved that the above substitute amendment be adopted, and requested a roll call vote be taken. He was joined in his request by Senators Justus, Days, Coleman and Bray.

SSA 1 for SA 6 failed of adoption by the following vote:

YEAS—Senator Callahan—1

NAYS—Senators

Bartle	Bray	Coleman	Crowell
Engler	Gibbons	Goodman	Green
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Mayer	McKenna
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—27	

Absent—Senators

Barnitz	Champion	Clemens	Days
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Graham Loudon—6

Absent with leave—Senators—None

Vacancies—None

SA 6 was again taken up.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 284, Page 28, Section 67.2715, Line 4, by inserting immediately after all of said line the following: “**Section 1. Provisions of section 67.2703 to the contrary notwithstanding, the obligation of an incumbent cable operator to provide any institutional network or equivalent capacity contained in a franchise existing on the effective date of sections 67.2675 to 67.2714 shall continue until January 1, 2012.”; and**

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted.

At the request of Senator Griesheimer, **SB 284**, with **SCS, SS for SCS and SA 7** (pending), was placed on the Informal Calendar.

RESOLUTIONS

Senator Bray, joined by the entire membership offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 386

Whereas, the members of the Missouri Senate are deeply saddened by the death of one of its former members and president, Harriett Woods, on Thursday, February 8, 2007; and

Whereas, a Memorial Service will be held on Saturday, February 17, at Powell Symphony Hall in St. Louis, which is

altogether fitting considering Harriett Woods' passion for classical music and the countless hours of pleasure she spent there with her children and grandchildren, listening to the Saint Louis Symphony; and

Whereas, Harriett Woods was the first woman elected to a statewide office in Missouri's history, and the first woman to serve on the State Highway Commission; and

Whereas, Harriett Woods had a reputation as an activist who championed efforts to protect society's most vulnerable, the elderly, minorities, and homeless, to name a few, and she also was known for the work she did to advance other women politicians, and in this respect she can accurately be described as a pioneer; and

Whereas, Harriett Woods served in the Missouri Senate for eight years, immediately prior to becoming Missouri's Lieutenant Governor in 1984 and having served eight years on the University City (Missouri) Council; and

Whereas, Harriett Woods was a former Fellow of the Institute of Politics at the John F. Kennedy School of Government at Harvard University, an Old Master at Purdue University, holder of the Mary Louise Smith Chair for Women in Politics at Iowa State University, and a participant in the Oxford Round Table at Oxford University, in Oxford, England, and in 1994, she was named by President Clinton as a delegate to the Fourth World Conference on Women, in Vienna, Austria; and

Whereas, born in Cleveland, Ohio, and a graduate of the University of Michigan with a degree in philosophy, Harriett Woods worked for years as a reporter at the St. Louis Globe Democrat and then as a moderator and public affairs director for KPLR-TV in St. Louis before entering into politics; and

Whereas, Harriett Woods served on the board of the Sue Shear Institute for Women in Public Life in St. Louis and Bella Abzug Institute for Women in Public Life in New York City; and she also lectured widely around the country and recorded monthly commentaries for KWMU, the National Public Radio Station in St. Louis; and

Whereas, Harriett Woods was the wife of James B. Woods, now deceased, and the mother of three sons - Christopher, Peter and Andrew - and nine grandchildren; and

Whereas, in her never-ending quest to find effective solutions to existing problems, Harriett Woods, a fierce competitor, both on and off the tennis court, always believed in the importance of reaching out to all sectors by working together with others and educating citizens about the role they must play to help make this world a better place for everyone:

Now, Therefore, Be It Resolved that we, the members of the Missouri Senate, Ninety-fourth General Assembly, extend our sincerest condolences to the family of Harriett Woods on this sad

occasion and acknowledge the service that Harriett Woods gave to this great state; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for presentation to the family of Harriett Woods, former Missouri State Senator and Lieutenant Governor.

On motion of Senator Shields, the Senate recessed until 4:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Shields.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, on behalf of Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 21**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 311**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 79**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 4**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 244**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 315**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

REFERRALS

President Pro Tem Gibbons referred **SCR 15**, **SCR 16**, **SCR 17** and **SCR 18** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

RESOLUTIONS

Senator Ridgeway offered Senate Resolution No. 387, regarding Will David Morris, Liberty, which was adopted.

Senator Ridgeway offered Senate Resolution No. 388, regarding Shaun Andrew Robinson, Liberty, which was adopted.

Senator Graham offered Senate Resolution No. 389, regarding the Moberly Area Community College Alumni Museum, which was adopted.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following hearing schedule:

SENATE HEARING SCHEDULE 94th GENERAL ASSEMBLY FIRST REGULAR SESSION Effective February 19, 2007

	Monday	Tuesday	Wednesday	Thursday
8:00 a.m.		Appropriations SCR 2 (Gross)	Appropriations SCR 2 (Gross) Transportation SCR 1 (Stouffer)	
8:15 a.m.		Seniors, Families and Public Health SCR 1 (Champion)		
8:30 a.m.			Gubernatorial Appointments SL (Gibbons)	Commerce, Energy and the Environment SL (Engler) Governmental Accountability and Fiscal Oversight SCR 1 (Goodman)
12:00 p.m.		Health and Mental Health SL (Purgason) Small Business, Insurance and Industrial Relations SCR 1 (Loudon)	Pensions, Veterans' Affairs and General Laws SL (Crowell) Rules, Joint Rules, Resolutions and Ethics SCR 1 (Shields)	
12:30 p.m.	Appropriations SCR 2 (Gross)			
1:30 p.m.		Agriculture, Conservation, Parks and Natural Resources SL (Clemens)	Economic Development, Tourism and Local Government SL (Griesheimer) Education SCR 1 (Nodler)	
2:30 p.m.	Financial and Governmental Organizations and Elections SL (Scott) Ways and Means SCR 1 (Vogel)			
6:00 p.m.	Judiciary and Civil and Criminal Jurisprudence SL (Bartle)			

SL - Senate Lounge SCR 1 - Senate Committee Rm. 1, Room 118

SCR 2 - Senate Committee Rm. 2, Room 119

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

SB 487—Economic Development, Tourism and Local Government.

SB 488—Agriculture, Conservation, Parks and Natural Resources.

SB 489—Agriculture, Conservation, Parks and Natural Resources.

SB 490—Seniors, Families and Public Health.

SB 491—Judiciary and Civil and Criminal Jurisprudence.

SB 492—Pensions, Veterans' Affairs and General Laws.

SB 493—Judiciary and Civil and Criminal Jurisprudence.

SB 494—Judiciary and Civil and Criminal Jurisprudence.

SB 495—Judiciary and Civil and Criminal Jurisprudence.

SB 496—Seniors, Families and Public Health.

SB 497—Economic Development, Tourism and Local Government.

SB 498—Financial and Governmental Organizations and Elections.

SB 499—Agriculture, Conservation, Parks and Natural Resources.

SB 500—Small Business, Insurance and Industrial Relations.

SB 501—Ways and Means.

SB 502—Economic Development, Tourism and Local Government.

SB 503—Ways and Means.

SJR 21—Financial and Governmental Organizations and Elections.

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, thirty Dental Hygiene Students from Missouri Southern State University, Joplin.

Senator Griesheimer introduced to the Senate, Greg Kinder, Florissant; and Mike Silva, Eureka.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Joel Picus, M.D., Des Peres.

Senator Scott introduced to the Senate, Barba Parrish, Kyle Buzzard, Jo Davis, Hailey Robertson, Melanie Morey, Deborah Merrifield, Lorraine Potter, Ben Garfield, Shalane Peacock, Diahn Gastel, Adam Twenter, Scott Nolting, teachers and students from Lamar Area Vocational Technical School.

Senator Gross introduced to the Senate, Lou Brock and his wife, Reverend Jacqueline Brock, St. Charles.

Senator Scott introduced to the Senate, Kerry Rose, and Joe and Wes Meadows, Liberal.

Senator Scott introduced to the Senate, Taryn Clark, Jenna Moon, Amber Ballard, Jessica Schlup, Jennifer Denham and Renee Fiquet Freeman, Dental Hygiene Students from State Fair Community College, Sedalia.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-FIFTH DAY—THURSDAY, FEBRUARY 15, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 504-Koster	SB 509-Scott
SB 505-Koster	SB 510-Scott
SB 506-Smith, et al	SB 511-Scott, et al
SB 507-Green	SB 512-Bray
SB 508-Green	SJR 22-Koster

HOUSE BILLS ON SECOND READING

HB 353-Schaaf, et al	HB 454-Jetton, et al
HCS for HB 300	HB 352-Hobbs, et al
HCS for HB 453	

SENATE BILLS FOR PERFECTION

SBs 49, 65, 210 & 251-Engler, et al, with SCS	SB 384-Coleman and Gibbons, with SCS
SB 287-Crowell and Vogel	SB 129-Stouffer and Crowell, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 27-Bartle and Koster	SB 284-Griesheimer, et al, with SCS, SS for SCS & SA 7 (pending)
SB 46-Mayer, et al, with SCS	SB 339-Mayer, with SCS
SB 107-Wilson	SB 389-Nodler, et al, with SCS & SS#2 for SCS (pending)
SB 161-Shields, with SCS	
SBs 255, 249 & 279-Loudon, with SCS	

CONSENT CALENDAR

Senate Bills

Reported 2/1

SB 81-Griesheimer

SB 115-Scott, with SCS

SB 152-Engler

SB 25-Champion

SB 84-Champion

SB 52-Stouffer, with SCS

SB 232-Crowell, with SCS

SB 19-Shields

Reported 2/8

SB 420-Gibbons, et al, with SCS

SB 211-Goodman

SB 264-Green

SB 288-Engler, with SCS

SB 298-Engler

SB 322-Engler

SB 163-Mayer, with SCS

SB 198-Mayer, with SCS

SB 127-Mayer

SB 401-Crowell

SB 402-Crowell

SB 403-Crowell

SB 404-Crowell

SB 406-Crowell

SB 130-Stouffer

SB 238-Stouffer

SB 240-Stouffer

SB 226-Stouffer, with SCS

SB 104-Stouffer, with SCS

SB 103-Stouffer, with SCS

SB 102-Stouffer

SB 91-Nodler, with SCS

RESOLUTIONS

Reported from Committee

SCR 5-Shields, with SCS

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Journal of the Senate

FIRST REGULAR SESSION

TWENTY-FIFTH DAY—THURSDAY, FEBRUARY 15, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The heavens are telling the glory of God; And the firmament proclaims his handiwork.” (Psalm 19:1)

Gracious God, open our eyes to the rich beauty of creation saturated with the emotions that are filled with eternity and can bring us face to face with You our God. Make us mindful daily to care for what You have given us and put forth the effort to leave the world better for our children and grandchildren. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler

Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Coleman offered Senate Resolution No. 390, regarding Elder Ernest A. Byrd, of the Full Gospel Spiritual Temple, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 391, regarding the Lawrence Group, which was adopted.

Senator McKenna offered Senate Resolution No. 392, regarding the Sixty-third Wedding Anniversary of Mr. and Mrs. Leo Lloyd Lalumondier, which was adopted.

Senator Callahan offered Senate Resolution No. 393, regarding the Independence Chamber of Commerce, which was adopted.

Senator Goodman offered Senate Resolution

No. 394, regarding the Reeds Spring School District, which was adopted.

Senator Goodman offered Senate Resolution No. 395, regarding the Branson School District, Reeds Spring, which was adopted.

Senator Gibbons offered Senate Resolution No. 396, regarding the March of Dimes, which was adopted.

Senator Stouffer offered Senate Resolution No. 397, regarding Saline County Professional Social Workers, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 513—By Clemens.

An Act to repeal section 335.212, RSMo, and to enact in lieu thereof one new section relating to the professional and practical nursing student loan program.

SB 514—By Justus and Bray.

An Act to repeal section 167.181, RSMo, and to enact in lieu thereof two new sections relating to immunizations against the human papilloma virus.

SB 515—By Justus.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to educational needs of children in licensed residential care facilities.

SB 516—By Goodman.

An Act to repeal section 517.041, RSMo, and to enact in lieu thereof one new section relating to service of process in cases before associate circuit judges.

SB 517—By Rupp.

An Act to repeal section 87.006, RSMo, and to enact in lieu thereof one new section relating to retirement benefits for firefighters.

SB 518—By Mayer and Crowell.

An Act to amend chapter 379, RSMo, by adding thereto eight new sections relating to the establishment of the Missouri catastrophe fund.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Robert H. Spence, as a member of the Missouri Higher Education Loan Authority;

Also,

Frank L. Shorney, Democrat, as a member of the Clean Water Commission;

Also,

William “Larry” Cloud, as a member of the Citizens’ Advisory Commission for Marketing Missouri Agricultural Products;

Also,

Judith W. Scott, Republican, as a member of the Health and Educational Facilities Authority of the State of Missouri;

Also,

Larry W. Plunkett, Sr., Democrat, as a member of the Missouri Gaming Commission;

Also,

Carol A. Wilson, Republican, as Chairperson and member of the Board of Election Commissioners for Saint Louis City;

Also,

Judith K. Doss, Republican, as a member of

the Regional Convention and Sports Complex Authority;

Also,

Vincent J. Bommarito, as a member of the Saint Louis City Board of Police Commissioners;

Also,

Lori A. Clark, as a member of the Organ Donation Advisory Committee;

Also,

Erwin P. Gadd, Republican, and Patricia M. Mahoney, Democrat, as members of the State Milk Board;

Also,

Roslyn M. Morgan, as a member of the Consolidated Health Care Plan Board of Trustees.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 8**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 30**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which were referred **SB 199** and **SB 207**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 275**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 156**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 159**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 272**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 132**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 171**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 269**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 270**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 271**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 158**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent

Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 281**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 237**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 22**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 79**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 315**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Purgason, Chairman of the Committee on Health and Mental Health, submitted the

following reports:

Mr. President: Your Committee on Health and Mental Health, to which was referred **SB 4**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Health and Mental Health, to which was referred **SB 274**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 244**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 75**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Engler, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 223**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 101**, begs leave to report that it has considered the same

and recommends that the bill do pass.

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 164**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1, 2, 3 and 4.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 164, Page 334, Section 374.075, Line 25 of said page, by striking the word "two" and inserting in lieu thereof the following: "**three**"; and

Further amend said bill and section, page 335, line 3 of said page, by inserting at the end of said line the following: "**The director shall establish a division to be known as the "Division of Insurance Company Regulation", which shall perform the functions of insurance company admissions and financial supervision, in addition to such other functions as may be assigned to it by the director, and a division to be known as the "Division of Insurance Market Regulation", which shall perform the functions of rate and form regulation in addition to such other functions as may be assigned to it by the director.**".

SENATE COMMITTEE AMENDMENT NO. 2

Amend Senate Bill No. 164, Page 12, Section 103.008, Line 18 of said page, by inserting immediately after the word "insurance" the following: "**, financial and professional regulation**"; and

Further amend said bill, page 30, section 135.815, line 25 of said page, by inserting immediately after the word "insurance" the following: "**, financial and professional regulation**"; and

Further amend said bill, page 37, section

148.380, line 5 of said page, by inserting immediately after the word “insurance” the following: “, **financial and professional regulation**”; and

Further amend said bill, page 48, section 208.437, line 10 of said page, by inserting immediately after the word “insurance” the following: “, **financial and professional regulation**”; and

Further amend said bill, page 84, section 287.280, line 10 of said page, by inserting immediately after the word “insurance” the following: “, **financial and professional regulation**”; and

Further amend said bill, page 88, section 287.335, line 17 of said page, by inserting immediately after the word “insurance” the following: “, **financial and professional regulation**”; and further amend line 21 of said page, by inserting immediately after the word “insurance” the following: “, **financial and professional regulation**”; and

Further amend said bill and section, page 89, line 2 of said page, by inserting immediately after the word “insurance” the following: “, **financial and professional regulation**”; and

Further amend said bill, page 93, section 287.710, line 21 of said page, by inserting immediately after the word “insurance” the following: “, **financial and professional regulation**”; and

Further amend said bill, page 102, section 287.896, line 16 of said page, by inserting immediately after the word “insurance” the following: “, **financial and professional regulation**”; and

Further amend said bill, page 106, section 287.920, line 6 of said page, by inserting immediately after the word “insurance” the following: “, **financial and professional regulation**”; and

Further amend said bill, page 122, section 303.412, line 14 of said page, by inserting immediately after the word “insurance” the following: “, **financial and professional regulation**”; and

Further amend said bill, page 139, section 324.021, line 27 of said page, by striking the following “317.”; and

Further amend said bill, page 174, section 324.478, line 1 of said page, by striking “324.005” and inserting in lieu thereof the following: “**324.015**”; and

Further amend said bill, page 186, section 329.025, line 11 of said page, by striking “15” and inserting in lieu thereof the following: “**10**”; and

Further amend said bill, page 306, section 354.637, lines 6-14 of said page, by striking all of said section from the bill; and

Further amend said bill, page 333, section 374.070, line 24 of said page, by inserting immediately after the words “examinations of” the following: “**insurance**”; and further amend line 24 of said page, by inserting at the end of said line the word “**insurance**”; and further amend line 25 of said page, by striking “agents, brokers and insurance agencies” and inserting in lieu thereof the following: “**and producers and other persons licensed or with a certificate of authority under this chapter, chapter 354, RSMo, and chapters 375 to 385, RSMo, or of other entities as provided by law**”; and further amend lines 27-28 of said page, by striking the following: “the director may decide otherwise” and inserting in lieu thereof the following: “**provided by law**”; and

Further amend said bill, page 340, section 374.150, line 9 of said page, by striking the word “divisions” and inserting in lieu thereof the following: “**division**”; and

Further amend said bill, page 350, section 374.245, line 18 of said page, by striking the word “insurance” and inserting in lieu thereof the following: “**financial**”; and

Further amend said bill, page 360, section 374.455, line 22 of said page, by inserting immediately after said line the following:

“374.456. **1.** The director of the department of insurance, **financial and professional regulation** shall personally report to the appropriate committees of the general assembly by March first of each year on the status of all actions initiated, maintained by the director, or which have been concluded, during the preceding year to enforce the provisions [of this act] **listed in subsection 2 of this section.** The director shall answer all questions regarding such actions, or regarding other matters that are related to the provisions [of this act] **listed in subsection 2 of this section.**”

2. The report to the appropriate committees of the general assembly shall cover enforcement actions related to sections 354.400 to 354.636, RSMo, relating to health maintenance organizations, sections 374.500 to 374.515 relating to utilization review agents, and sections 376.1350 to 376.1399, RSMo, relating to all managed care health benefit plans.” and

Further amend said bill, page 494, section 375.1160, line 25 of said page, by inserting immediately after the word “insurance” the following: “, **financial and professional regulation**”; and

Further amend said bill, page 644, section 376.777, line 27 of said page, by striking the following: “of insurance”; and

Further amend said bill, page 725, section 379.445, line 11 of said page, by inserting immediately after the word “insurance” the following: “, **financial and professional regulation**”; and

Further amend said bill, page 746, section 380.051, lines 20-21 of said page, by striking the following: “of insurance”; and

Further amend said bill, page 767, section 407.020, lines 20-21 of said page, by striking “or company that is under the direction and

supervision of” and inserting in lieu thereof the following: “, **company, or entity that is subject to chartering, licensing, or regulation by**”; and further amend line 22 of said page, by striking the comma “,” and inserting in lieu thereof the following: “**under chapter 354, RSMo, or chapters 374 to 385, RSMo, the**”; and further amend line 23 of said page, by inserting immediately after the word “unions” the following: “**under chapter 370, RSMo**”; and further amend said line, by inserting immediately after the word “finance” the following: “**under chapters 361 to 369, RSMo, or chapter 371, RSMo**”; and further amend line 24 of said page, by striking “the directors of such divisions” and inserting in lieu thereof the following: “**such directors**”; and

Further amend said bill, page 769, section 407.1085, line 28 of said page, by striking all of said line; and

Further amend said bill and section, page 770, line 1 of said page, by striking the following: “division of finance”; and further amend line 2 of said page, by inserting immediately after the word “unions” the following: “, **but shall not mean a person or company that is under the direction and supervision of the director of the division of professional registration or any board assigned thereto**”; and

Further amend the title and enacting clause accordingly.

SENATE COMMITTEE AMENDMENT NO. 3

Amend Senate Bill No. 164, Page 135, Section 324.001, Line 3, by striking the word “and” as it appears after the word “engineers” and inserting in lieu thereof the following: “,”; and further amend lines 21 to 24 of said page, by striking said lines and inserting in lieu thereof the following: “**therefor. Nothing herein**”; and

Further amend said bill, Page 138, Section 324.015, Line 10, by inserting after the word “amount” the following: “**and guidelines**”; and

Further amend said bill, Page 140, Section

324.022, Line 8, by inserting after “delegated in” the following: **“sections 209.270 to 209.339, RSMo, sections 214.270 to 214.516, RSMo, sections 256.010 to 256.453, RSMo, and 317, 324,”**; and

Further amend said bill, Page 141, Section 324.028, Line 12, by striking the word “public”; and further amend line 13 of said page, by striking “326.160” and inserting in lieu thereof the following: **“256.459, RSMo, 324.063, 324.177, 324.203, 324.243, 324.406, and 324.478, RSMo, 326.259, RSMo”**; and further amend line 15 of said page, by inserting after “334.120,” the following: **“334.430, 334.625, 334.717, 334.736, and 334.830,”**; and further amend line 16 of said page, by inserting after “340.120, RSMo,” the following: **“345.080, RSMo,”**; and further amend line 19 of said page, by striking the word “public”; and further amend lines 22 to 27 of said page, by striking said lines and inserting in lieu thereof the following:

“2. The minutes of each board or council meeting shall be posted on the web page of the respective board or council.”; and

Further amend said bill, Page 167, Lines 24 to 27 of said page, by striking said lines and inserting in lieu thereof the following:

“(2) [“Department”, the department of economic development;

(3)] “Division”, the division of professional registration [of the department of economic development];”; and further amend said section by renumbering the remaining subdivision accordingly; and

Further amend said bill, Page 178, Section 326.268, Line 4, by inserting an opening bracket “[” immediately before the word “All”; and further amend Line 6 of said page, by inserting a closing bracket “]” after “board.”; and

Further amend said bill, Pages 180 & 181, Section 328.030, by striking said section from the bill; and

Further amend said bill, Page 182, Section 328.050, by striking said section from the bill; and

Further amend said bill, Page 194, Section 332.302, by striking said section from the bill; and

Further amend said bill, Pages 194 and 195, Section 332.306, by striking said section from the bill; and

Further amend said bill, Page 203, Section 334.430, Line 4 of said page, by striking the opening bracket “[” from said line; and further amend lines 5 to 9 of said page, by striking said lines and inserting in lieu thereof the following: **“division of professional registration [not to exceed seventy dollars per day for commission business plus actual and necessary expenses. The director of the division of professional registration shall establish by rule the guidelines for payment] set under section 324.015, RSMo, for each day devoted to the affairs of the board, and shall be entitled to reimbursement of his or her expenses necessarily incurred in the discharge of his official duties”**; and

Further amend said bill, Page 206, Section 334.735, Line 24 of said page, by striking the word “department” as it appears the second time on said line and inserting in lieu thereof the following: **“board”**; and

Further amend said bill, Page 211, Section 334.746, by striking said section from the bill; and

Further amend said bill, Page 332, Section 374.045, Line 3 of said page, by inserting after the word “regulation” the following: **“in this chapter, chapter 354, RSMo, chapters 375 to 385, RSMo, or as otherwise authorized by law.”**; and

Further amend the title and enacting clause accordingly.

SENATE COMMITTEE AMENDMENT NO. 4

Amend Senate Bill No. 164, Page 203, Section 334.430, Line 14 of said page, by striking the opening bracket “[” immediately after the word

“duties”; and further amend line 16 of said page, by striking the closing bracket “]” immediately after the word “meeting”; and

Further amend said bill, Page 254, Section 345.080, Line 19 of said page, by striking the opening bracket “[” immediately after the word “duties”; and further amend line 21 of said page, by striking the closing bracket “]” immediately after the word “meeting”; and

Further amend said bill, Page 331, Section 374.045, Line 28 of said page, by striking the following: “chapter 287, RSMo.”; and

Further amend said bill, Page 339, Section 374.130, by striking said section from the bill; and

Further amend said bill, Page 811, Section 329.240, line 13 of said page, by inserting immediately after said line the following:

“[374.130. The director may designate one of the clerks of the insurance department as chief clerk, who shall possess the qualifications of the director, and shall, subject to the director and his deputy, have charge of the clerical and detail work of the department, and the employees thereof. In the absence or inability of both the director and deputy or in case of a vacancy in both of said offices, the chief clerk shall have and exercise the powers of the director. Chief clerk shall serve during the pleasure of the director, and shall perform such other duties as the director may direct.]”; and

Further amend the title and enacting clause accordingly.

SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 284**, with **SCS**, **SS** for **SCS** and **SA 7** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 7 was again taken up.

At the request of Senator Callahan, the above amendment was withdrawn.

Senator Callahan offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 284, Page 28, Section 67.2715, Line 4, by adding immediately after all of said line the following:

“Section 1. There is hereby established a video service oversight advisory board. The purpose and duties of this board shall be to provide advice to the public service commission regarding implementation of requirements for “PEG” channels and customer service standards in sections 67.2675 to 67.2714. This board shall consist of two representatives of cities with populations in excess of one-hundred-thousand appointed by the governor with advice and consent of the senate, two representatives of cities with populations of one-hundred-thousand or less appointed by the governor with the advice and consent of the senate, one public member appointed by the senate president pro-tem, one public member appointed by the minority leader of the senate, one public member appointed by the speaker of the house, and one public member appointed by the minority leader of the house of representatives. Each member shall serve without compensation but shall be entitled to reasonable travel expenses for the member’s service. The board shall be required to meet at least one time each year. The board shall annually submit to the public service commission and to the general assembly its written advice on policies, suggested regulations and suggested statutory changes to implement sections 67.2675 to 67.2714.”

And further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted, which motion failed.

Senator Callahan offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 284, Page 23, Section 67.2705, Line 26, by striking the word “state” and inserting in lieu thereof the words “franchise entity”.

Senator Callahan moved that the above amendment be adopted, which motion failed.

President Kinder assumed the Chair.

Senator Griesheimer offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 284, Page 1, Section 67.2675, Line 6 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**”; and

Further amend said bill, page 1, section 67.2677, line 8 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**”; and

Further amend said bill and section, page 2, line 6 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**”; and further amend line 13 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**”; and

Further amend said bill and section, page 5, line 12 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**”; and

Further amend said bill and section 67.2679, page 7, line 10 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**”; and further amend line 20 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**”; and

Further amend said bill and section, page 8, line 3 of said page, by striking “67.2715” and

inserting in lieu thereof the following: “**67.2714**”; and

Further amend said bill and section, page 10, line 13 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**”; and further amend line 19 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**”; and

Further amend said bill, page 11, section 67.2681, line 19 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**”; and

Further amend said bill, page 12, section 67.2689, line 14 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**”; and further amend line 24 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**”; and further amend line 27 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**”; and

Further amend said bill and section, page 13, line 6 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**”; and further amend line 8 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**”; and further amend line 10 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**”; and

Further amend said bill, page 16, section 67.2693, line 10 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**”; and

Further amend said bill, page 23, section 67.2705, line 14 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**”; and further amend line 18 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**”; and further amend line 28 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**”; and

Further amend said bill and section, page 25, line 16 of said page, by striking “67.2715” and inserting in lieu thereof the following: **“67.2714”**; and further amend line 21 of said page, by striking “67.2715” and inserting in lieu thereof the following: **“67.2714”**; and

Further amend said bill, page 27, section 67.2711, line 17 of said page, by striking “67.2715” and inserting in lieu thereof the following: **“67.2714”**; and further amend line 21 of said page, by striking “67.2715” and inserting in lieu thereof the following: **“67.2714”**; and

Further amend said bill, page 27, section 67.2714, line 24 of said page, by striking “67.2715” and inserting in lieu thereof the following: **“67.2714”**; and further amend line 26 of said page, by striking “67.2715” and inserting in lieu thereof the following: **“67.2714”**; and further amend line 27 of said page, by striking “67.2715” and inserting in lieu thereof the following: **“67.2714”**.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Scott assumed the Chair.

Senator Loudon offered SA 11:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 284, Page 28, Section 67.2715, Line 4 of said page, by inserting immediately after said line the following:

“386.305. 1. The general assembly finds that the provision of VOIP service free of regulation, regardless of the provider, is in the public interest.

2. The public service commission shall not regulate or otherwise exercise jurisdiction over VOIP service regardless of how the service is classified by the Federal Communications Commission. Any decision of the public service

commission inconsistent with this section is hereby preempted and rendered invalid. Such service shall nonetheless be subject to the state's generally applicable business regulation and deceptive trade practices and consumer protection laws, as enforced by the appropriate state authority or through actions in the judicial system. This subsection does not limit the availability to any party of any remedy or defense under state or federal antitrust laws.

3. No political subdivision, as such term is defined in section 67.2677, RSMo, may directly or indirectly regulate the terms and conditions, including, but not limited to, the operating systems, qualifications, services, service quality, service territory, and prices, applicable to or in connection with the provision of VOIP service.

4. (1) A provider of VOIP service and its officers, directors, employees, vendors, and agents, shall have immunity or other protection from liability of a scope and extent that is not less than the scope and extent of immunity or other protection from liability that any telecommunications company, and its officers, directors, employees, vendors, or agents, have in this state under federal and state law whether through statute, judicial decision, tariffs filed by such local exchange company, or otherwise, including in connection with an act or omission involving the release to a public service answering point, emergency medical service provider or emergency dispatch provider, public safety, fire service or law enforcement official, or hospital emergency or trauma care facility of subscriber information related to emergency calls or emergency services.

(2) No political subdivision of Missouri may impose any 911-related fees, taxes, or surcharges on a provider of VOIP service that are not also imposed by such political subdivision on telecommunications companies. Such provider may recover such fees from its end users and identify such fee and its amount

as a separate line-item on the end user's bill.

(3) No 911-related fees, taxes, or surcharges may be imposed on a provider of VOIP service to the extent that such fees, taxes, or surcharges are imposed on telecommunications companies or other entity that furnishes such provider with connectivity to the public switched telephone network or a public safety answering point.

5. For purposes of this section, "VOIP service" means interconnected voice over Internet Protocol service as defined by the Federal Communications Commission in Section 9.3 of Title 47 of the Code of Federal Regulations."; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted.

Senator Griesheimer raised the point of order that **SA 11** is out of order as it goes beyond the title and scope of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

President Pro Tem Gibbons announced that photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

Senator Griesheimer moved that **SS** for **SCS** for **SB 284**, as amended, be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SS** for **SCS** for **SB 284**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 545** and **590**, entitled:

An Act to repeal sections 338.010 and 338.095, RSMo, and to enact in lieu thereof three new sections relating to pharmacists.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 39**, entitled:

An Act to repeal section 208.151, RSMo, and to enact in lieu thereof two new sections relating to medical assistance eligibility for certain persons, with an emergency clause and expiration date.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

SB 504—Agriculture, Conservation, Parks and Natural Resources.

SB 505—Judiciary and Civil and Criminal Jurisprudence.

SB 506—Financial and Governmental Organizations and Elections.

SB 507—Commerce, Energy and the Environment.

SB 508—Ways and Means.

SB 509—Financial and Governmental Organizations and Elections.

SB 510—Financial and Governmental Organizations and Elections.

SB 511—Financial and Governmental Organizations and Elections.

SB 512—Small Business, Insurance and Industrial Relations.

SJR 22—Economic Development, Tourism and Local Government.

Rep. Mike McGhee-122

Rep. Kevin Wilson-130

Rep. Charlie Denison-135

Rep. Bob Dixon-140

Senator Jeff Smith-4

Senator John Loudon-7

Senator Mike Gibbons-15

Senator Luann Ridgeway-17

Senator Chuck Graham-19

Senator Bill Stouffer-21

Senator Robert Mayer-25

Senator Jack Goodman-29

Senator Chuck Purgason-33

Rep. Barney Fisher-125

Rep. Jim Viebrock-134

Rep. Sarah Lampe-138

Senator Harry Kennedy-1

Senator Maida Coleman-5

Senator Jolie Justus-10

Senator Frank Barnitz-16

Senator Wes Shoemyer-18

Senator Dan Clemens-20

Senator Chuck Gross-23

Senator Delbert Scott-28

Senator Gary Nodler-32

COMMUNICATIONS

Senator Shields submitted the following:

February 14, 2007

Ms. Terry Spieler

Secretary of the Senate

State Capitol, Office 325

Jefferson City, MO 65101

Dear Ms. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee met today in Senate Committee Room 1. All members present voted to unanimously approve the 94th General Assembly's Senate 4-H Caucus.

A list of members is attached.

Sincerely,

/s/ Charlie

Charlie Shields

94th General Assembly's Senate 4-H Caucus:

Rep. Brian Munzlinger-1

Rep. James Whorton-3

Rep. Rachel Bringer-6

Rep. Tom Shively-8

Rep. Ed Schieffer-11

Rep. Steve Hobbs-21

Rep. Jamilah Nasheed-60

Rep. Mike Sutherland-99

Rep. Charles Schlottach-111

Rep. Mark Bruns-113

Rep. Stanley Cox-118

Rep. Rebecca McClanahan-2

Rep. Jim Guest-5

Rep. John Quinn-7

Rep. Paul Quinn-9

Rep. Carl Bearden-16

Rep. Joe Aull-26

Rep. Connie Johnson-61

Rep. Joseph Fallert-104

Rep. Tom Loehner-112

Rep. Rodney Schad-115

Rep. Larry Wilson-119

INTRODUCTIONS OF GUESTS

Senator Crowell introduced to the Senate, his brother, Head Coach Josh Crowell, Tyler Yeargim, Garrett New and members of the Cape Central High School Wrestling Team, Cape Girardeau.

Senator Shoemyer introduced to the Senate, the Physician of the Day, Dr. David Bowne, M.D., Mexico.

Senator Green introduced to the Senate, Judy Kolb and Kim Shepard, Jefferson City.

Senator Barnitz introduced to the Senate, Sherry Snelson, Cindy Clapp, Judith Cain, Terri Palermo, Scott Grahl, Cathy Allen, Nancy Zamazanuk, Carolyn Peplow, Sherry Hayes and Noah Cohen, members of Leadership Phelps County.

Senator Vogel introduced to the Senate, teachers, parents and eighth grade students from St. Joseph Cathedral School, Jefferson City; and Matt Rundle, A.J. Feather, Matt Murphy and Lindsey Shepard were made honorary pages.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, February 19, 2007.

SENATE CALENDAR

TWENTY-SIXTH DAY— MONDAY, FEBRUARY 19, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 513-Clemens
SB 514-Justus and Bray
SB 515-Justus

SB 516-Goodman
SB 517-Rupp
SB 518-Mayer and Crowell

HOUSE BILLS ON SECOND READING

HB 353-Schaaf, et al
HCS for HB 300
HCS for HB 453
HB 454-Jetton, et al

HB 352-Hobbs, et al
HCS for HBs 545 & 590
HCS for HB 39

SENATE BILLS FOR PERFECTION

1. SBs 49, 65, 210 & 251-Engler, et al,
with SCS
2. SB 287-Crowell and Vogel
3. SB 384-Coleman and Gibbons, with SCS
4. SB 129-Stouffer and Crowell, with SCS
5. SB 30-Nodler and Ridgeway
6. SBs 199 & 207-Stouffer, with SCS
7. SB 22-Griesheimer, with SCS

8. SB 79-Scott
9. SB 315-Clemens
10. SB 4-Gross, with SCS
11. SB 274-Shields
12. SB 244-Mayer
13. SB 75-Coleman, et al, with SCS
14. SB 101-Mayer
15. SB 164-Scott, with SCAs 1, 2, 3 & 4

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 27-Bartle and Koster
SB 46-Mayer, et al, with SCS

SB 107-Wilson
SB 161-Shields, with SCS

SBs 255, 249 & 279-Loudon, with SCS
SB 339-Mayer, with SCS

SB 389-Nodler, et al, with SCS & SS#2
for SCS (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/1

SB 81-Griesheimer
SB 115-Scott, with SCS
SB 152-Engler
SB 25-Champion

SB 84-Champion
SB 52-Stouffer, with SCS
SB 232-Crowell, with SCS
SB 19-Shields

Reported 2/8

SB 420-Gibbons, et al, with SCS
SB 211-Goodman
SB 264-Green
SB 288-Engler, with SCS
SB 298-Engler
SB 322-Engler
SB 163-Mayer, with SCS
SB 198-Mayer, with SCS
SB 127-Mayer
SB 401-Crowell
SB 402-Crowell

SB 403-Crowell
SB 404-Crowell
SB 406-Crowell
SB 130-Stouffer
SB 238-Stouffer
SB 240-Stouffer
SB 226-Stouffer, with SCS
SB 104-Stouffer, with SCS
SB 103-Stouffer, with SCS
SB 102-Stouffer
SB 91-Nodler, with SCS

Reported 2/15

SB 8-Kennedy
SB 275-Ridgeway, with SCS
SB 156-Engler, with SCS
SB 159-Engler, with SCS
SB 272-Scott, with SCS
SB 132-Rupp
SB 171-Nodler

SB 269-Scott
SB 270-Scott
SB 271-Scott
SB 158-Engler
SB 281-Griesheimer
SB 237-Shields and Justus
SB 223-Rupp

RESOLUTIONS

Reported from Committee

SCR 5-Shields, with SCS

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Unofficial

Journal

Copy

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-SIXTH DAY—MONDAY, FEBRUARY 19, 2007

The Senate met pursuant to adjournment.

Senator Ridgeway in the Chair.

Reverend Carl Gauck offered the following prayer:

“We cannot forget history...we will be remembered for good or ill...we cannot escape the burden nor responsibility.” (Abraham Lincoln)

As we begin a new week on this Presidents’ Day with their advice to us, we are mindful of the role we play in making our state government more effective and the decisions we must grapple with to do so; but with Your help O God, we can be victorious in the labors we put forth and the decisions we have to make and for whatever we do we will be remembered. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 15, 2007 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager

Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

RESOLUTIONS

Senator Clemens offered Senate Resolution No. 398, regarding Elisabeth G. “Beth” McDonald, Nixa, which was adopted.

Senator Lager offered Senate Resolution No. 399, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. William Dale Wennihan, Fairfax, which was adopted.

Senator Lager offered Senate Resolution No. 400, regarding the Ninetieth Birthday of Winfred “Spoofy” Watkins, Rock Port, which was adopted.

Senator Lager offered Senate Resolution No. 401, regarding the Eightieth Birthday of Betty Clements, Rea, which was adopted.

Senator Crowell offered Senate Resolution No. 402, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Med Baker, Gordonville, which was adopted.

Senator Lager offered Senate Resolution No. 403, regarding Premium Standard Farms' Milan Processing Facility, Milan, which was adopted.

Senator Kennedy offered Senate Resolution No. 404, regarding Ed Gapsch, Fenton, which was adopted.

Senator Kennedy offered Senate Resolution No. 405, regarding Dr. Allan Schindler, Saint Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 406, regarding Danial C. Stewart, St. Louis, which was adopted.

Senator Lager offered Senate Resolution No. 407, regarding Brad Wright, Brookfield, which was adopted.

Senator McKenna offered Senate Resolution No. 408, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ronald William White, Barnhart, which was adopted.

Senator Loudon offered Senate Resolution No. 409, regarding the death of Lance Corporal Matthew Pathenos, Ballwin, which was adopted.

Senator Stouffer offered Senate Resolution No. 410, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. James Davis, Richmond, which was adopted.

Senator McKenna offered Senate Resolution No. 411, regarding the Cultural Diversity Committee, which was adopted.

Senators Engler and Barnitz offered Senate Resolution No. 412, regarding the One Hundredth Anniversary of the City of Bunker, which was adopted.

Senator Engler offered Senate Resolution No. 413, regarding the Foundation for Restoration of Sainte Genevieve, which was adopted.

Senator Engler offered Senate Resolution

No. 414, regarding Bob Wood of the Clayton Investment Corporation, which was adopted.

Senator Engler offered Senate Resolution No. 415, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Robert H. Nickelson, Potosi, which was adopted.

Senator Green offered Senate Resolution No. 416, regarding the Sixtieth Birthday of John Ralph "Jack" Toman, St. Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 417, regarding the Affton Hall of Fame inductees, which was adopted.

Senator Shoemyer offered Senate Resolution No. 418, regarding Kirksville Primary School, which was adopted.

Senator Shoemyer offered Senate Resolution No. 419, regarding Warren and Katherine Head, Palmyra, which was adopted.

Senator Ridgeway offered Senate Resolution No. 420, regarding Garrett Woodford, Gladstone, which was adopted.

Senator Ridgeway offered Senate Resolution No. 421, regarding Chris Penland, Gladstone, which was adopted.

Senator Ridgeway offered Senate Resolution No. 422, regarding Brad Ebinger, Gladstone, which was adopted.

Senator Ridgeway offered Senate Resolution No. 423, regarding Michael Baharaeen, Gladstone, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 519—By Shoemyer.

An Act to repeal sections 393.715, 393.720, and 393.740, RSMo, and to enact in lieu thereof

three new sections relating to joint municipal utility projects.

SB 520—By Engler.

An Act to repeal sections 287.127 and 288.130, RSMo, and to enact in lieu thereof three new sections relating to labor posting requirements, with penalty provisions.

SB 521—By Lager, Scott, Purgason, Barnitz and Shoemyer.

An Act to repeal section 307.400, RSMo, and to enact in lieu thereof one new section relating to exempting certain types of vehicles designated for farm use from certain commercial motor vehicle laws, with penalty provisions.

SB 522—By Green.

An Act to amend chapter 163, RSMo, by adding thereto one new section relating to school funding.

SB 523—By Scott.

An Act to repeal sections 338.035 and 338.220, RSMo, and to enact in lieu thereof three new sections relating to the board of pharmacy.

SB 524—By Scott.

An Act to repeal sections 324.520 and 324.522, RSMo, and to enact in lieu thereof three new sections relating to tattooing, branding, and body piercing, with penalty provisions.

SB 525—By Scott.

An Act to repeal sections 333.011, 333.121, and 333.221, RSMo, and to enact in lieu thereof three new sections relating to embalmers and funeral directors.

SB 526—By Scott.

An Act to repeal sections 339.507, 339.513, 339.519, 339.521, 339.525, and 339.532, RSMo, and to enact in lieu thereof seven new sections relating to real estate appraisers.

SB 527—By Scott.

An Act to repeal sections 317.001, 317.006, 317.011, 317.013, 317.015, and 317.018, RSMo, and to enact in lieu thereof seven new sections relating to the licensing of boxing, sparring, wrestling, kickboxing, and full-contact karate contests, with penalty provisions.

SB 528—By Scott.

An Act to repeal sections 34.010, 34.031, 34.032, 34.040, 34.042, 34.044, 34.065, and 34.130, RSMo, and to enact in lieu thereof six new sections relating to state purchasing.

SB 529—By Bray.

An Act to amend chapter 217, RSMo, by adding thereto one new section relating to parole or release of certain offenders.

SB 530—By Gibbons.

An Act to repeal section 198.086, RSMo, and to enact in lieu thereof one new section relating to the Alzheimer's demonstration project.

SB 531—By Gibbons.

An Act to repeal sections 43.010, 43.030, 43.090, 43.110, 43.120, 43.140, 43.160, 43.210, 43.220, and 43.530, RSMo, and to enact in lieu thereof twelve new sections relating to the administrative duties of the Missouri state highway patrol.

SB 532—By Loudon, Gibbons and Nodler.

An Act to repeal sections 213.010, 213.055, 213.070, and 537.610, RSMo, and to enact in lieu thereof four new sections relating to liability for human rights violations.

SB 533—By Loudon.

An Act to repeal section 537.610, RSMo, and to enact in lieu thereof one new section relating to sovereign immunity.

MESSAGES FROM THE GOVERNOR

The following messages were received from

the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 15, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice
and consent the following appointment:

Tommye A. Quilty, Democrat, 310 Parklane Drive, Mound
City, Holt County, Missouri 64470, as a member of the Missouri
Western State University Board of Governors, for a term ending
October 29, 2012, and until her successor is duly appointed and
qualified; vice, Susan Colgan, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 15, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice
and consent the following appointment:

Thaddus S. Danford, Republican, 4110 Hidden Valley Drive,
Saint Joseph, Buchanan County, Missouri 64506, as a member of
the Missouri Western State University Board of Governors, for a
term ending October 29, 2012, and until his successor is duly
appointed and qualified; vice, RSMo. 174.453.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 14, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice
and consent the following appointment:

Kevin C. Sprouse, 2512 Bluff Boulevard, Columbia, Boone
County, Missouri 65201, as a member of the Life Sciences Research
Board, for a term ending April 8, 2010 and until his successor is

duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 19, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice
and consent the following appointment:

Daniel K. Carr, Republican, 1932 High Drive, Liberty, Clay
County, Missouri 64068, as a member of the Missouri State
Penitentiary Redevelopment Commission, for a term ending March
3, 2008, and until his successor is duly appointed and qualified;
vice, William Carr, resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 19, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice
and consent the following appointment:

Robert W. Cary, Democrat, 31915 McRoberts Road, Canton,
Lewis County, Missouri 63435, as a member of the State Milk
Board, for a term ending September 28, 2010, and until his
successor is duly appointed and qualified; vice, reappointed to a full
term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 14, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice
and consent the following appointment:

Jonathan D. "David" Rogers, 12620 Cinnamon Court, Rolla,

Phelps County, Missouri 65401, as a member of the Seismic Safety Commission, for a term ending July 1, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 19, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Danette D. Proctor, Republican, 3802 West Riverbend Lane, Springfield, Greene County, Missouri 65803, as a member of the Missouri Development Finance Board, for a term ending September 14, 2010, and until her successor is duly appointed and qualified; vice, Mary Meek, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 19, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Fred R. Schoen, 17187 Highway H, Monett, Lawrence County, Missouri 65708, as a member of the Well Installation Board, for a term ending February 24, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the

House has taken up and passed **HCS** for **HBs 189** and **60**, entitled:

An Act to amend chapter 563, RSMo, by adding thereto two new sections relating to the defensive use of force.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 284**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

THIRD READING OF SENATE BILLS

SB 81, introduced by Senator Griesheimer, entitled:

An Act to repeal section 67.1360, RSMo, and to enact in lieu thereof one new section relating to a transient guest tax for funding the promotion of tourism.

Was called from the Consent Calendar and taken up.

On motion of Senator Griesheimer, **SB 81** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 115, with **SCS**, introduced by Senator Scott, entitled:

An Act to authorize the conveyance of property owned by the state in Pettis County to the Girl Scouts - Heart of Missouri Council, Inc., with an emergency clause.

Was called from the Consent Calendar and taken up.

SCS for **SB 115**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 115

An Act to authorize the conveyance of property owned by the state in Pettis County to the Girl Scouts - Heart of Missouri Council, Inc., with an emergency clause.

Was taken up.

Senator Scott moved that **SCS** for **SB 115** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SB 115** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 152, introduced by Senator Engler, entitled:

An Act to authorize the conveyance of property owned by the state in St. Francois County to the city of Park Hills.

Was called from the Consent Calendar and taken up.

On motion of Senator Engler, **SB 152** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 25, introduced by Senator Champion, entitled:

An Act to repeal sections 210.145 and 210.183, RSMo, and to enact in lieu thereof two new sections relating to a child abuse or neglect investigation involving the death of a child.

Was called from the Consent Calendar and taken up.

Senator Scott assumed the Chair.

On motion of Senator Champion, **SB 25** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 84, introduced by Senator Champion, entitled:

An Act to repeal section 210.482, RSMo, and to enact in lieu thereof one new section relating to criminal background checks for emergency child placements.

Was called from the Consent Calendar and taken up.

On motion of Senator Champion, **SB 84** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 52, with **SCS**, introduced by Senator Stouffer, entitled:

An Act to amend chapter 227, RSMo, by adding thereto two new sections relating to state highways and transportation commission authority to implement electronic bidding on state highway system projects.

Was called from the Consent Calendar and taken up.

SCS for SB 52, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 52

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to annual bid bonds for state highways and transportation commission construction and maintenance projects.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 52** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS** for **SB 52** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 232, with **SCS**, introduced by Senator Crowell, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the John Oliver Jr. Parkway designation.

Was called from the Consent Calendar and taken up.

SCS for SB 232, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 232

An Act to amend chapter 227, RSMo, by adding thereto two new sections relating to memorial highway designations.

Was taken up.

Senator Crowell moved that **SCS** for **SB 232** be adopted.

Senator Crowell requested unanimous consent of the Senate that the rules be suspended for the purpose of offering an amendment, which request was granted.

Senator Crowell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 232, Page 1, Section A, Line 2, by striking “227.376” and inserting in lieu thereof the following: “227.366”; and

Further amend said bill and page, Section 227.376, Line 1, by striking “227.376” and inserting in lieu thereof the following: “**227.366**”.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Crowell moved that **SCS** for **SB 232**, as amended, be adopted, which motion prevailed.

On motion of Senator Crowell, **SCS** for **SB 232**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 19, introduced by Senator Shields, entitled:

An Act to repeal section 301.140, RSMo, and to enact in lieu thereof one new section relating to refund of motor vehicle registration fees.

Was called from the Consent Calendar and taken up.

On motion of Senator Shields, **SB 19** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Coleman	Crowell	Days
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators

Bray Engler—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Shields, title to the bill

was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

February 14, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Ronnie D. Fox, Republican, 1136 Carissa Court, Bonne Terre, Saint Francois County, Missouri 63628, as a member of the Dam and Reservoir Safety Council, for a term ending April 3, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

February 19, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Ronnie D. Dittmore, Ed. D., 11201 Southwest Lower DeKalb Road, Saint Joseph, Buchanan County, Missouri 64504, as a member of the Mental Health Commission, for a term ending June 28, 2008, and until his successor is duly appointed and qualified; vice, Ronnie D. Dittmore, resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

February 19, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Patricia J. Bolster, M.D., 30 Oak Park Drive, Creve Couer, Saint Louis County, Missouri 63141, as a member of the Mental Health Commission, for a term ending June 28, 2010, and until her successor is duly appointed and qualified; vice, Mary Lou Bussabarger, term expired.

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

REFERRALS

President Pro Tem Gibbons referred **SB 163**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 513—Education.

SB 514—Seniors, Families and Public Health.

SB 515—Seniors, Families and Public Health.

SB 516—Judiciary and Civil and Criminal Jurisprudence.

SB 517—Pensions, Veterans' Affairs and General Laws.

SB 518—Small Business, Insurance and Industrial Relations.

INTRODUCTIONS OF GUESTS

Senator Wilson introduced to the Senate, members of the Delta Sigma Theta Sorority, Inc., from around the state.

Senator Loudon introduced to the Senate,

members of the Seventh Senatorial District Columbia.
Leadership Academy, St. Louis.

Senator Graham introduced to the Senate,
George and Julia Young and their son, Philip,

On motion of Senator Shields, the Senate
adjourned under the rules.

SENATE CALENDAR

TWENTY-SEVENTH DAY— TUESDAY, FEBRUARY 20, 2007

Unofficial JOURNAL FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 519-Shoemyer
SB 520-Engler
SB 521-Lager, et al
SB 522-Green
SB 523-Scott
SB 524-Scott
SB 525-Scott
SB 526-Scott

SB 527-Scott
SB 528-Scott
SB 529-Bray
SB 530-Gibbons
SB 531-Gibbons
SB 532-Loudon, et al
SB 533-Loudon

HOUSE BILLS ON SECOND READING

HB 353-Schaaf, et al
HCS for HB 300
HCS for HB 453
HB 454-Jetton, et al

HB 352-Hobbs, et al
HCS for HBs 545 & 590
HCS for HB 39
HCS for HBs 189 & 60

THIRD READING OF SENATE BILLS

SS for SCS for SB 284-Griesheimer

SENATE BILLS FOR PERFECTION

1. SBs 49, 65, 210 & 251-Engler, et al,
with SCS

2. SB 287-Crowell and Vogel
3. SB 384-Coleman and Gibbons, with SCS

- | | |
|--|---|
| 4. SB 129-Stouffer and Crowell, with SCS | 10. SB 4-Gross, with SCS |
| 5. SB 30-Nodler and Ridgeway | 11. SB 274-Shields |
| 6. SBs 199 & 207-Stouffer, with SCS | 12. SB 244-Mayer |
| 7. SB 22-Griesheimer, with SCS | 13. SB 75-Coleman, et al, with SCS |
| 8. SB 79-Scott | 14. SB 101-Mayer |
| 9. SB 315-Clemens | 15. SB 164-Scott, with SCAs 1, 2, 3 & 4 |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|------------------------------|---------------------------------------|
| SB 27-Bartle and Koster | SBs 255, 249 & 279-Loudon, with SCS |
| SB 46-Mayer, et al, with SCS | SB 339-Mayer, with SCS |
| SB 107-Wilson | SB 389-Nodler, et al, with SCS & SS#2 |
| SB 161-Shields, with SCS | for SCS (pending) |

CONSENT CALENDAR

Senate Bills

Reported 2/8

- | | |
|--|---------------------------|
| SB 420-Gibbons, et al, with SCS | SB 403-Crowell |
| SB 211-Goodman | SB 404-Crowell |
| SB 264-Green | SB 406-Crowell |
| SB 288-Engler, with SCS | SB 130-Stouffer |
| SB 298-Engler | SB 238-Stouffer |
| SB 322-Engler | SB 240-Stouffer |
| SB 163-Mayer, with SCS (In Fiscal Oversight) | SB 226-Stouffer, with SCS |
| SB 198-Mayer, with SCS | SB 104-Stouffer, with SCS |
| SB 127-Mayer | SB 103-Stouffer, with SCS |
| SB 401-Crowell | SB 102-Stouffer |
| SB 402-Crowell | SB 91-Nodler, with SCS |

Reported 2/15

- | | |
|---------------------------|-------------------------|
| SB 8-Kennedy | SB 156-Engler, with SCS |
| SB 275-Ridgeway, with SCS | SB 159-Engler, with SCS |

SB 272-Scott, with SCS
SB 132-Rupp
SB 171-Nodler
SB 269-Scott
SB 270-Scott

SB 271-Scott
SB 158-Engler
SB 281-Griesheimer
SB 237-Shields and Justus
SB 223-Rupp

RESOLUTIONS

Reported from Committee

SCR 5-Shields, with SCS

T

Journal

Copy

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-SEVENTH DAY—TUESDAY, FEBRUARY 20, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Nobody grows old by merely living a number of years. People grow old only by deserting their ideals...You are as young as your hope, as old as your despair.” General Douglas MacArthur

Lord God, we are mindful that our sense of age is often the factor of how we are living our lives and whether we are enlivened by accomplishing the things that are truly important to us. Help us to live with faithfulness to what You have set for us to do and feel the exuberance of seeking and accomplishing what is ideal to our view of daily living. Help us to live that way this day and every day. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross

Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Coleman offered Senate Resolution No. 424, regarding Dr. Lincoln I. Diuguid, Saint Louis, which was adopted.

Senator Justus offered Senate Resolution No. 425, regarding the death of Robert Popper, Kansas City, which was adopted.

Senator Justus offered Senate Resolution No. 426, regarding the International Architects Atelier (IAA), which was adopted.

Senator Purgason offered Senate Resolution No. 427, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Ben Pohnert, Thayer, which was adopted.

Senator Purgason offered Senate Resolution No. 428, regarding the One Hundred Second Birthday of Tressa Skramovsky, West Plains, which was adopted.

Senator Purgason offered Senate Resolution No. 429, regarding the One Hundred Second Birthday of Nelle Gibson, West Plains, which was adopted.

Senator Purgason offered Senate Resolution No. 430, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Verdon Warren, Pomona, which was adopted.

Senator Purgason offered Senate Resolution No. 431, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Delbert Shipley, West Plains, which was adopted.

Senator Purgason offered Senate Resolution No. 432, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. W.L. Gower, Thayer, which was adopted.

Senator Purgason offered Senate Resolution No. 433, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Dale Walter Beardshear, Gainesville, which was adopted.

Senator Purgason offered Senate Resolution No. 434, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Doffless Harris, West Plains, which was adopted.

Senator Purgason offered Senate Resolution No. 435, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Ralph Eagleman, which was adopted.

Senator Purgason offered Senate Resolution No. 436, regarding the Eightieth Birthday of Ruby Nell Vance, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 437, regarding the One Hundred Ninth Birthday of Ruby Gregory, Lebanon, which was adopted.

Senator Shields offered Senate Resolution No. 438, regarding Kristi Williams, Saint Joseph, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 534—By Nodler.

An Act to repeal sections 640.710, 643.151, and 644.076, RSMo, and to enact in lieu thereof three new sections relating to concentrated animal feeding operations, with penalty provisions.

SB 535—By Goodman.

An Act to repeal sections 260.211, 260.212, 260.240, and 260.249, RSMo, and to enact in lieu thereof four new sections relating to solid waste disposal, with penalty provisions.

SB 536—By Lager.

An Act to amend chapter 386, RSMo, by adding thereto one new section relating to natural gas safety penalties, with penalty provisions.

SB 537—By Lager.

An Act to repeal section 334.735, RSMo, and to enact in lieu thereof one new section relating to physician assistants.

SB 538—By Shoemyer.

An Act to amend chapter 261, RSMo, by adding thereto one new section relating to participation in an animal identification system.

SB 539—By Justus.

An Act to repeal section 160.775, RSMo, and to enact in lieu thereof one new section relating to school safety.

SB 540—By Kennedy.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to a sales tax for school district purposes.

SB 541—By Graham.

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to the Missouri Civil War discovery trail fund.

SB 542—By Scott.

An Act to repeal sections 336.010, 336.020, 336.030, 336.040, 336.050, 336.060, 336.070, 336.080, 336.090, 336.140, 336.160, 336.200, 336.220, and 336.225, RSMo, and to enact in lieu thereof twelve new sections relating to optometrists.

Senator Koster assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Mayer moved that **SB 339**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for SB 339, entitled:SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 339

An Act to repeal section 290.250, RSMo, and to enact in lieu thereof eight new sections relating to public contracts, with penalty provisions.

Was taken up.

Senator Mayer moved that **SCS for SB 339** be adopted.

Senator Bray offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 339, Page 6, Section 1, Line 1, by deleting said section; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Mayer moved that **SCS for SB 339** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS for SB 339**

was declared perfected and ordered printed.

Senator Loudon moved that **SB 255**, **SB 249** and **SB 279**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for SBs 255, 249 and 279, entitled:SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 255, 249 and 279

An Act to repeal section 290.505, RSMo, and to enact in lieu thereof two new sections relating to overtime compensation, with an emergency clause and an expiration date for a certain section.

Was taken up.

Senator Loudon moved that **SCS for SBs 255, 249 and 279** be adopted.

Senator Loudon offered **SS** for **SCS** for **SBs 255, 249 and 279**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 255, 249 and 279

An Act to repeal section 290.505, RSMo, and to enact in lieu thereof one new section relating to overtime compensation, with an emergency clause.

Senator Loudon moved that **SS for SCS for SBs 255, 249 and 279** be adopted, which motion prevailed.

Senator Griesheimer assumed the Chair.

On motion of Senator Loudon, **SS for SCS for SBs 255, 249 and 279** was declared perfected and ordered printed.

Senator Engler moved that **SB 49**, **SB 65**, **SB 210** and **SB 251**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for SBs 49, 65, 210 and 251, entitled:SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 49, 65, 210 and 251

An Act to repeal sections 407.1095, 407.1098, 407.1101, 407.1104, and 407.1107, RSMo, and to

enact in lieu thereof six new sections relating to telephonic solicitations, with penalty provisions.

Was taken up.

Senator Engler moved that **SCS** for **SBs 49, 65, 210** and **251** be adopted.

Senator Engler offered **SS** for **SCS** for **SBs 49, 65, 210** and **251**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 49, 65, 210 and 251

An Act to repeal sections 407.1095, 407.1098, 407.1101, 407.1104, and 407.1107, RSMo, and to enact in lieu thereof six new sections relating to telephonic solicitations, with penalty provisions.

Senator Engler moved that **SS** for **SCS** for **SBs 49, 65, 210** and **251** be adopted.

At the request of Senator Engler, **SB 49, SB 65, SB 210** and **SB 251**, with **SCS** and **SS** for **SCS** (pending), were placed on the Informal Calendar.

On motion of Senator Shields, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Rupp.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SBs 255, 249** and **279** and **SCS** for **SB 339**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SB 284**, introduced by Senator

Griesheimer, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 284

An Act to amend chapter 67, RSMo, by adding thereto twenty new sections relating to the provision of video services, with an emergency clause.

Was taken up.

On motion of Senator Griesheimer, **SS** for **SCS** for **SB 284** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators

Lager Shields—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause failed to receive the necessary two-thirds majority by the following vote:

YEAS—Senators

Bartle	Clemens	Gibbons	Goodman
Griesheimer	Gross	Koster	Purgason
Ridgeway	Rupp	Scott	Stouffer
Vogel—13			

NAYS—Senators

Barnitz	Bray	Callahan	Champion
Coleman	Crowell	Days	Engler

Graham	Green	Justus	Kennedy
Lager	Loudon	Mayer	McKenna
Nodler	Shields	Shoemyer	Smith
Wilson—21			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Engler moved that **SB 49, SB 65, SB 210 and SB 251**, with SCS and SS for SCS (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for SCS for **SBs 49, 65, 210 and 251** was again taken up.

Senator Callahan offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 49, 65, 210 and 251, Page 9, Section 407.1108, Line 25, by inserting after all of said line the following:

“3. Any committee making a political solicitation under the provisions of this section shall be registered with the Missouri ethics commission, the federal elections commission or an agency in any other state that regulates campaign finance.”.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Barnitz offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 49, 65, 210 and 251, Page 9, Section 407.1108, Line 10, by inserting immediately after the word “made” the following:

“, and the political affiliation of the committee, if any”.

Senator Barnitz moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 49, 65, 210 and 251, Page 9, Section 407.1108, Line 25, by inserting immediately after all of said line the following:

“Section 1. In addition to any other information provided to a candidate at the time such candidate files for an elective office with the secretary of state, the secretary of state shall provide a summary of the provisions of section 407.1108 to the candidate.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Graham offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 49, 65, 210 and 251, Page 9, Section 407.1108, Line 25, by inserting immediately after all of said line the following:

“Section 1. Any entity making a radio advertisement that is made for the purpose of promoting, advertising, or campaigning for or

against a political candidate or political issue that gives out the phone number of an elected official and requests that listeners contact the official by telephone shall register with the Missouri ethics commission and shall disclose the identity of the entity or person paying for such advertisement.”; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 49, 65, 210 and 251, Page 9, Section 407.1108, Line 25, by inserting immediately after all of said line the following:

“3. Any entity described in subdivision (3) of subsection 1 of this section making an automated political solicitation, as defined in section 407.1095, RSMo, shall register with the secretary of state and the Missouri ethics commission within forty-eight hours of making any automated political solicitation. Any solicitation by the entity shall additionally state who engaged the organization to make such solicitation.”.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Engler moved that **SS** for **SCS** for **SBs 49, 65, 210** and **251**, as amended, be adopted, which motion prevailed.

On motion of Senator Engler, **SS** for **SCS** for **SBs 49, 65, 210** and **251**, as amended, was declared perfected and ordered printed.

REFERRALS

President Pro Tem Gibbons referred **SS** for **SCS** for **SBs 255, 249** and **279** to the Committee on Governmental Accountability and Fiscal

Oversight.

RESOLUTIONS

Senator Shields offered Senate Resolution No. 439, regarding Robert Schaaf, Saint Joseph, which was adopted.

Senator Graham offered Senate Resolution No. 440, regarding James Michael McMorris, Hallsville, which was adopted.

Senator Crowell offered Senate Resolution No. 441, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Charles Dunn, which was adopted.

Senator Crowell offered Senate Resolution No. 442, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Herbert Buchheit, Perryville, which was adopted.

Senator Crowell offered Senate Resolution No. 443, regarding Lt. and Mrs. Ernest Todd Nordman, Sneads Ferry, North Carolina, which was adopted.

Senator Crowell offered Senate Resolution No. 444, regarding the One Hundred First Birthday of Edith K. Hastings, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 445, regarding Mr. and Mrs. Anthony C. Zoffuto, Jr., Richmond, Virginia, which was adopted.

Senator Crowell offered Senate Resolution No. 446, regarding Carole Baugh, which was adopted.

Senator Crowell offered Senate Resolution No. 447, regarding Sally Lipke, which was adopted.

Senator Crowell offered Senate Resolution No. 448, regarding Kelly Crawford, which was adopted.

Senator Lager offered Senate Resolution No. 449, regarding the Ninetieth Birthday of

Virginia Stroup, Winston, which was adopted.

Senator Lager offered Senate Resolution No. 450, regarding the One Hundred First Birthday of Alice Houser, Marceline, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Stouffer introduced to the Senate, Kellie Hisle, Lawson; Chris Cain, Carrollton; Sarah Lewis, Marshall; Allison Staples, Sweet Springs; and Joey Hoflander, Higginsville.

Senator Justus introduced to the Senate, members of Cub Scout Pack 118, Kansas City; and Nicholas Bustamante, Matthew Caffey, Connor Christensen, Jake Costanzo, Jake Cussen, Joseph Hague, Robbie Healy, Clay Miller, Sam Moore, Alex Overton, Jackson Pedersen, Elijah Riesco, Brandon Ryffe and Matthew Watz were made honorary pages.

Senator Rupp introduced to the Senate, Dr. Brian Andrews, Lake St. Louis.

Senator Kennedy introduced to the Senate, Sharon Rohrbach, R.N., St. Louis.

Senator Mayer introduced to the Senate, Ben Counce, Ginger Goldsby, Stacey Bradshaw, Corey Miller and twenty students from Caruthersville Middle School; and Perry Middleton, Brittany Clayton, Summer Swindle, Darvius Sims and Lennon Smith were made honorary pages.

Senator Gibbons introduced to the Senate, former Speaker of the House, U.S. Attorney Catherine Hanaway, Warson Woods; and Steve Schankman and Kelly McMahon, St. Louis.

Senator Days introduced to the Senate, members of Alpha Kappa Alpha Sorority, Inc. from around the state.

Senator Clemens introduced to the Senate, 2006-2007 State FFA Officers, Jeromie Allen, Stewartsville; Joshua Cawthon, Polo; Lance Martin, Shelbyville; Nathan Scheiderer, Salisbury;

Rachael Keathley, Montgomery City; Reanna Santillan, Richmond; Rachel Bartholomew, Archie; Amanda Parrack, Macks Creek; Allie Massa, Lamar; Mindy Breshears, Bolivar; Kelin Kruse, Fairview; Wesley Davis, Ava; Andrea Pruett, Vichy; Mark Engemann, Hermann; Tracy Sample, Annapolis; Alex Johnson, Parma; and Zach Kinne, Eagleville.

Senator Clemens introduced to the Senate, Leader Sharon Young and members of Cub Scout Pack 910, Diggins.

Senator Shields introduced to the Senate, Larry, Janet, Shelley and Kent Allen, St. Joseph.

Senator Kennedy introduced to the Senate, Jan Rothermich, Patricia Patterson, Roy Harrell, Audrey Spitznagel, Marvin Todtenhaupt and Warren Stegmann, St. Louis.

Senator Nodler introduced to the Senate, Doug Wright and Darrell Idecker, Joplin.

Senator Stouffer introduced to the Senate, Derek Brucker, Pocahontas; Justin Vehige, Bonnots Mill; Charlotte Jackson, New Cambria; Quinton Binder, Green Ridge; Patricia Buckstead, Holden; Jena Thompson, Marshfield; Brandon Harvey, Moberly; Kelli Jo Woodson, Fulton; Christine Tew, Columbia; Elisabeth Godfrey, Liberty; and Scott Neimeyer, Bowling Green, members of the 4-H Legislative Academy.

Senator Crowell introduced to the Senate, Derek Brucker, Pocahontas.

Senator Shields introduced to the Senate, Farm Bureau members from Platte and Buchanan Counties.

Senator Wilson introduced to the Senate, Robert Crosby, Columbia.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-EIGHTH DAY—WEDNESDAY, FEBRUARY 21, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 519-Shoemyer
SB 520-Engler
SB 521-Lager, et al
SB 522-Green
SB 523-Scott
SB 524-Scott
SB 525-Scott
SB 526-Scott
SB 527-Scott
SB 528-Scott
SB 529-Bray
SB 530-Gibbons

SB 531-Gibbons
SB 532-Loudon, et al
SB 533-Loudon
SB 534-Nodler
SB 535-Goodman
SB 536-Lager
SB 537-Lager
SB 538-Shoemyer
SB 539-Justus
SB 540-Kennedy
SB 541-Graham
SB 542-Scott

HOUSE BILLS ON SECOND READING

HB 353-Schaaf, et al
HCS for HB 300
HCS for HB 453
HB 454-Jetton, et al

HB 352-Hobbs, et al
HCS for HBs 545 & 590
HCS for HB 39
HCS for HBs 189 & 60

THIRD READING OF SENATE BILLS

SS for SCS for SBs 255, 249 &
279-Loudon (In Fiscal Oversight)

SCS for SB 339-Mayer

SENATE BILLS FOR PERFECTION

1. SB 287-Crowell and Vogel
2. SB 384-Coleman and Gibbons, with SCS

3. SB 129-Stouffer and Crowell, with SCS
4. SB 30-Nodler and Ridgeway

- | | |
|-------------------------------------|---|
| 5. SBs 199 & 207-Stouffer, with SCS | 10. SB 274-Shields |
| 6. SB 22-Griesheimer, with SCS | 11. SB 244-Mayer |
| 7. SB 79-Scott | 12. SB 75-Coleman, et al, with SCS |
| 8. SB 315-Clemens | 13. SB 101-Mayer |
| 9. SB 4-Gross, with SCS | 14. SB 164-Scott, with SCAs 1, 2, 3 & 4 |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|------------------------------|---------------------------------------|
| SB 27-Bartle and Koster | SB 161-Shields, with SCS |
| SB 46-Mayer, et al, with SCS | SB 389-Nodler, et al, with SCS & SS#2 |
| SB 107-Wilson | for SCS (pending) |

CONSENT CALENDAR

Senate Bills

Reported 2/8

- | | |
|--|---------------------------|
| SB 420-Gibbons, et al, with SCS | SB 403-Crowell |
| SB 211-Goodman | SB 404-Crowell |
| SB 264-Green | SB 406-Crowell |
| SB 288-Engler, with SCS | SB 130-Stouffer |
| SB 298-Engler | SB 238-Stouffer |
| SB 322-Engler | SB 240-Stouffer |
| SB 163-Mayer, with SCS (In Fiscal Oversight) | SB 226-Stouffer, with SCS |
| SB 198-Mayer, with SCS | SB 104-Stouffer, with SCS |
| SB 127-Mayer | SB 103-Stouffer, with SCS |
| SB 401-Crowell | SB 102-Stouffer |
| SB 402-Crowell | SB 91-Nodler, with SCS |

Reported 2/15

- | | |
|---------------------------|------------------------|
| SB 8-Kennedy | SB 272-Scott, with SCS |
| SB 275-Ridgeway, with SCS | SB 132-Rupp |
| SB 156-Engler, with SCS | SB 171-Nodler |
| SB 159-Engler, with SCS | SB 269-Scott |

SB 270-Scott
SB 271-Scott
SB 158-Engler

SB 281-Griesheimer
SB 237-Shields and Justus
SB 223-Rupp

RESOLUTIONS

Reported from Committee

SCR 5-Shields, with SCS

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Journal

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Journal of the Senate

FIRST REGULAR SESSION

TWENTY-EIGHTH DAY—WEDNESDAY, FEBRUARY 21, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The best prayers are often more groans than words.” (John Bunyan)

Merciful God, many in our country observe this day as Ash Wednesday and its call for us to look at our lives in critical and questioning ways. We pray, help us be aware of our shortcomings and need for Your mercy. Keep us close to Your heart that even our groans are heard and give us hope as we walk through this day of ashes and Lent to Your promise to be with us always. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager

Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Days offered Senate Resolution No. 451, regarding Constance Williams, Kenneth Ferguson, Darlene Avery and the residents of Dawson Hall, which was adopted.

CONCURRENT RESOLUTIONS

Senator Coleman offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 19

Whereas, the Missouri General Assembly regards the health of our children to be of paramount importance to families in our State; and

Whereas, the Missouri General Assembly regards poor child health as a threat to the educational achievement, social, and psychological well-being of the children of our State; and

Whereas, the Missouri General Assembly considers

protecting the health of our children to be essential to the well-being of our youngest citizens and the quality of life in our State; and

Whereas, the Missouri General Assembly considers the Missouri MC+ for Kids program, which has an average enrollment of more than 125,000 children each year since its inception in September 1998, to be an integral part of the arrangements for health benefits for the children of the State of Missouri; and

Whereas, the Missouri General Assembly recognizes the value of the Missouri MC+ for Kids program in preserving child wellness, preventing and treating childhood disease, improving health outcomes, and reducing overall health costs; and

Whereas, the Missouri General Assembly considers the federal funding available for the Missouri MC+ for Kids program to be indispensable to providing health benefits for children of modest means:

Now, therefore, be it resolved that the members of the Senate of the Ninety-fourth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby:

(1) Urge the Missouri Congressional Delegation to ensure that the Congress timely reauthorizes the State Children's Health Insurance Program (SCHIP) to assure federal funding for the Missouri MC+ for Kids program;

(2) Urge Governor Matt Blunt to use his best efforts to work with the Missouri Congressional Delegation to ensure that SCHIP is reauthorized in a timely manner;

(3) Urge all components of state government to work together with educators, health care providers, social workers, and parents to ensure that all available public and private assistance for providing health benefits to uninsured children in Missouri be used to the maximum extent possible; and

(4) Urge Governor Matt Blunt to use his best efforts to provide meaningful assistance to help identify and enroll children who qualify for Medicaid or the Missouri MC+ for Kids program; and

Be it further resolved that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for Governor Matt Blunt, Deborah E. Scott, the Director of the Department of Social Services, and each member of the Missouri Congressional delegation.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 543—By Stouffer.

An Act to repeal section 301.130, RSMo, and to enact in lieu thereof one new section relating to the reissuance of license plates.

SB 544—By Shoemyer.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to the recycling of license plates.

SB 545—By Lager.

An Act to repeal section 537.762, RSMo, and to enact in lieu thereof one new section relating to product seller liability, with an emergency clause.

SB 546—By Bray, Justus, Smith, Days, Coleman, Graham and Wilson.

An Act to repeal section 170.015, RSMo, and to enact in lieu thereof seven new sections relating to reducing the number of abortions in the state through the prevention first act, with penalty provisions.

SB 547—By Griesheimer.

An Act to repeal section 302.178, RSMo, and to enact in lieu thereof one new section relating to intermediate driver license passenger restrictions.

SB 548—By Justus.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to the Missouri earned income credit.

SB 549—By Scott.

An Act to repeal section 227.299, RSMo, and to enact in lieu thereof one new section relating to memorial highway designations.

SB 550—By Scott.

An Act to repeal sections 43.010, 43.030, 43.090, 43.110, 43.120, 43.140, 43.210, and 43.220, RSMo, and to enact in lieu thereof eight new sections relating to the Missouri state highway patrol.

SB 551—By Coleman.

An Act to repeal section 162.1100, RSMo, relating to transitional school districts.

SB 552—By Bartle.

An Act to amend chapter 386, RSMo, by

adding thereto one new section relating to voice over Internet protocol service.

SB 553—By Bartle.

An Act to repeal sections 650.055 and 650.056, RSMo, and to enact in lieu thereof two new sections relating to the DNA profiling system, with penalty provisions.

SB 554—By Gibbons.

An Act to repeal sections 21.810, 67.110, 137.055, 138.380, and 138.395, RSMo, and to enact in lieu thereof four new sections relating to real property taxes.

SB 555—By Gibbons.

An Act to repeal sections 160.545, 311.310, 311.325, 577.021, and 577.500, RSMo, and to enact in lieu thereof five new sections relating to underage drinking, with penalty provisions.

SB 556—By Loudon, Gibbons, Shields, Nodler, Ridgeway and Crowell.

An Act to amend chapter 376, RSMo, by adding thereto seventeen new sections relating to health insurance.

SB 557—By Loudon.

An Act to repeal sections 650.055 and 650.056, RSMo, and to enact in lieu thereof two new sections relating to the DNA profiling system, with penalty provisions.

SB 558—By Loudon.

An Act to repeal section 570.030, RSMo, and to enact in lieu thereof one new section relating to stealing debit cards, with penalty provisions.

SB 559—By Shields.

An Act to repeal section 246.005, RSMo, and to enact in lieu thereof one new section relating to levee districts, with an emergency clause.

SB 560—By Shields.

An Act to repeal section 443.819, RSMo, and to enact in lieu thereof one new section relating to

residential mortgage fraud, with penalty provisions.

SJR 23—By Ridgeway.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 3 and 4 (b) of article X of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the assessment of residential real property.

Senator Rupp assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Shields moved that **SB 161**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 161**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 161

An Act to amend chapter 210, RSMo, by adding thereto one new section relating to quality rating system for child care facilities.

Was taken up.

Senator Shields moved that **SCS** for **SB 161** be adopted.

Senator Shields offered **SS** for **SCS** for **SB 161**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 161

An Act to amend chapter 210, RSMo, by adding thereto one new section relating to quality rating system for child care facilities.

Senator Shields moved that **SS** for **SCS** for **SB 161** be adopted.

Senator Gross offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 161,

Page 2, Section 210.205, Lines 19-28 of said page, by striking all of said lines; and

Further amend said bill and section, Page 3, Lines 1-10 of said page, by striking all of said lines and inserting in lieu thereof the following:

“4. There is hereby created in the state treasury the “Quality Rating System Program Improvement Grant Fund”. Within this fund there is created a first sub-account which shall consist of all gifts, donations, transfers, and bequests to the fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in this first sub-account shall not revert to the credit of the general revenue fund. There is also created a second sub-account consisting of moneys appropriated by the general assembly. Any moneys remaining in this second sub-account shall at the end of the biennium revert to the credit of the general revenue fund. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used solely for the administration of this section to provide grants directly to licensed providers seeking assistance for quality improvements to undergo evaluation under the quality rating system established under this section or to community-based organizations assisting providers with such improvements. The fund shall be administered by the department of social services. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.”.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Shields announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

Senator Coleman offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 161, Page 4, Section 210.205, Line 25 of said page, by inserting immediately after said line the following:

“210.245. 1. Any person who violates any provision of sections 210.201 to 210.245, or who for such person or for any other person makes materially false statements in order to obtain a license or the renewal thereof pursuant to sections 210.201 to 210.245, shall be guilty of an infraction for the first offense and shall be assessed a fine not to exceed two hundred dollars and shall be guilty of a class A misdemeanor for subsequent offenses. In case such guilty person is a corporation, association, institution or society, the officers thereof who participate in such misdemeanor shall be subject to the penalties provided by law.

2. If the department of health and senior services proposes to deny, suspend, place on probation, **deny renewal of**, or revoke a license, the department of health and senior services shall serve upon the applicant or licensee written notice of the proposed action to be taken **no less than ninety days before the action is taken. No such action against a license may be taken until the ninety-day notice period has elapsed. The ninety-day notice period shall not be applicable to actions by the department under subsections 5 and 6 of this section.** The notice shall contain a statement of the type of action proposed, the basis for it, the date the action will become effective, and a statement that the applicant or licensee shall have thirty days to request in writing a hearing before the administrative hearing commission and that such request shall be made to the department of health and senior services. If no written request for a hearing is received by the department of health and senior services within thirty days of the delivery or mailing by certified mail of the notice to the applicant or licensee, the proposed discipline shall take effect on the [thirty-first] **ninety-first** day

after such delivery or mailing of the notice to the applicant or licensee. If the applicant or licensee makes a written request for a hearing, the department of health and senior services shall file a complaint with the administrative hearing commission within ninety days of receipt of the request for a hearing. **If a written request for a hearing is requested by the applicant or licensee, no suspension, probation, denial of renewal, or revocation of a license may occur until the judgment of the administrative hearing commission is issued.**

3. The department of health and senior services may issue letters of censure or warning without formal notice or hearing. Additionally, the department of health and senior services may place a licensee on probation pursuant to chapter 621, RSMo.

4. The department of health and senior services may suspend any license simultaneously with the notice of the proposed action to be taken in subsection 2 of this section, if the department of health and senior services finds that there is a threat of imminent bodily harm to the children in care. The notice of suspension shall include the basis of the suspension and the appeal rights of the licensee pursuant to this section. The licensee may appeal the decision to suspend the license to the department of health and senior services. The appeal shall be filed within ten days from the delivery or mailing by certified mail of the notice of appeal. A hearing shall be conducted by the department of health and senior services within ten days from the date the appeal is filed. The suspension shall continue in effect until the conclusion of the proceedings, including review thereof, unless sooner withdrawn by the department of health and senior services, dissolved by a court of competent jurisdiction or stayed by the administrative hearing commission. Any person aggrieved by a final decision of the department made pursuant to this section shall be entitled to judicial review in accordance with chapter 536, RSMo.

5. In addition to initiating proceedings pursuant to subsection 1 of this section, or in lieu thereof, the prosecuting attorney of the county where the child-care facility is located may file suit for a preliminary and permanent order overseeing or preventing the operation of a child-care facility for violating any provision of sections 210.201 to 210.245. The order shall remain in force until such a time as the court determines that the child-care facility is in substantial compliance. If the prosecuting attorney refuses to act or fails to act after receipt of notice from the department of health and senior services, the department of health and senior services may request that the attorney general seek an injunction of the operation of such child-care facility.

6. In cases of imminent bodily harm to children in the care of a child-care facility, the department may file suit in the circuit court of the county in which the child-care facility is located for injunctive relief, which may include removing the children from the facility, overseeing the operation of the facility or closing the facility.”; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Crowell assumed the Chair.

Senator Mayer assumed the Chair.

Senator Justus offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 161, Page 1, In the Title, Lines 3-4, by striking all of said lines and inserting in lieu thereof the following: “section relating to child care.”; and

further amend said bill, page 1, section A, line 3 by inserting after all of said line the following:

“208.046. 1. The children's division shall

promulgate rules to become effective no later than July 1, 2008, to modify the income eligibility criteria for any person receiving state-funded child care assistance under this chapter, either through vouchers or direct reimbursement to child care providers, to provide that persons with incomes of less than one hundred thirty percent of the federal poverty level for the applicable family size, shall receive, subject to appropriations, state-funded full child care subsidy benefits. Any person receiving subsidy benefits under this section shall be eligible to continue receiving benefits until such time as the person's income is greater than one hundred fifty percent of the federal poverty level.

2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted.

At the request of Senator Shields, **SS** for **SCS** for **SB 161**, as amended, was withdrawn.

At the request of Senator Shields, **SB 161**, with **SCS** (pending), was placed on the Informal Calendar.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 519—Commerce, Energy and the Environment.

SB 520—Small Business, Insurance and Industrial Relations.

SB 521—Transportation.

SB 522—Education.

SB 523—Financial and Governmental Organizations and Elections.

SB 524—Financial and Governmental Organizations and Elections.

SB 525—Financial and Governmental Organizations and Elections.

SB 526—Financial and Governmental Organizations and Elections.

SB 527—Financial and Governmental Organizations and Elections.

SB 528—Financial and Governmental Organizations and Elections.

SB 529—Judiciary and Civil and Criminal Jurisprudence.

SB 530—Seniors, Families and Public Health.

SB 531—Financial and Governmental Organizations and Elections.

SB 532—Judiciary and Civil and Criminal Jurisprudence.

SB 533—Judiciary and Civil and Criminal Jurisprudence.

SB 534—Agriculture, Conservation, Parks and Natural Resources.

SB 535—Judiciary and Civil and Criminal Jurisprudence.

SB 536—Commerce, Energy and the Environment.

SB 537—Financial and Governmental Organizations and Elections.

SB 538—Agriculture, Conservation, Parks and Natural Resources.

SB 539—Education.

SB 540—Ways and Means.

SB 541—Economic Development, Tourism and Local Government.

SB 542—Financial and Governmental Organizations and Elections.

On motion of Senator Shields, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Rupp.

Senator Shields announced that photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Lager offered Senate Resolution No. 452, regarding the Ninetieth Birthday of Paul D. Burgess, Union Star, which was adopted.

Senator Lager offered Senate Resolution No. 453, regarding the Ninety-fifth Birthday of Ed Richards, Oregon, which was adopted.

Senator McKenna offered Senate Resolution No. 454, regarding Robert Anson Heinlein, Butler, which was adopted.

Senators Bray, Coleman, Days, Gibbons, Green, Griesheimer, Gross, Kennedy, Loudon, McKenna, Rupp and Smith offered Senate Resolution No. 455, regarding Barbara Bennett, Saint Louis, which was adopted.

Senator Justus offered Senate Resolution No. 456, regarding Robert Stephens, Kansas City, which was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 457

WHEREAS, the General Assembly deems it worthy to support and encourage any of those programs which exist to provide Missouri's senior citizens with an opportunity to utilize their experience and knowledge in a positive and meaningful way; and

WHEREAS, the General Assembly also deems it worthy to support those programs which are designed to provide participants with opportunities to develop better citizenship and leadership qualities; and

WHEREAS, the Silver Haired Legislature is a program which helps to ensure that senior citizens have a voice in state government while giving its participants a unique insight into the legislative process; and

WHEREAS, the General Assembly has a long tradition of granting the use of its Chambers to such programs:

NOW, THEREFORE, BE IT RESOLVED that the Missouri Senate hereby grant the participants of the Silver Haired Legislature permission to use the Senate Chamber for the purpose of their regular session from 8:00 a.m. to 4:30 p.m. on October 25, 2007 and from 8:00 a.m. to 12 noon on October 26, 2007.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 457** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 457** was adopted.

Senator Shoemyer offered Senate Resolution No. 458, regarding Gary Leu, Shelbina, which was adopted.

Senator Green offered Senate Resolution No. 459, regarding Florissant Mayor Robert G. Lowery, Sr., which was adopted.

Senator Crowell offered Senate Resolution No. 460, regarding Dan Brown, which was adopted.

Senator Crowell offered Senate Resolution No. 461, regarding David Brummel, which was adopted.

Senator Crowell offered Senate Resolution No. 462, regarding Julie Walker, which was adopted.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

February 21, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

James Buford, Republican, 1 Kingsbury Place, Saint Louis City, Missouri 63112, as a member of the Missouri State University Board of Governors, for a term ending January 1, 2009, and until his successor is duly appointed and qualified; vice, James Buford, withdrawn.

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons referred the above appointment to the Committee on Gubernatorial Appointments.

THIRD READING OF SENATE BILLS

SCS for SB 339, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 339

An Act to repeal section 290.250, RSMo, and to enact in lieu thereof eight new sections relating to public contracts, with penalty provisions.

Was taken up by Senator Mayer.

On motion of Senator Mayer, **SCS for SB 339** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason

Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS for SCS for SBs 49, 65, 210 and 251**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

THIRD READING OF SENATE BILLS

SB 420, with **SCS**, introduced by Senator Gibbons, et al, entitled:

An Act to repeal section 644.021, RSMo, and to enact in lieu thereof one new section relating to membership on the clean water commission.

Was called from the Consent Calendar and taken up.

SCS for SB 420, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 420

An Act to repeal section 644.021, RSMo, and to enact in lieu thereof one new section relating to membership on the clean water commission, with an emergency clause.

Was taken up.

Senator Gibbons moved that **SCS** for **SB 420** be adopted, which motion prevailed.

On motion of Senator Gibbons, **SCS** for **SB 420** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott

Shields
Vogel

Shoemyer
Wilson—34

Smith

Stouffer

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 264, introduced by Senator Green, entitled:

An Act to repeal section 235.210, RSMo, and to enact in lieu thereof one new section relating to street light maintenance.

Was called from the Consent Calendar and taken up.

On motion of Senator Green, **SB 264** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Green, title to the bill was agreed to.

Senator Green moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 288, with **SCS**, introduced by Senator Engler, entitled:

An Act to authorize the conveyance of certain state properties, with an emergency clause.

Was called from the Consent Calendar and taken up.

SCS for **SB 288**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 288

An Act to authorize the conveyance of certain state properties, with an emergency clause.

Was taken up.

Senator Engler moved that **SCS** for **SB 288** be adopted, which motion prevailed.

On motion of Senator Engler, **SCS** for **SB 288** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bartle	Callahan	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senator Barnitz—1

Absent—Senator Bray—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 298, introduced by Senator Engler, entitled:

An Act to repeal section 206.090, RSMo, and to enact in lieu thereof one new section relating to hospital districts.

Was called from the Consent Calendar and taken up.

On motion of Senator Engler, **SB 298** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
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Champion	Clemens	Coleman	Crowell	Wilson—33
Days	Engler	Gibbons	Goodman	
Graham	Green	Griesheimer	Gross	NAYS—Senator Bray—1
Justus	Kennedy	Koster	Lager	
Loudon	Mayer	McKenna	Nodler	Absent—Senators—None
Purgason	Ridgeway	Rupp	Scott	
Shields	Shoemyer	Smith	Stouffer	Absent with leave—Senators—None
Vogel	Wilson—34			

Vacancies—None

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 322, introduced by Senator Engler, entitled:

An Act to repeal section 304.190, RSMo, and to enact in lieu thereof one new section relating to commercial zones.

Was called from the Consent Calendar and taken up.

On motion of Senator Engler, **SB 322** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 198, with **SCS**, introduced by Senator Mayer, entitled:

An Act to repeal section 253.095, RSMo, and to enact in lieu thereof one new section relating to state parks.

Was called from the Consent Calendar and taken up.

SCS for **SB 198**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 198

An Act to repeal section 253.095, RSMo, and to enact in lieu thereof one new section relating to park services.

Was taken up.

Senator Mayer moved that **SCS** for **SB 198** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS** for **SB 198** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion
Clemens	Crowell	Days	Engler

Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators

Barnitz Coleman—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 127, introduced by Senator Mayer, entitled:

An Act to repeal section 104.040, RSMo, and to enact in lieu thereof one new section relating to the highway patrol retirement system.

Was called from the Consent Calendar and taken up.

On motion of Senator Mayer, **SB 127** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator Barnitz—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 401, introduced by Senator Crowell, entitled:

An Act to repeal sections 104.344 and 104.1090, RSMo, and to enact in lieu thereof three new sections relating to purchase of creditable prior service by members of the Missouri state employees' retirement system and the Missouri department of transportation and highway patrol employees' retirement system.

Was called from the Consent Calendar and taken up.

On motion of Senator Crowell, **SB 401** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 402, introduced by Senator Crowell, entitled:

An Act to repeal sections 104.395, 104.1012, 104.1015, 104.1024, 104.1027, and 104.1072, RSMo, and to enact in lieu thereof six new sections relating to retirement plan election options.

Was called from the Consent Calendar and taken up.

On motion of Senator Crowell, **SB 402** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Crowell, title to the bill

was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 403, introduced by Senator Crowell, entitled:

An Act to repeal sections 104.312 and 104.1051, RSMo, and to enact in lieu thereof two new sections relating to orders for division of benefits under the Missouri state employees' retirement system.

Was called from the Consent Calendar and taken up.

On motion of Senator Crowell, **SB 403** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the

table, which motion prevailed.

SB 404, introduced by Senator Crowell, entitled:

An Act to repeal sections 104.380 and 104.1039, RSMo, and to enact in lieu thereof two new sections relating to the reemployment of retired members of the Missouri state employees' retirement system.

Was called from the Consent Calendar and taken up.

On motion of Senator Crowell, **SB 404** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senator Barnitz—1

Absent—Senator Shoemyer—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

COMMUNICATIONS

Senator Bray submitted the following:

February 21, 2007

Terry Spieler
Senate Secretary
Missouri State Senate
State Capitol Building, Room 325
Jefferson City, MO 65101
Dear Ms. Spieler,

In accordance with Rule 45, I am writing to object to the placement of SB 275 on the Consent Calendar. This bill is too controversial to qualify as a consent bill and therefore should be removed as such and returned to the Financial & Governmental Organizations and Elections Committee.

Sincerely,
/s/ Joan Bray
Joan Bray

Also,

President Pro Tem Gibbons submitted the following:

February 21, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Terry:

I am hereby resigning from the Joint Committee on Tax Policy.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS

Also,

February 21, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

RE: Appointment to the Joint Committee on Tax Policy

Dear Terry:

I am appointing Senator Brad Lager to the Joint Committee on Tax Policy to replace Senator Michael Gibbons.

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Crowell introduced to the Senate, the Physician of the Day, Dr. Thomas C. Sparkman, M.D., his wife, Carol, and their grandchildren, Thomas and Blake, Cape Girardeau; and Thomas and Blake were made honorary pages.

On behalf of Senator Loudon and himself, Senator Kennedy introduced to the Senate, Major Neal Richardson, Major Patty Richardson and Captain Randy Polsley, St. Louis.

On behalf of Senator Rupp and himself, Senator Gross introduced to the Senate, Sheri Stormer, Jim Ottemeyer, Stephen Phelps, Rose Mack, Mike Bounds, Jeff Chapple, Jonathan Easterling, Jeffrey Adams, Tryla Brown, Troy Comiskey, Tim Culwell, Kristy Baumgart, Greg Dohrman, Dale Dothage, Sharon Dunn, Traci Everman, Jonathan Fallert, Deena Fischer, Melissa Gehm, Johnny Glenn, Scott Mathys, Teresa McGuff, Dale Meracle, Bob Mochel, Brian Pieper, Sarah Politowski-Hefner, Jeffrey Pomeroy, Joseph Prosser, Greg Roebach, Christine Rutherford, Susan Spencer and Mary Wilson, representatives of Vision St. Charles County Leadership.

Senator Gibbons introduced to the Senate, volunteers from the Missouri Chapter of the March of Dimes.

Senator Nodler introduced to the Senate, Jim Stuart and students Cameron Cote, Taylor Dolence, Marji Ducommun, Angela Cole, Ian Lis, Justin Fox, Taleah Smith, Adrianna Jones, Wade Browning, Kendal Daniel and Jeremiah Born, Neosho High School.

Senator Ridgeway introduced to the Senate, Rebecca Dickson Simmons, LMSW, and volunteers for the Salvation Army, Kansas City.

Senator Gibbons introduced to the Senate, Kevin Drollinger, Executive Director, members of the board and staff of Epworth Children and Family Services, Webster Groves.

Senator Smith introduced to the Senate, Aaron Jennings, Washington, D.C.

Senator Gibbons introduced to the Senate, Kari Brown, St. Louis.

Senator Justus introduced to the Senate, Sister Pat Kenoyer, Kansas City.

On behalf of Senator Rupp, the President introduced to the Senate, Honora Burnett, Boulder, Colorado.

Senator Griesheimer introduced to the Senate, Gerry Bayless, Labadie.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-NINTH DAY– THURSDAY, FEBRUARY 22, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 543-Stouffer
SB 544-Shoemyer
SB 545-Lager

SB 546-Bray, et al
SB 547-Griesheimer
SB 548-Justus

SB 549-Scott
 SB 550-Scott
 SB 551-Coleman
 SB 552-Bartle
 SB 553-Bartle
 SB 554-Gibbons
 SB 555-Gibbons

SB 556-Loudon, et al
 SB 557-Loudon
 SB 558-Loudon
 SB 559-Shields
 SB 560-Shields
 SJR 23-Ridgeway

HOUSE BILLS ON SECOND READING

HB 353-Schaaf, et al
 HCS for HB 300
 HCS for HB 453
 HB 454-Jetton, et al

HB 352-Hobbs, et al
 HCS for HBs 545 & 590
 HCS for HB 39
 HCS for HBs 189 & 60

THIRD READING OF SENATE BILLS

SS for SCS for SBs 255, 249 &
 279-Loudon (In Fiscal Oversight)

SS for SCS for SBs 49, 65, 210 &
 251-Engler

SENATE BILLS FOR PERFECTION

1. SB 287-Crowell and Vogel
 2. SB 384-Coleman and Gibbons, with SCS
 3. SB 129-Stouffer and Crowell, with SCS
 4. SB 30-Nodler and Ridgeway
 5. SBs 199 & 207-Stouffer, with SCS
 6. SB 22-Griesheimer, with SCS
 7. SB 79-Scott

8. SB 315-Clemens
 9. SB 4-Gross, with SCS
 10. SB 274-Shields
 11. SB 244-Mayer
 12. SB 75-Coleman, et al, with SCS
 13. SB 101-Mayer
 14. SB 164-Scott, with SCAs 1, 2, 3 & 4

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 27-Bartle and Koster
 SB 46-Mayer, et al, with SCS
 SB 107-Wilson

SB 161-Shields, with SCS (pending)
 SB 389-Nodler, et al, with SCS & SS#2
 for SCS (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman	SB 226-Stouffer, with SCS
SB 163-Mayer, with SCS (In Fiscal Oversight)	SB 104-Stouffer, with SCS
SB 406-Crowell	SB 103-Stouffer, with SCS
SB 130-Stouffer	SB 102-Stouffer
SB 238-Stouffer	SB 91-Nodler, with SCS
SB 240-Stouffer	

Reported 2/15

SB 8-Kennedy	SB 270-Scott
SB 156-Engler, with SCS	SB 271-Scott
SB 159-Engler, with SCS	SB 158-Engler
SB 272-Scott, with SCS	SB 281-Griesheimer
SB 132-Rupp	SB 237-Shields and Justus
SB 171-Nodler	SB 223-Rupp
SB 269-Scott	

RESOLUTIONS

Reported from Committee

SCR 5-Shields, with SCS

To be Referred

SCR 19-Coleman

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Journal of the Senate

FIRST REGULAR SESSION

TWENTY-NINTH DAY—THURSDAY, FEBRUARY 22, 2007

The Senate met pursuant to adjournment.

Senator Scott in the Chair.

Reverend Carl Gauck offered the following prayer:

“What are human beings that you are mindful of them, mortals that you care for them? Yet you have made them a little lower than angels...” (Psalm 8:4-5)

Creating Father, we ask that You hear our prayers that we might be mindful of the dignity You have conferred to us and we might live each day as such. As we finish up our work this day may we return to those whom You have given to us and share this dignity in our families and those we interact with daily and have a chance to be recreated and rested. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Lager	Loudon

Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

Absent—Senators—None

Absent with leave—Senator Koster—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Scott offered Senate Resolution No. 463, regarding Dorothea Hill, which was adopted.

President Kinder assumed the Chair.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 561—By Engler.

An Act to repeal sections 168.104, 168.114, 168.116, 168.118, 168.120, and 168.221, RSMo, and to enact in lieu thereof six new sections relating to public school teachers.

SB 562—By Rupp.

An Act to repeal section 99.815, RSMo, and

to enact in lieu thereof one new section relating to the county implementation of tax increment financing projects.

SB 563—By Lager.

An Act to repeal section 537.340, RSMo, and to enact in lieu thereof one new section relating to tree trimming by electric utilities.

SB 564—By Smith, Kennedy, Shields, Koster, Griesheimer, Ridgeway, Graham and Loudon.

An Act to repeal section 160.400, RSMo, and to enact in lieu thereof one new section relating to entities that may operate charter schools.

SB 565—By Smith and Justus.

An Act to amend chapter 128, RSMo, by adding thereto one new section relating to the Agreement Among the States to Elect the President by National Popular Vote Act.

SB 566—By Kennedy.

An Act to repeal section 170.132, RSMo, and to enact in lieu thereof one new section relating to obtaining print instructional material in specialized formats.

SB 567—By Coleman.

An Act to amend chapter 393, RSMo, by adding thereto one new section relating to the cold weather rule.

SB 568—By Loudon.

An Act to amend chapter 324, RSMo, by adding thereto ten new sections relating to the powers and duties of the Missouri electrical industry licensing board, with penalty provisions.

SB 569—By Graham.

An Act to repeal section 105.456, RSMo, and to enact in lieu thereof one new section relating to lobbying restrictions for elected officials.

SB 570—By Clemens.

An Act to repeal section 640.703, RSMo, and to enact in lieu thereof two new sections relating to

concentrated animal feeding operations.

SB 571—By Mayer.

An Act to repeal section 142.031, RSMo, and to enact in lieu thereof one new section relating to Missouri qualified biodiesel producers.

SB 572—By Vogel.

An Act to amend chapter 172, RSMo, by adding thereto one new section relating to financial records of University of Missouri donors and potential donors.

SB 573—By Green.

An Act to repeal section 104.550, RSMo, and to enact in lieu thereof two new sections relating to investments for certain retirement systems.

SB 574—By Green.

An Act to repeal section 650.340, RSMo, and to enact in lieu thereof one new section relating to 911 training.

SB 575—By Justus.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to drug testing of rape victims.

SB 576—By Bray, Shoemyer and Barnitz.

An Act to repeal sections 32.087, 67.576, 67.582, 67.584, 67.671, 67.678, 67.1303, 67.1545, 67.1959, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.580, 94.605, 94.660, 94.705, 94.900, 144.010, 144.014, 144.030, 144.046, 144.049, 144.100, 144.517, 144.625, 144.655, 144.805, 221.407, 238.235, 238.410, and 644.032, RSMo, and to enact in lieu thereof thirty-two new sections relating to the implementation of the streamlined sales and use tax agreement.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on

Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Lesley J. Graves, Republican, as a member of the Missouri Western State University Board of Governors;

Also,

Garry E. Taylor, as a member of the Consolidated Health Care Plan Board of Trustees.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 197**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 325**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 308**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 128**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 195**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 235**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 155**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 169**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute,

hereto attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 430**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 162**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 282**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 184**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 218**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to

which was referred **SB 233**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 21**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 376**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Champion, Chairman of the Committee on Seniors, Families and Public Health, submitted the following reports:

Mr. President: Your Committee on Seniors, Families and Public Health, to which was referred **SB 16**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Seniors, Families and Public Health, to which was referred **SB 292**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Seniors, Families and Public Health, to which was referred **SB 357**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Seniors,

Families and Public Health, to which was referred **SB 397**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 300**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which were referred **SB 62** and **SB 41**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 67**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 257**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 204**, begs

leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Nodler, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 64**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 456**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 135**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 236**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Purgason, Chairman of the Committee on Health and Mental Health, submitted the following reports:

Mr. President: Your Committee on Health and Mental Health, to which was referred **SB 2**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Health and Mental Health, to which was referred **SB 3**, begs leave to report that it has considered the same and

recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 172**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 268**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Engler, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 54**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which were referred **SB 239**, **SB 24** and **SB 445**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 395**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which were referred **SB 45** and **SB 39**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SS** for **SCS** for **SBs 255, 249** and **279**; and **SB 163**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

SENATE BILLS FOR PERFECTION

Senator Mayer moved that **SB 46**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 46**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 46

An Act to amend chapter 660, RSMo, by adding thereto one new section relating to faith-based organizations.

Was taken up.

Senator Mayer moved that **SCS** for **SB 46** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS** for **SB 46** was declared perfected and ordered printed.

Senator Shields moved that **SB 161**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SB 161** was again taken up.

Senator Bartle assumed the Chair.

Senator Shields offered **SS No. 2** for **SCS** for **SB 161**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 161

An Act to repeal section 210.245, RSMo, and to enact in lieu thereof two new sections relating to quality rating system for child care facilities.

Senator Shields moved that **SS No. 2** for **SCS** for **SB 161** be adopted, which motion prevailed.

On motion of Senator Shields, **SS No. 2** for **SCS** for **SB 161** was declared perfected and ordered printed.

Senator Shields announced that photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

SB 577—By Shields and Gibbons.

An Act to repeal sections 208.014, 208.151, 208.152, 208.153, 208.201, 208.631, 660.546, 660.547, 660.549, 660.551, 660.553, 660.555, and 660.557, RSMo, and to enact in lieu thereof sixteen new sections relating to the Missouri health improvement act of 2007.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 14**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for purchase of equipment, and for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements, and for the payment of various

claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2007.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 444, 217, 225, 239, 243, 297, 402** and **172**, entitled:

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to an income tax deduction.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 327**, entitled:

An Act to repeal sections 135.950, 135.963, 135.967, 178.895, 178.896, 620.1878, and 620.1881, RSMo, and to enact in lieu thereof seven new sections relating to job development.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HJR 1**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section

3 of article V of the Constitution of Missouri, and adopting one new section in lieu thereof relating to state court jurisdiction.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

COMMUNICATIONS

Senator Shields submitted the following:

February 22, 2007

Ms. Terry Spieler
Secretary of the Senate
State Capitol, Office 325
Jefferson City, MO 65101

Dear Ms. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee approved the 94th General Assembly's Senate 4-H Caucus at the February 14th, 2007 meeting.

Please add the following member to the caucus:

- Representative Don Wells
- Representative David Pearce
- Representative Billy Pat Wright

Sincerely,

/s/ Charlie

Charlie Shields

REFERRALS

President Pro Tem Gibbons referred **SCR 19** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

SB 543—Transportation.

SB 544—Transportation.

SB 545—Judiciary and Civil and Criminal Jurisprudence.

SB 546—Judiciary and Civil and Criminal Jurisprudence.

SB 547—Transportation.

SB 548—Ways and Means.

SB 549—Transportation.

SB 550—Financial and Governmental Organizations and Elections.

SB 551—Education.

SB 552—Commerce, Energy and the Environment.

SB 553—Judiciary and Civil and Criminal Jurisprudence.

SB 554—Ways and Means.

SB 555—Judiciary and Civil and Criminal Jurisprudence.

SB 556—Health and Mental Health.

SB 557—Judiciary and Civil and Criminal Jurisprudence.

SB 558—Judiciary and Civil and Criminal Jurisprudence.

SB 559—Economic Development, Tourism and Local Government.

SB 560—Judiciary and Civil and Criminal Jurisprudence.

SJR 23—Ways and Means.

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Mayor Jim Woestman, Mayor Pro-Tem Mike Harris, Councilwoman Diane Sherrits, Councilman Dan Rife and Councilman Tom Flanigan, Carthage.

Senator Loudon introduced to the Senate, Mayor Walt Young, Ballwin.

Senator Champion introduced to the Senate, seventh grade students from Springfield Lutheran School.

Senator Shields introduced to the Senate, the Physician of the Day, Dr. Jim Reynolds, M.D., St. Joseph.

Senator Scott introduced to the Senate, Ron Mersch, Bolivar.

Senator Days introduced to the Senate, Mayor Jim Murphy and members of the City Council, Normandy.

Senator Stouffer introduced to the Senate, JD and Betsy Lewis, Marshall.

Senator Nodler introduced to the Senate, Mayor Mike Moss, Alderman Wayne Smith, Alderman Walter Hayes, Maribeth Matney and Jim Whisneant, Carl Junction; and Debbie Cornell, Carterville.

Senator Purgason introduced to the Senate, Martha Hiatt, Springfield.

Senator Engler introduced to the Senate, Clayton, Dennis and Paula Weems, Farmington.

Senator Green introduced to the Senate, Michele DeShay and Shonte Young, Moline Acres.

Senator Stouffer introduced to the Senate, students from Bethel Mennonite School, Richmond.

Senator Days introduced to the Senate, Jill Goldstein and fourth grade students from Delmar Harvard Elementary School, University City.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, February 26, 2007.

SENATE CALENDAR

THIRTIETH DAY—MONDAY, FEBRUARY 26, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 561-Engler
SB 562-Rupp
SB 563-Lager
SB 564-Smith, et al
SB 565-Smith and Justus
SB 566-Kennedy
SB 567-Coleman
SB 568-Loudon
SB 569-Graham

SB 570-Clemens
SB 571-Mayer
SB 572-Vogel
SB 573-Green
SB 574-Green
SB 575-Justus
SB 576-Bray, et al
SB 577-Shields and Gibbons

HOUSE BILLS ON SECOND READING

HB 353-Schaaf, et al
HCS for HB 300

HCS for HB 453
HB 454-Jetton, et al

HB 352-Hobbs, et al
HCS for HBs 545 & 590
HCS for HB 39
HCS for HBs 189 & 60
HCS for HB 14

HCS for HBs 444, 217, 225, 239, 243,
297, 402 & 172
HCS for HB 327
HCS for HJR 1

THIRD READING OF SENATE BILLS

SS for SCS for SBs 255, 249 & 279-Loudon

SS for SCS for SBs 49, 65, 210 & 251-Engler

SENATE BILLS FOR PERFECTION

1. SB 287-Crowell and Vogel
2. SB 384-Coleman and Gibbons, with SCS
3. SB 129-Stouffer and Crowell, with SCS
4. SB 30-Nodler and Ridgeway
5. SBs 199 & 207-Stouffer, with SCS
6. SB 22-Griesheimer, with SCS
7. SB 79-Scott
8. SB 315-Clemens
9. SB 4-Gross, with SCS
10. SB 274-Shields
11. SB 244-Mayer
12. SB 75-Coleman, et al, with SCS
13. SB 101-Mayer
14. SB 164-Scott, with SCAs 1, 2, 3 & 4
15. SB 197-Loudon and Graham, with SCS
16. SB 195-Crowell
17. SB 235-Shields, et al, with SCS

18. SB 155-Engler, with SCS
19. SB 169-Rupp, with SCS
20. SB 430-Shields, et al, with SCS
21. SB 282-Griesheimer, with SCS
22. SB 21-Griesheimer, with SCS
23. SB 16-Scott, with SCS
24. SB 292-Mayer
25. SB 300-Bartle
26. SBs 62 & 41-Goodman and Koster, with SCS
27. SB 204-Stouffer, with SCS
28. SB 64-Goodman and Koster, with SCS
29. SB 456-Gross, with SCS
30. SB 2-Gibbons, with SCS
31. SB 3-Gibbons, with SCS
32. SB 268-Coleman
33. SB 54-Koster, with SCS
34. SBs 239, 24 & 445-Stouffer, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 27-Bartle and Koster
SB 107-Wilson

SB 389-Nodler, et al, with SCS & SS#2
for SCS (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman	SB 226-Stouffer, with SCS
SB 163-Mayer, with SCS	SB 104-Stouffer, with SCS
SB 406-Crowell	SB 103-Stouffer, with SCS
SB 130-Stouffer	SB 102-Stouffer
SB 238-Stouffer	SB 91-Nodler, with SCS
SB 240-Stouffer	

Reported 2/15

SB 8-Kennedy	SB 270-Scott
SB 156-Engler, with SCS	SB 271-Scott
SB 159-Engler, with SCS	SB 158-Engler
SB 272-Scott, with SCS	SB 281-Griesheimer
SB 132-Rupp	SB 237-Shields and Justus
SB 171-Nodler	SB 223-Rupp
SB 269-Scott	

Reported 2/22

SB 325-Loudon	SB 397-Stouffer, with SCS
SB 308-Crowell, et al, with SCS	SB 67-Rupp, with SCS
SB 128-Stouffer	SB 257-Engler, et al
SB 162-Vogel	SB 135-Nodler
SB 184-Green	SB 236-Shields
SB 218-Graham	SB 172-Ridgeway
SB 233-Crowell	SB 395-McKenna
SB 376-Griesheimer	SBs 45 & 39-Mayer, with SCS
SB 357-Green, with SCS	

RESOLUTIONS

Reported from Committee

SCR 5-Shields, with SCS

Journal of the Senate

FIRST REGULAR SESSION

THIRTIETH DAY—MONDAY, FEBRUARY 26, 2007

The Senate met pursuant to adjournment.

Smith

Stouffer

Vogel

Wilson—32

President Kinder in the Chair.

Absent—Senators—None

Reverend Carl Gauck offered the following prayer:

Absent with leave—Senators

Koster

Rupp—2

“The first law of history is not to dare to utter falsehood; the second is not to fear to speak the truth.” (Pope Leo XIII, 1883)

Vacancies—None

Gracious God, may we this week always be prepared to speak the truth and be true in all things for we know Your eye is always upon us and we are measured by what we say and by what we do. In Your Holy Name we pray. Amen.

The Lieutenant Governor was present.

The Pledge of Allegiance to the Flag was recited.

RESOLUTIONS

A quorum being established, the Senate proceeded with its business.

On behalf of Senator Rupp, Senator Shields offered Senate Resolution No. 464, regarding Mr. and Mrs. Jonathon Seeds, Saint Charles, which was adopted.

The Journal for Thursday, February 22, 2007 was read and approved.

Senator Lager offered Senate Resolution No. 465, regarding Captain Terry Breshears, Cameron, which was adopted.

The following Senators were present during the day's proceedings:

Senator Lager offered Senate Resolution No. 466, regarding Captain Mike Walser, Cameron, which was adopted.

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Scott	Shields	Shoemyer

Senator Lager offered Senate Resolution No. 467, regarding Christian Virts, Cameron, which was adopted.

Senator Lager offered Senate Resolution No. 468, regarding Marc Cline, Cameron, which was adopted.

On behalf of Senator Rupp, Senator Shields offered Senate Resolution No. 469, regarding Mark Joseph Mikecin, O'Fallon, which was adopted.

Senators Gibbons, Shields and Coleman offered Senate Resolution No. 470, regarding Dr. Elson S. Floyd, President of the University of Missouri, which was adopted.

Senator Lager offered Senate Resolution No. 471, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Clarence Workman, King City, which was adopted.

Senator Lager offered Senate Resolution No. 472, regarding John Barclay, Bethany, which was adopted.

Senator Wilson offered Senate Resolution No. 473, regarding Clyde McQueen, which was adopted.

Senator Wilson offered Senate Resolution No. 474, regarding the death of Nathan Buie, Jr., which was adopted.

Senator Wilson offered Senate Resolution No. 475, regarding Dr. Farrah Gray, which was adopted.

Senator Barnitz offered Senate Resolution No. 476, regarding Mary Jane Massman, Westphalia, which was adopted.

CONCURRENT RESOLUTIONS

Senator Crowell offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 20

Relating to recognition of October 3rd as
Science Day

WHEREAS, in 2006, more than 100 schools, science learning centers, and city and state leaders made the first ever Science Day in the heartland a big success; and

WHEREAS, governors from Illinois, Tennessee, and Missouri have previously proclaimed October 3rd as "Science Day"; and

WHEREAS, it is absolutely fitting and proper to designate a special day to raise public awareness of the importance of science

education; and

WHEREAS, such an important designation could raise enthusiasm for science and technology learning; and

WHEREAS, a solid educational foundation based on the sciences have inspired individuals to develop breakthrough cures for all types of disease, provide awareness about the importance of taking care of our environment, and create modern conveniences which better the lives for each one of us:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby recognize October 3rd of each year, as Science Day in Missouri; and

BE IT FURTHER RESOLVED that members of the Missouri Senate and the House of Representatives encourage citizens throughout Missouri to observe this day by honoring teachers in their community and by recognizing the importance of science in the classroom; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to send properly inscribed copies of this resolution to the Governor for his approval or rejection pursuant to the Missouri constitution.

Read 1st time.

Senators Shoemyer, Graham, Wilson, Coleman, Bray and Justus offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 21

Whereas, Missouri's career and technical education delivery system consists of 536 local education agencies, including 451 comprehensive high schools (53 with area career centers), one technical college (also a career center), 12 community college districts (4 with area career centers), 8 four-year institutions, and two state agencies; and

Whereas, over 56% of Missouri high school students, grades 9 to 12, participated in career and technical education programs, services, and activities in fiscal year 2005; and

Whereas, more than 33,375 high school students from 428 school districts received occupational skill training in area career centers or districts offering approved career and technical education programs in fiscal year 2005; and

Whereas, the Department of Elementary and Secondary Education reported that female high school students comprise over 80% of students in courses that are traditional for their gender, such as cosmetology, childcare and development, and the health professions, whereas they make up less than 10% of enrolled students in high school courses that are nontraditional for their gender, such as automotive, construction and repair, and precision

production classes; and

Whereas, the percentage of female students enrolled in historically male career and technical education fields has not changed dramatically in almost 35 years, despite the fact that Title IX of the Education Amendments of 1972 and the Missouri Human Rights Act prohibit sex discrimination in education; and

Whereas, although traditionally female career and technical education courses provide important educational paths for many students and prepare those students to provide necessary and valuable services to the citizens of Missouri, the enrollment disparities outlined above have significant economic consequences both for students and for the State of Missouri; and

Whereas, according to the United States Bureau of Labor Statistics, male-dominated fields in Missouri pay a median hourly wage of \$18.95, while traditionally female fields pay a median hourly wage of just \$12.65, and some traditionally female occupations, such as childcare, pay a median hourly wage of less than \$8 per hour; and

Whereas, career and technical education courses and programs that are nontraditional for males or females provide important career pathways for advancement in math, engineering, science, and technology fields; and

Whereas, high technology jobs, as well as many jobs that are nontraditional for either females or males, are in high demand and thus promise stable employment; and

Whereas, as a result of these workplace realities, artificial or discriminatory limits on access to training for traditionally male or traditionally female fields can compromise students' future earning potential, economic self-sufficiency, and ability to provide for themselves and their families; and

Whereas, for these and other reasons, Missouri has an interest in developing the potential of all of its citizens and ensuring that all students have equal opportunities to excel in training for high-way, high-skill, high-demand fields, regardless of their gender; and

Whereas, reaching these goals will benefit Missouri as well as individual students by enabling the State of Missouri to compete in the knowledge-based economy, by preparing its workforce with world-class skills, and by fully utilizing the talents of all of its citizens; and

Whereas, effective policies that open opportunities for all students to pursue nontraditional career and technical education courses comports with the Missouri Math, Engineering, Technology and Science (METS) Alliance goal to expand the pool of students motivated to pursue METS careers; and

Whereas, effective policies that provide opportunities in Missouri for training in nontraditional careers support Missouri's compliance with the Carl D. Perkins Career and Technical Education Act of 2006, which requires states to meet accountability measures of student participation in and completion of career and technical education programs:

Now, therefore, be it resolved that the members of the Senate of the Ninety-fourth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby establish a Joint Interim Committee on Access to Nontraditional Career and Technical Education; and

Be it further resolved that the committee be comprised of the following ten members to be appointed prior to the end of the First Regular Session of the Ninety-fourth General Assembly:

(1) Six members, three members from the House of Representatives with two members appointed by the Speaker of the House and one member appointed by the Minority Floor Leader of the House, and three members from the Senate, with two members appointed by the President Pro Tem of the Senate and one member appointed by the Minority Floor Leader of the Senate;

(2) The following members to be appointed by the Department of Elementary and Secondary Education:

(a) One career and technical education administrator;

(b) One career and technical education teacher;

(c) One career and technical education counselor; and

(d) One career and technical education student enrolled in a course that is nontraditional for his or her gender; and

Be it further resolved that the committee shall conduct a comprehensive investigation of the recruitment, enrollment, educational, and retention practices of the career and technical education programs in 20 school districts. Such school districts shall be selected by the committee in consultation with the Department. The investigation shall include a majority representation of school districts that house career centers and shall examine the barriers, policies, and practices that limit students' access and completion of career and technical education programs that are nontraditional for their gender and the practices that can effectively reduce those barriers and promote equal access to and completion of such career and technical education programs; and

Be it further resolved that the committee's investigation shall include, among other issues:

(1) Patterns revealed by enrollment and graduation data, disaggregated by gender and by race, ethnicity, disability, and socio-economic status within gender;

(2) The reasons students enroll in career and technical education programs generally and in specific fields in particular;

(3) The level of student awareness of career and technical education programs that are nontraditional for their gender;

(4) The affirmative steps taken by each district to recruit and retain students in career and technical education programs that are nontraditional for their gender and the efficiency of those steps;

(5) The existence of any artificial barriers in guidance counselor practices, classroom environment, internship and career placement services, or the like, that discourage students from pursuing or persisting in career and technical education programs

that are nontraditional for their gender; and

(6) The number of complaints of inequities or discrimination filed, if any, involving students enrolled in career and technical education classes; and

Be it further resolved that the committee may create subcommittees, hold hearings as it deems advisable, and obtain any input or information necessary to fulfill its obligations from the Department of Elementary and Secondary Education, the Missouri Center for Career Education, and any school district; and

Be it further resolved that the staffs of House Research, Senate Research, and the Joint Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the committee may require in the performance of its duties; and

Be it further resolved that the committee will prepare a report to be submitted to the General assembly prior to the conclusion of the Ninety-fourth General Assembly that contains factual finding on each of the topics investigated by the committee and any recommendations for improving the recruitment and retention of students in career and technical education programs that are nontraditional for their gender; and

Be it further resolved that the committee will prepare a statewide comprehensive plan for implementation and public promotion of the report, including facilitating the coordination among state and local agencies and organizations regarding achieving the recommendations outlined in the report; and

Be it further resolved that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Department of Elementary and Secondary Education, Division of Career Education, the Missouri Center for Career Education, the Missouri Women's Council, the eight MCCE Career Education Centers, and the Math, Engineering and Science Alliance.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 578—By Stouffer.

An Act to amend chapter 197, RSMo, by adding thereto fourteen new sections relating to reporting, analysis, and dissemination of information about medical errors.

SB 579—By Stouffer.

An Act to repeal sections 197.305 and 197.318, RSMo, and to enact in lieu thereof three new sections relating to certificate of need, with

penalty provisions.

SB 580—By Stouffer.

An Act to amend chapter 302, RSMo, by adding thereto one new section relating to restricted license plates.

SB 581—By Shoemyer, Graham, Coleman, Barnitz, Green, Bray, McKenna, Days, Justus, Smith, Wilson, Callahan and Kennedy.

An Act to repeal sections 208.014 and 208.631, RSMo, and to enact in lieu thereof three new sections relating to state medical assistance programs.

SB 582—By Shoemyer.

An Act to repeal sections 140.230, 140.250, 140.260, 140.290, 140.310, 140.340, 140.405, and 140.420, RSMo, and to enact in lieu thereof eight new sections relating to collection of delinquent taxes.

SB 583—By McKenna.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax credits for contributions for protection of military personnel.

SB 584—By Griesheimer.

An Act to repeal sections 337.600, 337.603, 337.604, 337.606, 337.609, 337.612, 337.615, 337.618, 337.622, 337.624, 337.627, 337.630, 337.636, 337.639, 337.650, 337.653, 337.659, 337.665, 337.668, 337.671, 337.674, 337.677, 337.680, 337.683, 337.686, and 337.689, RSMo, and to enact in lieu thereof seventeen new sections relating to social workers.

SB 585—By Crowell.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to sales and use taxes on manufacturing.

SB 586—By Crowell.

An Act to amend chapter 115, RSMo, by adding thereto one new section relating to voter

registration for hunting and fishing permit applicants.

SB 587—By Bray.

An Act to repeal section 115.639, RSMo, and to enact in lieu thereof one new section relating to employment practices during elections.

SB 588—By Bray.

An Act to amend chapter 565, RSMo, by adding thereto three new sections relating to domestic assault offenses, with penalty provisions.

SB 589—By Bray.

An Act to amend chapter 445, RSMo, by adding thereto seventy-six new sections relating to the uniform planned community act.

SB 590—By Gibbons.

An Act to repeal section 147.010, RSMo, and to enact in lieu thereof one new section relating to corporate franchise tax.

SB 591—By Scott and Gibbons.

An Act to repeal sections 370.005, 370.071, 370.080, 370.081, and 370.082, RSMo, and to enact in lieu thereof six new sections relating to credit unions.

SB 592—By Scott.

An Act to repeal sections 105.487, 105.492, 130.021, 130.046, 130.049, 130.050, RSMo, and to enact in lieu thereof seven new sections relating to ethics, with penalty provisions.

SB 593—By Scott.

An Act to repeal sections 105.466, 105.485, 105.957, 105.973, and 130.036, RSMo, and to enact in lieu thereof four new sections relating to ethics.

SB 594—By Scott.

An Act to repeal sections 105.961, 105.963, and 130.057, RSMo, and to enact in lieu thereof three new sections relating to ethics, with penalty provisions.

SB 595—By Scott.

An Act to repeal sections 326.256 and 326.283, RSMo, and to enact in lieu thereof two new sections relating to equivalency requirements for accountants.

SB 596—By Scott.

An Act to repeal section 115.427, RSMo, and to enact in lieu thereof one new section relating to elections.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

February 21, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Peter D. Kinder, 635 Northwest End Boulevard, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Missouri Community Service Commission, for a term ending December 15, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

February 22, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Robert A. Foster, Republican, 2823 West Ellison Drive, Springfield, Greene County, Missouri 65810, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 2009, and until his successor is duly appointed and qualified; vice, Dorothy Fauntleroy, resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

February 22, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice
and consent the following appointment:

Gerald F. Engemann, Republican, 30078 State Highway 94,
Hermann, Warren County, Missouri 65041, as a member of the
Dam and Reservoir Safety Council, for a term ending April 3, 2008,
and until his successor is duly appointed and qualified; vice,
reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

February 22, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice
and consent the following appointment:

Roseann K. Bentley, 1500 East Meadowmere, Springfield,
Greene County, Missouri 65804, as a member of the Coordinating
Board for Early Childhood, for a term ending at the pleasure of the
Governor, and until her successor is duly appointed and qualified;
vice, 210.102, RSMo.

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons referred the above
appointments to the Committee on Gubernatorial
Appointments.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee
on Rules, Joint Rules, Resolutions and Ethics,
submitted the following reports:

Mr. President: Your Committee on Rules,
Joint Rules, Resolutions and Ethics, to which were
referred **SCS** for **SB 46** and **SS No. 2** for **SCS** for
SB 161, begs leave to report that it has examined

the same and finds that the bills have been truly
perfected and that the printed copies furnished the
Senators are correct.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and
referred to the Committee indicated:

HCS for **HB 14**—Appropriations.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time
and referred to the Committees indicated:

SB 561—Education.

SB 562—Economic Development, Tourism
and Local Government.

SB 563—Commerce, Energy and the
Environment.

SB 564—Education.

SB 565—Financial and Governmental Organi-
zations and Elections.

SB 566—Education.

SB 567—Commerce, Energy and the
Environment.

SB 568—Financial and Governmental Organi-
zations and Elections.

SB 569—Financial and Governmental Organi-
zations and Elections.

SB 570—Agriculture, Conservation, Parks
and Natural Resources.

SB 571—Agriculture, Conservation, Parks
and Natural Resources.

SB 572—Education.

SB 573—Pensions, Veterans' Affairs and
General Laws.

SB 574—Commerce, Energy and the
Environment.

SB 575—Judiciary and Civil and Criminal
Jurisprudence.

SB 576—Ways and Means.

SB 577—Health and Mental Health.

SENATE BILLS FOR PERFECTION

At the request of Senator Crowell, **SB 287** was placed on the Informal Calendar.

Senator Coleman moved that **SB 384**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 384**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 384

An Act to repeal section 301.301, RSMo, and to enact in lieu thereof one new section relating to stolen license plate tabs, with an emergency clause.

Was taken up.

Senator Coleman moved that **SCS** for **SB 384** be adopted, which motion prevailed.

On motion of Senator Coleman, **SCS** for **SB 384** was declared perfected and ordered printed.

Senator Stouffer moved that **SB 129**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 129**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 129

An Act to repeal section 226.527, RSMo, and to enact in lieu thereof one new section relating to the regulation of billboards.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 129** be adopted.

Senator Stouffer offered **SS** for **SCS** for **SB 129**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 129

An Act to repeal section 226.527, RSMo, and

to enact in lieu thereof one new section relating to the regulation of billboards.

Senator Stouffer moved that **SS** for **SCS** for **SB 129** be adopted.

Senator Gross assumed the Chair.

Senator Bartle offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 129, Page 3, Section 226.527, Line 3, by inserting after all of said line, the following:

“226.531. 1. As used in this section the following terms mean:

(1) “Adult cabaret”, a nightclub, bar, restaurant, or similar establishment in which persons appear in a state of nudity, as defined in section 573.500, RSMo, or seminudity, in the performance of their duties;

(2) “Seminudity”, a state of dress in which opaque clothing fails to cover the genitals, anus, anal cleft or cleavage, pubic area, vulva, nipple and areola of the female breast below a horizontal line across the top of the areola at its highest point. Seminudity shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the human female breast exhibited by wearing apparel provided the areola is not exposed in whole or part;

(3) “Sexually oriented business”, any business which offers its patrons goods of which a substantial **or significant** portion are sexually oriented materials[. Any business where more than ten percent of display space is used for sexually oriented materials shall be presumed to be a sexually oriented business];

(4) “Sexually oriented materials”, any textual, pictorial, or three-dimensional material that depicts nudity, sexual conduct, sexual excitement, or sadomasochistic abuse in a way which is patently offensive to the average person applying

contemporary adult community standards with respect to what is suitable for minors.

2. No billboard or other exterior advertising sign for an adult cabaret or sexually oriented business shall be located within one mile of any state highway **if such billboard or sign displays any picture, photograph, image, or words describing, advertising, or discussing any material, product, performance, or other aspect that causes the business to be classified as an adult cabaret or sexually oriented business**, except if such business is located within one mile of a state highway then the business may display a maximum of two exterior signs on the premises of the business[, consisting]. **The exterior signs shall consist** of one identification sign and one sign solely giving notice that the premises are off limits to minors. The identification sign shall be no more than forty square feet in size and shall **not** include [no more than the following information: name, street address, telephone number, and operating hours of the business] **any picture, photograph, image, or words describing, advertising, or discussing any material, product, performance, or other aspect that causes the business to be classified as an adult cabaret or sexually oriented business. No adult cabaret or sexually oriented business shall have more than two billboards or other exterior advertising signs that are not located on its own premises.**

3. Signs existing on August 28, [2004] **2007**, which [did] **do** not conform to the requirements of this section, may be allowed to continue as a nonconforming use, but should be made to conform within [three] **two** years from August 28, [2004] **2007**.

4. Any owner of such a business who violates the provisions of this section shall be guilty of a class C misdemeanor. Each week a violation of this section continues to exist shall constitute a separate offense.

5. This section is designed to protect the following public policy interests of this state,

including but not limited to: to mitigate the adverse secondary effects of sexually oriented businesses, to improve traffic safety, to limit harm to minors, and to reduce prostitution, crime, juvenile delinquency, deterioration in property values, and lethargy in neighborhood improvement efforts.”; and

Further amend the title and enacting clause accordingly.

Senator Bartle moved that the above amendment be adopted.

At the request of Senator Stouffer, **SB 129**, with **SCS, SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

Senator Nodler moved that **SB 30** be taken up for perfection, which motion prevailed.

On motion of Senator Nodler, **SB 30** was declared perfected and ordered printed.

Senator Stouffer moved that **SB 199** and **SB 207**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 199** and **207**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 199 and 207

An Act to repeal section 144.062, RSMo, and to enact in lieu thereof one new section relating to sales tax exemption for highway construction materials.

Was taken up.

Senator Stouffer moved that **SCS** for **SBs 199** and **207** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS** for **SBs 199** and **207** was declared perfected and ordered printed.

At the request of Senator Griesheimer, **SB 22**, with **SCS** was placed on the Informal Calendar.

Senator Scott moved that **SB 79** be taken up for perfection, which motion prevailed.

On motion of Senator Scott, **SB 79** was

declared perfected and ordered printed.

Senator Clemens moved that **SB 315** be taken up for perfection, which motion prevailed.

On motion of Senator Clemens, **SB 315** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules,

Joint Rules, Resolutions and Ethics, to which were referred **SB 30**; **SCS** for **SBs 199** and **207**; and **SCS** for **SB 384**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

INTRODUCTIONS OF GUESTS

Senator McKenna introduced to the Senate, T. J. McKenna, St. Louis.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-FIRST DAY—TUESDAY, FEBRUARY 27, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 578-Stouffer
SB 579-Stouffer
SB 580-Stouffer
SB 581-Shoemyer, et al
SB 582-Shoemyer
SB 583-McKenna
SB 584-Griesheimer
SB 585-Crowell
SB 586-Crowell
SB 587-Bray

SB 588-Bray
SB 589-Bray
SB 590-Gibbons
SB 591-Scott and Gibbons
SB 592-Scott
SB 593-Scott
SB 594-Scott
SB 595-Scott
SB 596-Scott

HOUSE BILLS ON SECOND READING

HB 353-Schaaf, et al
HCS for HB 300
HCS for HB 453
HB 454-Jetton, et al
HB 352-Hobbs, et al
HCS for HBs 545 & 590

HCS for HB 39
HCS for HBs 189 & 60
HCS for HBs 444, 217, 225, 239, 243,
297, 402 & 172
HCS for HB 327
HCS for HJR 1

THIRD READING OF SENATE BILLS

SS for SCS for SBs 255, 249 & 279-Loudon
 SS for SCS for SBs 49, 65, 210 & 251-Engler
 SCS for SB 46-Mayer, et al
 SS#2 for SCS for SB 161-Shields

SB 30-Nodler and Ridgeway
 SCS for SBs 199 & 207-Stouffer
 SCS for SB 384-Coleman and Gibbons

SENATE BILLS FOR PERFECTION

- | | |
|--|--|
| 1. SB 4-Gross, with SCS | 14. SB 21-Griesheimer, with SCS |
| 2. SB 274-Shields | 15. SB 16-Scott, with SCS |
| 3. SB 244-Mayer | 16. SB 292-Mayer |
| 4. SB 75-Coleman, et al, with SCS | 17. SB 300-Bartle |
| 5. SB 101-Mayer | 18. SBs 62 & 41-Goodman and Koster, with SCS |
| 6. SB 164-Scott, with SCAs 1, 2, 3 & 4 | 19. SB 204-Stouffer, with SCS |
| 7. SB 197-Loudon and Graham, with SCS | 20. SB 64-Goodman and Koster, with SCS |
| 8. SB 195-Crowell | 21. SB 456-Gross, with SCS |
| 9. SB 235-Shields, et al, with SCS | 22. SB 2-Gibbons, with SCS |
| 10. SB 155-Engler, with SCS | 23. SB 3-Gibbons, with SCS |
| 11. SB 169-Rupp, with SCS | 24. SB 268-Coleman |
| 12. SB 430-Shields, et al, with SCS | 25. SB 54-Koster, with SCS |
| 13. SB 282-Griesheimer, with SCS | 26. SBs 239, 24 & 445-Stouffer, with SCS |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 22-Griesheimer, with SCS	SB 287-Crowell and Vogel
SB 27-Bartle and Koster	SB 389-Nodler, et al, with SCS & SS#2
SB 107-Wilson	for SCS (pending)
SB 129-Stouffer and Crowell, with SCS, SS for SCS & SA 1 (pending)	

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

SB 163-Mayer, with SCS

SB 406-Crowell
SB 130-Stouffer
SB 238-Stouffer
SB 240-Stouffer
SB 226-Stouffer, with SCS

SB 104-Stouffer, with SCS
SB 103-Stouffer, with SCS
SB 102-Stouffer
SB 91-Nodler, with SCS

Reported 2/15

SB 8-Kennedy
SB 156-Engler, with SCS
SB 159-Engler, with SCS
SB 272-Scott, with SCS
SB 132-Rupp
SB 171-Nodler
SB 269-Scott

SB 270-Scott
SB 271-Scott
SB 158-Engler
SB 281-Griesheimer
SB 237-Shields and Justus
SB 223-Rupp

Reported 2/22

SB 325-Loudon
SB 308-Crowell, et al, with SCS
SB 128-Stouffer
SB 162-Vogel
SB 184-Green
SB 218-Graham
SB 233-Crowell
SB 376-Griesheimer
SB 357-Green, with SCS

SB 397-Stouffer, with SCS
SB 67-Rupp, with SCS
SB 257-Engler, et al
SB 135-Nodler
SB 236-Shields
SB 172-Ridgeway
SB 395-McKenna
SBs 45 & 39-Mayer, with SCS

RESOLUTIONS

Reported from Committee

SCR 5-Shields, with SCS

To be Referred

SCR 20-Crowell

SCR 21-Shoemyer, et al

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Journal of the Senate

FIRST REGULAR SESSION

THIRTY-FIRST DAY—TUESDAY, FEBRUARY 27, 2007

The Senate met pursuant to adjournment.

Senator Griesheimer in the Chair.

Reverend Carl Gauck offered the following prayer:

“I do the very best I know how; the very best I can; and I mean to keep doing it to the end. If the end brings me out all right, what is said against me will not amount to anything...” (Abraham Lincoln)

Merciful God, we are constantly confronted with complex issues and bills that need us to do our very best and make the soundest decisions we can as we are called to decide yea or nay about particular legislation. Help us discern wisely and do that which is right. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Lager	Loudon

McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

Absent—Senators—None

Absent with leave—Senators

Koster Mayer—2

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Lager offered Senate Resolution No. 477, regarding Cathy Green, which was adopted.

Senator Lager offered Senate Resolution No. 478, regarding Melissa Vollmer, which was adopted.

Senator Lager offered Senate Resolution No. 479, regarding Kalen Prothero, which was adopted.

Senator Lager offered Senate Resolution No. 480, regarding Jenny Hill, which was adopted.

Senator Lager offered Senate Resolution No. 481, regarding the Ninetieth Birthday of Virgil Carr, Savannah, which was adopted.

Senator Lager offered Senate Resolution No. 482, regarding the Eightieth Birthday of Carroll Watson, Savannah, which was adopted.

Senator Smith offered Senate Resolution No. 483, regarding the death of the Honorable John F. Bass, Saint Louis, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 597—By Scott.

An Act to repeal sections 425.010 and 425.020, RSMo, and to enact in lieu thereof three new sections relating to debt adjusters, with a penalty provision.

SB 598—By Engler.

An Act to repeal section 116.080, RSMo, and to enact in lieu thereof one new section relating to petition circulators, with penalty provisions.

SB 599—By Engler.

An Act to amend chapter 42, RSMo, by adding thereto three new sections relating to the creation of a military medal of freedom.

SB 600—By Ridgeway.

An Act to repeal sections 640.130 and 643.090, RSMo, and to enact in lieu thereof two new sections relating to the authority of the department of natural resources to issue cease and desist orders.

SB 601—By Ridgeway.

An Act to amend chapter 319, RSMo, by adding thereto one new section relating to underground storage tanks.

SB 602—By Kennedy.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to a sales tax exemption for aviation jet fuel consumed on transoceanic flights.

SB 603—By Days.

An Act to repeal sections 454.511, 454.390, 454.440, 454.455, 454.460, 454.470, 454.480, 454.496, 454.810, and 511.350, RSMo, and to enact in lieu thereof nine new sections relating to child support enforcement, with penalty provisions.

SB 604—By Coleman.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to services provided during a natural disaster or terrorist attack.

SB 605—By Coleman and Gibbons.

An Act to repeal section 94.660, RSMo, and to enact in lieu thereof one new section relating to a public transit sales tax.

SB 606—By Loudon.

An Act to repeal sections 287.020, 287.200, and 287.230, RSMo, and to enact in lieu thereof three new sections relating to workers' compensation payments to dependents.

SB 607—By Smith.

An Act to repeal sections 105.500, 105.510, 105.520, 105.525, and 105.530, RSMo, and to enact in lieu thereof twenty-eight new sections relating to collective bargaining of public employees, with penalty provisions.

SB 608—By Smith.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating solely to the creation of an earned income tax credit.

SB 609—By Callahan.

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to an income tax exemption for Social Security benefits.

SB 610—By Callahan.

An Act to repeal sections 144.030 and 144.062, RSMo, and to enact in lieu thereof two new sections relating to state and local sales and use taxes.

REFERRALS

President Pro Tem Gibbons referred **SS No. 2** for **SCS** for **SB 161**; **SCS** for **SBs 199** and **207**; and **SCS** for **SB 384** to the Committee on Governmental Accountability and Fiscal Oversight.

SENATE BILLS FOR PERFECTION

Senator Gross moved that **SB 4**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 4**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 4

An Act to repeal sections 198.439, 208.437, 208.480, and 338.550, RSMo, and to enact in lieu thereof four new sections relating to the health care provider tax, with an emergency clause and an expiration date for certain sections.

Was taken up.

Senator Gross moved that **SCS** for **SB 4** be adopted.

President Kinder assumed the Chair.

Senator Green offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 4, Page 1, Section 198.439, Line 2, by striking the number “2011” and inserting in lieu thereof the following: “**2009**”; and

further amend said bill, page 2, section 208.437, line 30, by striking the number “2011” and inserting in lieu thereof the following: “**2009**”; and

further amend said bill and page section 208.480, line 2, by striking the number “2011” and inserting in lieu thereof the following: “**2009**”; and

further amend said bill and page, section 338.550, line 10 by striking the number “2011” and inserting in lieu thereof the following: “**2009**”; and

further amend said bill, page and section, line 17 by striking the number “2011” and inserting in lieu thereof the following: “**2009**”.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Gross moved that **SCS** for **SB 4**, as amended, be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **SB 4**, as amended, was declared perfected and ordered printed.

Senator Shields announced that photographers from the Columbia Daily Tribune were given permission to take pictures in the Senate Chamber today.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 79** and **SB 315**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Scott assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Stouffer moved that **SB 129**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Stouffer, **SS** for **SCS** for **SB 129** was withdrawn.

Senator Stouffer offered **SS No. 2** for **SCS** for **SB 129**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 129

An Act to repeal sections 226.527 and 226.531, RSMo, and to enact in lieu thereof two new sections relating to the regulation of billboards, with penalty provisions.

Senator Stouffer moved that **SS No. 2** for **SCS** for **SB 129** be adopted.

Senator Bray offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 129, Page 10, Section 226.531, Line 5, by inserting after all of said line the following:

“226.580. 1. The following outdoor advertising within six hundred sixty feet of the right-of-way of interstate or primary highways is deemed unlawful and shall be subject to removal:

(1) Signs erected after March 30, 1972, contrary to the provisions of sections 226.500 to 226.600 and signs erected on or after January 1, 1968, but before March 30, 1972, contrary to the sizing, spacing, lighting, or location provisions of sections 226.500 to 226.600 as they appeared in the revised statutes of Missouri 1969; or

(2) Signs for which a permit is not obtained or a biennial inspection fee is more than twelve months past due; or

(3) Signs which are obsolete. Signs shall not be considered obsolete solely because they temporarily do not carry an advertising message; or

(4) Signs that are not in good repair; or

(5) Signs not securely affixed to a substantial structure; or

(6) Signs which attempt or appear to attempt to regulate, warn, or direct the movement of traffic or which interfere with, imitate, or resemble any official traffic sign, signal, or device; or

(7) Signs which are erected or maintained

upon trees or painted or drawn upon rocks or other natural features; or

(8) Signs which do not carry or display an advertising message at the average market rental rate for a period of one hundred twenty days or more.

2. Signs erected after August 13, 1976, beyond six hundred sixty feet of the right-of-way outside of urban areas, visible from the main traveled way of the interstate or primary system and erected with the purpose of their message being read from such traveled way, except those signs described in subdivisions (1) and (2) of section 226.520 are deemed unlawful and shall be subject to removal.

3. If a sign is deemed to be unlawful for any of the reasons set out in [subsections 1 to 7] **subdivisions (1) to (8) of subsection 1** of this section, the state highways and transportation commission shall give notice either by certified mail or by personal service to the owner or occupant of the land on which advertising believed to be unlawful is located and the owner of the outdoor advertising structure. Such notice shall specify the basis for the alleged unlawfulness, shall specify the remedial action which is required to correct the unlawfulness and shall advise that a failure to take the remedial action within sixty days will result in the sign being removed. Within sixty days after receipt of the notice as to him, the owner of the land or of the structure may remove the sign or may take the remedial action specified or may file an action for administrative review pursuant to the provisions of sections 536.067 to 536.090, RSMo, to review the action of the state highways and transportation commission, or he may proceed under the provisions of section 536.150, RSMo, as if the act of the highways and transportation commission was one not subject to administrative review. Notwithstanding any other provisions of sections 226.500 to 226.600, no outdoor advertising structure erected prior to August 28, 1992, defined as a “structure lawfully in existence” or “lawfully existing”, by subdivision (1), (2) or (3) of subsection 3 of section 226.550, shall be

removed for failure to have a permit until a notice, as provided in this section, has been issued which shall specify failure to obtain a permit or pay a biennial inspection fee as the basis for alleged unlawfulness, and shall advise that failure to take the remedial action of applying for a permit or paying the inspection fee within sixty days will result in the sign being removed. Signs for which biennial inspection fees are delinquent shall not be removed unless the fees are more than twelve months past due and actual notice of the delinquency has been provided to the sign owner. Upon application made within the sixty-day period as provided in this section, and accompanied by the fee prescribed by section 226.550, together with any inspection fees that would have been payable if a permit had been timely issued, the state highways and transportation commission shall issue a one-time permanent permit for such sign. Such signs with respect to which permits are so issued are hereby determined by the state of Missouri to have been lawfully erected within the meaning of “lawfully erected” as that term is used in Title 23, United States Code, Section 131(g), as amended, and shall only be removed upon payment of just compensation, except that the issuance of permits shall not entitle the owners of such signs to compensation for their removal if it is finally determined that such signs are not “lawfully erected” as that term is used in Section 131(g) of Title 23 of the United States Code.

4. If actual notice as provided in this section is given and neither the remedial action specified is taken nor an action for review is filed, or if an action for review is filed and is finally adjudicated in favor of the state highways and transportation commission, the state highways and transportation commission shall have authority to immediately remove the unlawful outdoor advertising. The owner of the structure shall be liable for the costs of such removal. The commission shall incur no liability for causing this removal, except for damage caused by negligence of the commission, its agents or employees.

5. If notice as provided in this section is given

and an action for review is filed under the provisions of section 536.150, RSMo, or if administrative review pursuant to the provisions of sections 536.067 to 536.090, RSMo, is filed and the state highways and transportation commission enters its final decision and order to remove the outdoor advertising structure, the advertising message contained on the structure shall be removed or concealed by the owner of the structure, at the owner's expense, until the action for judicial review is finally adjudicated. If the owner of the structure refuses or fails to remove or conceal the advertising message, the commission may remove or conceal the advertising message and the owner of the structure shall be liable for the costs of such removal or concealment. The commission shall incur no liability for causing the removal or concealment of the advertising message while an action for review is pending, except if the owner finally prevails in its action for judicial review, the commission will compensate the owner at the rate the owner is actually receiving income from the advertiser pursuant to written lease from the time the message is removed until the judicial review is final.

6. Any signs advertising tourist-oriented type business will be the last to be removed.

7. Any signs prohibited by section 226.527 which were lawfully erected prior to August 13, 1976, shall be removed pursuant to section 226.570.

8. The transportation department shall reimburse to the lawful owners of any said nonconforming signs that are now in existence as defined in sections 226.540, 226.550, 226.580 and 226.585, said compensation calculated and/or based on a fair market value and not mere replacement cost.

9. Beginning January 1, 2008, every person, organization, or entity that is issued or has been issued a permit to erect an outdoor advertising structure under section 226.550 shall submit to the state highways and transportation commission, on a form prescribed by the

commission, the amount of monthly rental that is received for each outdoor advertising structure the person, organization, or entity has received a permit. The form shall also require the square footage of the structure. The forms shall be submitted on a monthly basis unless such outdoor advertising structures have been leased for an annual basis. In such case, the commission shall convert the data submitted into a monthly basis. Based upon the data received by the commission, the commission shall calculate the average monthly market rental rate for outdoor advertising for each county in the state. No later than December 1, 2008, the commission shall furnish the average monthly market rental rate for each county to the secretary of state, who shall publish such value in the Missouri Register as soon after each January first as soon as practicable. The calculation and publication required by this subsection shall be conducted annually. Based upon the calculation performed under this subsection, the commission shall, as prescribed under subdivision (8) of subsection 1 of this section, remove those outdoor advertising structures that have not received a monthly rental rate at or above the published average monthly market rental rate for a period of one hundred and twenty days or more. The commission is authorized to promulgate rules and regulations to implement the provisions of this subsection. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of

rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Stouffer moved that **SS No. 2** for **SCS** for **SB 129** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SS No. 2** for **SCS** for **SB 129** was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HJR 7**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, relating to English as the official state language.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Shields, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Rupp.

SENATE BILLS FOR PERFECTION

At the request of Senator Shields, **SB 274** was placed on the Informal Calendar.

SB 244 was placed on the Informal Calendar.

SB 75, with **SCS**, was placed on the Informal Calendar.

SB 101 was placed on the Informal Calendar.

Senator Scott moved that **SB 164**, with **SCAs 1, 2, 3 and 4** be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

SCA 2 was taken up.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

SCA 3 was taken up.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

SCA 4 was taken up.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Scott, **SB 164**, as amended, was placed on the Informal Calendar.

SB 197, with **SCS**, was placed on the Informal Calendar.

Senator Crowell moved that **SB 195** be taken up for perfection, which motion prevailed.

Senator Crowell offered **SS** for **SB 195**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 195

An Act to repeal sections 338.010 and 338.095, RSMo, and to enact in lieu thereof three new sections relating to pharmacists.

Senator Crowell moved that **SS** for **SB 195** be adopted, which motion prevailed.

Senator Griesheimer assumed the Chair.

On motion of Senator Crowell, **SS** for **SB 195** was declared perfected and ordered printed.

Senator Shields moved that **SB 235**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 235**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 235

An Act to repeal sections 36.030, 36.031, 306.161, 306.163, and 650.005, RSMo, and to enact in lieu thereof nine new sections relating to the water patrol.

Was taken up.

Senator Shields moved that **SCS** for **SB 235** be adopted, which motion prevailed.

On motion of Senator Shields, **SCS** for **SB 235** was declared perfected and ordered printed.

Senator Loudon moved that **SB 197**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 197**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 197

An Act to repeal sections 407.1200, 407.1203, 407.1206, 407.1209, 407.1212, 407.1215, 407.1218, 407.1221, 407.1224, 407.1225, and 407.1227, RSMo, and to enact in lieu thereof twenty-two new sections relating to service contracts, with an effective date.

Was taken up.

Senator Loudon moved that **SCS** for **SB 197** be adopted, which motion prevailed.

Senator Ridgeway assumed the Chair.

On motion of Senator Loudon, **SCS** for **SB 197** was declared perfected and ordered printed.

Senator Scott moved that **SB 164**, as amended, be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Gross offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 164, Page 25, Section 105.711, Line 5, by inserting immediately after all of said line the following:

“9. At the end of each biennium, the state treasurer shall transfer the balance in the fund created in subsection 8 of this section in excess of two hundred percent of the previous fiscal year's expenditures into the state general revenue fund.”; and further renumber the remaining subsection accordingly; and

Further amend said bill, Page 42, Section 191.828, Line 17, by inserting after all of said line the following:

“191.831. 1. There is hereby established in the state treasury a “Health Initiatives Fund”, to which shall be deposited all revenues designated for the fund under subsection 8 of section 149.015, RSMo, and subsection 3 of section 149.160, RSMo, and section 167.609, RSMo, and all other funds donated to the fund or otherwise deposited pursuant to law. The state treasurer shall administer the fund. Money in the fund shall be appropriated to provide funding for implementing the new programs and initiatives established by sections 105.711 and 105.721, RSMo. The moneys in the fund may further be used to fund those programs established by sections 191.411, 191.520 and 191.600, sections 208.151 and 208.152, RSMo, and sections 103.178, RSMo, 143.999, RSMo, 167.600 to 167.621, RSMo, 188.230, RSMo, 191.211, 191.231, 191.825 to 191.839, 192.013, RSMo, 208.177, 208.178, 208.179 and 208.181, RSMo, 211.490, RSMo, 285.240, RSMo, 337.093, RSMo, 374.126, RSMo, 376.891 to 376.894, RSMo, 431.064, RSMo, 660.016, 660.017 and 660.018, RSMo; in addition, not less than fifteen percent of the proceeds deposited to the health initiative fund pursuant to sections 149.015 and 149.160, RSMo, shall be appropriated annually to provide funding for the C-STAR substance abuse rehabilitation program of the department of mental health, or its successor

program, and a C-STAR pilot project developed by the director of the division of alcohol and drug abuse and the director of the department of corrections as an alternative to incarceration, as provided in subsections 2, 3, and 4 of this section. Such pilot project shall be known as the “Alt-care” program. In addition, some of the proceeds deposited to the health initiatives fund pursuant to sections 149.015 and 149.160, RSMo, shall be appropriated annually to the division of alcohol and drug abuse of the department of mental health to be used for the administration and oversight of the substance abuse traffic offenders program defined in section 302.010, RSMo, and section 577.001, RSMo. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in the health initiatives fund shall not be transferred at the close of the biennium to the general revenue fund.

2. The director of the division of alcohol and drug abuse and the director of the department of corrections shall develop and administer a pilot project to provide a comprehensive substance abuse treatment and rehabilitation program as an alternative to incarceration, hereinafter referred to as “Alt-care”. Alt-care shall be funded using money provided under subsection 1 of this section through the Missouri Medicaid program, the C-STAR program of the department of mental health, and the division of alcohol and drug abuse's purchase-of-service system. Alt-care shall offer a flexible combination of clinical services and living arrangements individually adapted to each client and her children. Alt-care shall consist of the following components:

- (1) Assessment and treatment planning;
- (2) Community support to provide continuity, monitoring of progress and access to services and resources;
- (3) Counseling from individual to family therapy;
- (4) Day treatment services which include

accessibility seven days per week, transportation to and from the Alt-care program, weekly drug testing, leisure activities, weekly events for families and companions, job and education preparedness training, peer support and self-help and daily living skills; and

(5) Living arrangement options which are permanent, substance-free and conducive to treatment and recovery.

3. Any female who is pregnant or is the custodial parent of a child or children under the age of twelve years, and who has pleaded guilty to or found guilty of violating the provisions of chapter 195, RSMo, and whose controlled substance abuse was a precipitating or contributing factor in the commission of the offense, and who is placed on probation may be required, as a condition of probation, to participate in Alt-care, if space is available in the pilot project area. Determinations of eligibility for the program, placement, and continued participation shall be made by the division of alcohol and drug abuse, in consultation with the department of corrections.

4. The availability of space in Alt-care shall be determined by the director of the division of alcohol and drug abuse in conjunction with the director of the department of corrections. If the sentencing court is advised that there is no space available, the court shall consider other authorized dispositions.

5. At the end of each biennium, the state treasurer shall transfer the balance in the fund created in subsection 1 of this section in excess of two hundred percent of the previous fiscal year's expenditures into the state general revenue fund.”; and

Further amend said bill, Page 65, Section 256.459, Line 28 of said page, by inserting after all of said line the following:

“256.465. 1. There is hereby created in the state treasury “The Board of Geologist Registration Fund”.

2. The board shall establish, by rule, fees to be charged for applications, examinations, certification and certification renewal. The fees shall be set at an amount which shall not be more than that required to administer sections 256.450 to 256.483. Any balance in the fund at the end of the biennium shall remain in the fund and shall not be subject to the provisions of section 33.080, RSMo.

3. At the end of each biennium, the state treasurer shall transfer the balance in the fund created in this section in excess of two hundred percent of the previous fiscal year's expenditures into the state general revenue fund.”; and

Further amend page 133, section 324.001, line 13 by inserting immediately after all of said line the following:

“7. At the end of each biennium, the state treasurer shall transfer the balance in the fund created in subsection 6 of this section in excess of two hundred percent of the previous fiscal year's expenditures into the state general revenue fund.”; and further renumber the remaining subsections accordingly; and

Further amend said bill, page 241, section 337.700, line 17, by inserting after all of said line the following:

“337.712. 1. Applications for licensure as a marital and family therapist shall be in writing, submitted to the division on forms prescribed by the division and furnished to the applicant. The application shall contain the applicant's statements showing the applicant's education, experience and such other information as the division may require. Each application shall contain a statement that it is made under oath or affirmation and that the information contained therein is true and correct to the best knowledge and belief of the applicant, subject to the penalties provided for the making of a false affidavit or declaration. Each application shall be accompanied by the fees required by the division.

2. The division shall mail a renewal notice to the last known address of each licensee prior to the licensure renewal date. Failure to provide the division with the information required for license, or to pay the licensure fee after such notice shall effect a revocation of the license after a period of sixty days from the licensure renewal date. The license shall be restored if, within two years of the licensure date, the applicant provides written application and the payment of the licensure fee and a delinquency fee.

3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the rules of the division upon payment of a fee.

4. The division shall set the amount of the fees authorized. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of sections 337.700 to 337.739. All fees provided for in sections 337.700 to 337.739 shall be collected by the director who shall deposit the same with the state treasurer to a fund to be known as the "Marital and Family Therapists' Fund".

5. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue [until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriations from the marital and family therapists' fund for the preceding fiscal year or, if the division requires by rule renewal less frequently than yearly then three times the appropriation from the fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the marital and family therapists' fund for the preceding fiscal year]. **At the end of each biennium, the state treasurer shall transfer the balance in the fund created in this section in excess of two hundred percent of the previous fiscal year's expenditures into the state general revenue fund.**"; and

Further amend page 340, section 374.150, lines 20-23 by striking all of said lines from the bill and inserting in lieu thereof the following: "credit of the general revenue fund. **At the end of each biennium, the state treasurer shall transfer the balance in the fund created in subsection 6 of this section in excess of two hundred percent of the previous fiscal year's expenditures into the state general revenue fund.**"; and

Further amend page 341, section 374.155, line 22 by inserting immediately after the word "fund." the following: **At the end of each biennium, the state treasurer shall transfer the balance in the fund created in section in excess of two hundred percent of the previous fiscal year's expenditures into the state general revenue fund.**";

Further amend page 342, section 374.160, line 23 by inserting after all of said line the following:

"4. At the end of each biennium, the state treasurer shall transfer the balance in the fund created in subsection 3 of this section in excess of two hundred percent of the previous fiscal year's expenditures into the state general revenue fund."; and further renumber the remaining subsection accordingly; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Rupp assumed the Chair.

On motion of Senator Scott, **SB 164**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were

referred **SS No. 2** for **SCS** for **SB 129** and **SCS** for **SB 4**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 611—By Goodman.

An Act to repeal sections 178.653, 302.137, 304.027, 304.028, 488.5332, 600.011, 600.042, RSMo, and to enact in lieu thereof nine new sections relating to operations of the state courts.

SB 612—By Goodman.

An Act to repeal sections 191.300, 191.317, and 191.331, RSMo, and to enact in lieu thereof three new sections relating to confidential medical test results.

SRB 613—By Goodman.

An Act to repeal sections 7.240, 8.835, 21.435, 21.770, 28.085, 28.163, 30.900, 31.010, 32.069, 32.117, 32.379, 32.380, 32.382, 32.384, 33.571, 33.831, 42.160, 44.237, 52.276, 58.755, 72.424, 82.1050, 94.580, 103.081, 105.268, 115.177, 128.350, 128.352, 128.354, 128.356, 128.358, 128.360, 128.362, 128.364, 128.366, 128.345, 128.346, 135.095, 137.423, 138.236, 140.015, 143.122, 143.171, 143.172, 143.1010, 143.1011, 143.1012, 144.014, 144.030, 144.036, 144.041, 144.048, 144.514, 144.749, 152.032, 160.300, 160.302, 160.304, 160.306, 160.308, 160.310, 160.312, 160.314, 160.316, 160.318, 160.320, 160.322, 160.324, 160.326, 160.328, 160.510, 161.205, 161.655, 169.710, 191.938, 192.255, 197.121, 197.305, 197.312, 197.314, 197.318, 197.345, 197.366, 198.014, 198.540, 205.380, 205.390, 205.400, 205.410, 205.420, 205.430, 205.440, 205.450, 205.900, 208.177, 208.307, 208.574, 210.879, 210.930, 215.050, 253.022, 253.561, 260.037, 260.038, 260.826, 263.263, 277.200, 277.201, 277.202, 277.206,

277.209, 277.212, 277.215, 287.490, 292.040, 292.150, 292.170, 292.260, 292.270, 292.550, 302.295, 302.782, 313.301, 311.178, 313.055, 313.300, 319.022, 319.023, 321.121, 339.860, 351.025, 354.065, 375.065, 375.700, 376.530, 376.550, 376.1399, 382.410, 388.650, 391.010, 391.020, 391.030, 391.040, 391.050, 391.060, 391.070, 391.080, 391.090, 391.100, 391.110, 391.120, 391.130, 391.140, 391.150, 391.160, 391.170, 391.180, 391.190, 391.230, 391.240, 391.250, 391.260, 400.9-629, 415.430, 417.066, 442.050, 447.721, 454.808, 454.997, 476.016, 493.050, 516.060, 516.065, 537.040, 600.094, 620.528, 620.1310, 632.484, 643.360, 644.102, and 650.216, RSMo, and to enact in lieu thereof twenty-four new sections for the sole purpose of repealing expired, sunset, terminated, and ineffective provisions of law.

SB 614—By Stouffer.

An Act to repeal sections 304.281 and 307.100, RSMo, and to enact in lieu thereof two new sections relating to the operation of motorcycles, with penalty provisions.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

SCR 20—Rules, Joint Rules, Resolutions and Ethics.

REFERRALS

President Pro Tem Gibbons referred **SCR 21** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Gibbons re-referred **SB 568** to the Committee on Small Business, Insurance and Industrial Relations.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 484, regarding Grace Caroline Ozark,

Perryville, which was adopted.

Senator Vogel offered Senate Resolution No. 485, regarding Brandon Peper, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 486, regarding Colonel Jack Hutchison, Versailles, which was adopted.

Senator Ridgeway offered Senate Resolution No. 487, regarding Jarrett Wilson Muck, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Shields introduced to the Senate, Derek Frieling and six members of the Dead Patriots Society from Lafayette High School, St. Joseph.

On behalf of Senator Mayer, Senator Crowell introduced to the Senate, the Physician of the Day, Dr. Gene Leroux, M.D., Doniphan.

Senator Engler introduced to the Senate, Debbie Lee, Ashley Litton, Brian Burcham, Ryan McFarlin, Jo Beth Zahner and Kieth Mitchell, members of Mineral Area College Student Government, Park Hills.

Senator Scott introduced to the Senate, Associate Dean Laura Taylor and Dana Page, Molly Weston, Kayla Martin, Krystal Reeder, Erin Ahern, Amanda Beyerly, Melodi Wisswell, Christy Butts, Ty Cloud, Chris Rowden and Roy Fields, cheerleaders from State Fair Community College, Sedalia.

Senator Nodler introduced to the Senate,

President Dr. Alan Marble, Dean Dr. Brad Tindle, Dean Dr. Sonya Pierson, students, faculty and staff from Crowder College, Neosho.

Senator Scott introduced to the Senate, Principal Matthew Smith, Tara Carter, Sarah Doll, Carolyn Harms, Bonnie Swisher, and students from Windsor Elementary School; and Katie Eggers, Carly Voss, Nick Riley, Lydia Veach and Jordan Kuehner were made honorary pages.

Senator Ridgeway introduced to the Senate, Gabby Glossip, Kara Silvey and Chelsi Berry, students from Maple Woods College, Kansas City.

Senator Shields introduced to the Senate, ninety-five fourth grade students from Prairie Point Elementary School, Platte County.

Senator Callahan introduced to the Senate, representatives of community colleges from the Eleventh Senatorial District.

Senator Gibbons introduced to the Senate, Dustin Bitikofer, Bess Menousek and Tyler Buchholz, students from Meramec Community College, Webster Groves.

Senator Smith introduced to the Senate, Derek Collins and LaKesha Dean from St. Louis Community College at Forest Park.

On behalf of Senator Engler and himself, Senator Kennedy introduced to the Senate, Paula Weems, Homeschooler from Farmington; and Michelle, Nicole, Patty and Timothy Ferguson; Homeschoolers from St. Louis.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-SECOND DAY—WEDNESDAY, FEBRUARY 28, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 580-Stouffer	SB 598-Engler
SB 581-Shoemyer, et al	SB 599-Engler
SB 582-Shoemyer	SB 600-Ridgeway
SB 583-McKenna	SB 601-Ridgeway
SB 584-Griesheimer	SB 602-Kennedy
SB 585-Crowell	SB 603-Days
SB 586-Crowell	SB 604-Coleman
SB 587-Bray	SB 605-Coleman and Gibbons
SB 588-Bray	SB 606-Loudon
SB 589-Bray	SB 607-Smith
SB 590-Gibbons	SB 608-Smith
SB 591-Scott and Gibbons	SB 609-Callahan
SB 592-Scott	SB 610-Callahan
SB 593-Scott	SB 611-Goodman
SB 594-Scott	SB 612-Goodman
SB 595-Scott	SRB 613-Goodman
SB 596-Scott	SB 614-Stouffer
SB 597-Scott	

HOUSE BILLS ON SECOND READING

HB 353-Schaaf, et al	HCS for HBs 189 & 60
HCS for HB 300	HCS for HBs 444, 217, 225, 239, 243,
HCS for HB 453	297, 402 & 172
HB 454-Jetton, et al	HCS for HB 327
HB 352-Hobbs, et al	HCS for HJR 1
HCS for HBs 545 & 590	HJR 7-Nieves
HCS for HB 39	

THIRD READING OF SENATE BILLS

- | | |
|--|---------------------------------------|
| 1. SS for SCS for SBs 255, 249 & 279-Loudon | 7. SCS for SB 384-Coleman and Gibbons |
| 2. SS for SCS for SBs 49, 65, 210 & 251-Engler | (In Fiscal Oversight) |
| 3. SCS for SB 46-Mayer, et al | 8. SB 79-Scott |
| 4. SS#2 for SCS for SB 161-Shields | 9. SB 315-Clemens |
| (In Fiscal Oversight) | 10. SS#2 for SCS for SB 129-Stouffer |
| 5. SB 30-Nodler and Ridgeway | 11. SCS for SB 4-Gross |
| 6. SCS for SBs 199 & 207-Stouffer | |
| (In Fiscal Oversight) | |

SENATE BILLS FOR PERFECTION

- | | |
|---|--|
| 1. SB 155-Engler, with SCS | 10. SB 204-Stouffer, with SCS |
| 2. SB 169-Rupp, with SCS | 11. SB 64-Goodman and Koster, with SCS |
| 3. SB 430-Shields, et al, with SCS | 12. SB 456-Gross, with SCS |
| 4. SB 282-Griesheimer, with SCS | 13. SB 2-Gibbons, with SCS |
| 5. SB 21-Griesheimer, with SCS | 14. SB 3-Gibbons, with SCS |
| 6. SB 16-Scott, with SCS | 15. SB 268-Coleman |
| 7. SB 292-Mayer | 16. SB 54-Koster, with SCS |
| 8. SB 300-Bartle | 17. SBs 239, 24 & 445-Stouffer, with SCS |
| 9. SBs 62 & 41-Goodman and Koster, with SCS | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|--------------------------------|---------------------------------------|
| SB 22-Griesheimer, with SCS | SB 244-Mayer |
| SB 27-Bartle and Koster | SB 274-Shields |
| SB 75-Coleman, et al, with SCS | SB 287-Crowell and Vogel |
| SB 101-Mayer | SB 389-Nodler, et al, with SCS & SS#2 |
| SB 107-Wilson | for SCS (pending) |

CONSENT CALENDAR

Senate Bills

Reported 2/8

- | | |
|------------------------|---------------------------|
| SB 211-Goodman | SB 226-Stouffer, with SCS |
| SB 163-Mayer, with SCS | SB 104-Stouffer, with SCS |
| SB 406-Crowell | SB 103-Stouffer, with SCS |
| SB 130-Stouffer | SB 102-Stouffer |
| SB 238-Stouffer | SB 91-Nodler, with SCS |
| SB 240-Stouffer | |

Reported 2/15

- | | |
|-------------------------|---------------|
| SB 8-Kennedy | SB 132-Rupp |
| SB 156-Engler, with SCS | SB 171-Nodler |
| SB 159-Engler, with SCS | SB 269-Scott |
| SB 272-Scott, with SCS | SB 270-Scott |

SB 271-Scott
SB 158-Engler
SB 281-Griesheimer

SB 237-Shields and Justus
SB 223-Rupp

Reported 2/22

SB 325-Loudon
SB 308-Crowell, et al, with SCS
SB 128-Stouffer
SB 162-Vogel
SB 184-Green
SB 218-Graham
SB 233-Crowell
SB 376-Griesheimer
SB 357-Green, with SCS

SB 397-Stouffer, with SCS
SB 67-Rupp, with SCS
SB 257-Engler, et al
SB 135-Nodler
SB 236-Shields
SB 172-Ridgeway
SB 395-McKenna
SBs 45 & 39-Mayer, with SCS

RESOLUTIONS

Reported from Committee

SCR 5-Shields, with SCS

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Journal of the Senate

FIRST REGULAR SESSION

THIRTY-SECOND—WEDNESDAY, FEBRUARY 28, 2007

The Senate met pursuant to adjournment.

Senator Crowell in the Chair.

Reverend Carl Gauck offered the following prayer:

“Justice, sir, is the great interest of man on earth. It is the ligament which holds civilized beings and civilized nations together.” (Daniel Webster, 1845)

Wondrous God, instill in us a sensitivity to an awareness of the great need for justice and truth in all our transactions and may our justice be like Yours filled with mercy and grace towards another and may love be our driving principle in our judgements. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler

Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

President Kinder assumed the Chair.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 488, regarding Jason Lindsey, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 615—By Callahan.

An Act to repeal section 137.106, RSMo, and to enact in lieu thereof one new section relating to the homestead preservation exemption tax credit program.

SB 616—By McKenna.

An Act to repeal section 311.070, RSMo, and

to enact in lieu thereof one new section relating to the advertising of liquor at retail businesses, with penalty provisions.

SB 617—By Rupp.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to identification and evaluation standards for state services pertaining to the Part B of the Individuals with Disabilities Act.

SB 618—By Rupp.

An Act to amend chapter 135, RSMo, by adding thereto eight new sections relating to educational tax credits, with an emergency clause.

SB 619—By Rupp.

An Act to repeal section 108.170, RSMo, and to enact in lieu thereof one new section relating to public finance.

SB 620—By Rupp.

An Act to repeal section 143.161, RSMo, and to enact in lieu thereof one new section relating to Missouri dependency exemptions.

SB 621—By Engler.

An Act to repeal sections 630.003, 630.635, 633.005, 633.010, 633.029, 633.180, 633.185, and 633.190, RSMo, and to enact in lieu thereof eight new sections relating to the division of mental retardation and developmental disabilities, for the sole purpose of changing the name of the division.

SB 622—By Engler and Kennedy.

An Act to amend chapter 160, RSMo, by adding thereto six new sections relating to drug testing of construction company employees on school property, with penalty provisions.

SB 623—By Coleman.

An Act to repeal sections 169.466 and 169.471, RSMo, and to enact in lieu thereof two new sections relating to retirement benefits.

SB 624—By Coleman.

An Act to amend chapter 92, RSMo, by adding thereto one new section relating to a sales tax for public safety purposes.

SB 625—By Coleman and Wilson.

An Act to repeal section 163.011, RSMo, and to enact in lieu thereof one new section relating to the definition of weighted average daily attendance in calculating state aid.

SB 626—By Ridgeway.

An Act to repeal sections 172.360, 174.130, 178.635, and 178.780, RSMo, and to enact in lieu thereof ten new sections relating to illegal immigration.

SB 627—By Ridgeway.

An Act to repeal section 302.720, RSMo, and to enact in lieu thereof one new section relating to the prohibition of using language interpreters in the commercial driver's license examination process.

SB 628—By Ridgeway.

An Act to repeal sections 104.335 and 104.601, RSMo, and to enact in lieu thereof three new sections relating to vested members of the Missouri state employees' retirement system.

SB 629—By Smith.

An Act to repeal section 535.040, RSMo, and to enact in lieu thereof one new section relating to landlord-tenant actions.

SB 630—By Justus.

An Act to amend chapter 167, RSMo, by adding thereto two new sections relating to educational rights and stability for foster care students.

SB 631—By Barnitz.

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to the entrepreneurial development council, with penalty provisions.

SB 632–By Barnitz.

An Act to repeal section 569.145, RSMo, and to enact in lieu thereof one new section relating to posting of property against trespassers, with penalty provisions.

SB 633–By Loudon and Ridgeway.

An Act to repeal section 143.124, RSMo, and to enact in lieu thereof one new section relating to income tax exemptions for military pensions, with an effective date.

SB 634–By Loudon.

An Act to amend chapter 338, RSMo, by adding thereto one new section relating to prohibiting the interchange of anti-epileptic drugs.

SB 635–By Loudon.

An Act to repeal sections 381.003, 381.009, 381.011, 381.015, 381.018, 381.021, 381.022, 381.025, 381.028, 381.031, 381.032, 381.035, 381.038, 381.041, 381.042, 381.045, 381.048, 381.051, 381.052, 381.055, 381.058, 381.061, 381.062, 381.065, 381.068, 381.071, 381.072, 381.075, 381.078, 381.081, 381.085, 381.088, 381.091, 381.092, 381.095, 381.098, 381.101, 381.102, 381.105, 381.108, 381.111, 381.112, 381.115, 381.118, 381.121, 381.122, 381.125, 381.131, 381.141, 381.151, 381.161, 381.171, 381.181, 381.191, 381.201, 381.211, 381.221, 381.231, and 381.241, RSMo, and section 381.410 as enacted by conference committee substitute for senate bill no. 664, eighty-eighth general assembly, second regular session, and section 381.412 as enacted by house committee substitute for senate bill no. 148, eighty-ninth general assembly, first regular session, and sections 381.410 and 381.412 as enacted by conference committee substitute for house substitute for house committee substitute for senate committee substitute for senate bill no. 894, ninetieth general assembly, second regular session, and to enact in lieu thereof thirty-five new sections relating to the regulation of title insurance, with penalty provisions.

SB 636–By Loudon.

An Act to repeal sections 565.005, 565.006, 565.035, and 565.040, RSMo, and to enact in lieu thereof eight new sections relating to aggravated child kidnapping, with penalty provisions.

SB 637–By Bray and Justus.

An Act to amend chapter 285, RSMo, by adding thereto thirteen new sections relating to family medical leave, with penalty provisions.

SB 638–By Bray.

An Act to repeal section 79.050, RSMo, and to enact in lieu thereof one new section relating to term of fourth class city mayors.

SB 639–By Bray.

An Act to repeal sections 375.001, 375.002, 375.003, 375.004, 379.810, 379.815, 379.820, 379.825, 379.830, 379.840, 379.845, 379.850, 379.855, 379.860, 379.865, 379.870, 379.875, and 379.880, RSMo, and to enact in lieu thereof eighteen new sections relating to residential property insurance.

SB 640–By Bray.

An Act to amend chapter 544, RSMo, by adding thereto one new section relating to no contact orders.

SB 641–By Bray, Justus, Days, Smith, Green, Callahan, Kennedy, Coleman and Wilson.

An Act to repeal sections 105.500, 105.510, 105.520, 105.525 and 105.530, RSMo, and to enact in lieu thereof eight new sections relating to public employee labor negotiations, with penalty provisions.

SB 642–By Bray.

An Act to repeal sections 143.091, 143.121, 143.225, 143.261, 143.431, 143.451, 143.461, 143.471, 144.010, 144.030, and 144.190, RSMo, and to enact in lieu thereof nine new sections relating to taxation, with an effective date.

SB 643—By Clemens.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to managed environment livestock operation tax credits, with an expiration date.

SJR 24—By Lager.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 27 (a) of article IV of the Constitution of Missouri, and adopting three new sections in lieu thereof relating to the commonsense obligation to provide accountability and spending stabilization act.

THIRD READING OF SENATE BILLS

SS for SCS for SBs 255, 249 and 279, introduced by Senator Loudon, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 255, 249 and 279**

An Act to repeal section 290.505, RSMo, and to enact in lieu thereof one new section relating to overtime compensation, with an emergency clause.

Was taken up.

Senator Shields assumed the Chair.

On motion of Senator Loudon, **SS for SCS for SBs 255, 249 and 279** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Goodman	Graham	Green
Griesheimer	Gross	Justus	Koster
Lager	Loudon	Mayer	Nodler
Purgason	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—29			

NAYS—Senators—None**Absent—Senators**

Coleman	Gibbons	Kennedy	McKenna
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Ridgeway—5

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Goodman	Graham	Green
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Rupp
Scott	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None**Absent—Senators**

Coleman	Gibbons	Ridgeway—3
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Absent with leave—Senators—None

Vacancies—None

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Nodler moved that motion lay on the table, which motion prevailed.

Senator Scott assumed the Chair.

SS for SCS for SBs 49, 65, 210 and 251, introduced by Senator Engler, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 49, 65, 210 and 251**

An Act to repeal sections 407.1095, 407.1098, 407.1101, 407.1104, and 407.1107, RSMo, and to

enact in lieu thereof eight new sections relating to telephonic solicitations, with penalty provisions.

Was taken up.

On motion of Senator Engler, **SS** for **SCS** for **SBs 49, 65, 210 and 251** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator Ridgeway—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for **SB 46**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 46

An Act to amend chapter 660, RSMo, by adding thereto one new section relating to faith-based organizations.

Was taken up by Senator Mayer.

On motion of Senator Mayer, **SCS** for **SB 46** was read the 3rd time and passed by the following

vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Griesheimer	Gross	Kennedy
Koster	Lager	Loudon	Mayer
Nodler	Purgason	Rupp	Scott
Shields	Shoemyer	Stouffer	Vogel—24

NAYS—Senators

Bray	Coleman	Days	Graham
Green	Justus	McKenna	Smith
Wilson—9			

Absent—Senator Ridgeway—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 30, introduced by Senators Nodler and Ridgeway, entitled:

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to sales tax exemption for common motor carriers.

Was taken up by Senator Nodler.

On motion of Senator Nodler, **SB 30** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler

Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent with leave—Senators—None

Vacancies—None

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Gross assumed the Chair.

SB 79, introduced by Senator Scott, entitled:

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to the state fair escrow fund.

Was taken up.

On motion of Senator Scott, **SB 79** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 315, introduced by Senator Clemens, entitled:

An Act to repeal section 537.353, RSMo, and to enact in lieu thereof one new section relating to liability for damage or destruction of field crop products.

Was taken up.

On motion of Senator Clemens, **SB 315** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Griesheimer
Gross	Justus	Kennedy	Koster
Lager	Loudon	Mayer	McKenna
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—31	

NAYS—Senators

Bray	Graham	Green—3
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS No. 2 for **SCS** for **SB 129**, introduced by Senator Stouffer, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 129

An Act to repeal sections 226.527 and 226.531, RSMo, and to enact in lieu thereof two new sections relating to the regulation of billboards, with penalty provisions.

Was taken up.

President Pro Tem Gibbons assumed the Chair.

On motion of Senator Stouffer, **SS No. 2** for **SCS** for **SB 129** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Coleman	Crowell	Engler
Gibbons	Goodman	Green	Griesheimer
Gross	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel—29			

NAYS—Senators

Bray	Days	Graham	Justus
Wilson—5			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for **SB 4**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 4

An Act to repeal sections 198.439, 208.437, 208.480, and 338.550, RSMo, and to enact in lieu thereof four new sections relating to the health care provider tax, with an emergency clause and an expiration date for certain sections.

Was taken up by Senator Gross.

On motion of Senator Gross, **SCS** for **SB 4** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

The emergency was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman

Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 197**; **SCS** for **SB 235**; and **SS** for **SB 195**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

SB 644—By Griesheimer.

An Act to repeal sections 311.420 and 311.462, RSMo, and to enact in lieu thereof three new sections relating to the direct wine sales, with penalty provisions.

Senator Scott assumed the Chair.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 578—Health and Mental Health.

SB 579—Seniors, Families and Public Health.

SB 580—Transportation.

SB 581—Health and Mental Health.

SB 582—Ways and Means.

SB 583—Ways and Means.

SB 584—Financial and Governmental Organizations and Elections.

SB 585—Ways and Means.

SB 586—Financial and Governmental Organizations and Elections.

SB 587—Financial and Governmental Organizations and Elections.

SB 588—Judiciary and Civil and Criminal Jurisprudence.

SB 589—Economic Development, Tourism and Local Government.

SB 590—Ways and Means.

SB 591—Financial and Governmental Organizations and Elections.

SB 592—Financial and Governmental Organizations and Elections.

SB 593—Financial and Governmental Organizations and Elections.

SB 594—Financial and Governmental Organizations and Elections.

SB 595—Financial and Governmental Organizations and Elections.

SB 596—Financial and Governmental Organizations and Elections.

On motion of Senator Shields, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Griesheimer.

RESOLUTIONS

Senator Graham offered Senate Resolution No. 489, regarding the One Hundred Third Birthday of Charles Jefferson, Columbia, which was adopted.

Senator Lager offered Senate Resolution No. 490, regarding Ron Rauch, Grant City, which was adopted.

Senator Lager offered Senate Resolution No. 491, regarding the One Hundred Fourth Birthday of Cora Paul, Brookfield, which was adopted.

Senator Rupp offered Senate Resolution No. 492, regarding Michael Christopher Aleksick, St. Charles, which was adopted.

Senator Graham offered Senate Resolution No. 493, regarding K.C. Pescaglia, which was adopted.

Senator Loudon offered Senate Resolution No. 494, regarding the Fifth Grade Class at Linda Vista Catholic School, Chesterfield, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 128**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 645—By Wilson, Green, Coleman and

Days.

An Act to repeal section 171.031, RSMo, and to enact in lieu thereof one new section relating to the minimum term for the 2006-2007 school year, with an emergency clause.

SB 646—By Wilson, Green, Days and Coleman.

An Act to repeal section 160.775, RSMo, and to enact in lieu thereof one new section relating to anti-bullying policies.

SB 647—By Shoemyer.

An Act to repeal sections 30.750, 30.753, 30.756, 30.758, 30.760, and 30.765, RSMo, and to enact in lieu thereof six new sections relating to low interest loans for locally owned businesses, with penalty provisions.

SB 648—By Vogel.

An Act to repeal section 217.045, RSMo, and to enact in lieu thereof one new section relating to funds for the department of corrections.

SB 649—By Smith.

An Act to repeal sections 8.800, 8.810, 8.812, 8.815, and 324.418, RSMo, and to enact in lieu thereof ten new sections relating to environmentally sustainable building design and construction.

RESOLUTIONS

Senator Smith, joined by the entire membership offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 495

Whereas, the members of the Missouri Senate were truly saddened by the death of the Honorable John F. Bass on Sunday, February 25, 2007; and

Whereas, a State Senator from 1981 to 1991, John Bass also served as the Saint Louis public school administrator, the city of Saint Louis comptroller, and a staff member for such committees of the United States House of Representatives as the Oversight Committee, U.S. House Committee on Administration, which is responsible for House operations, investigations, staffing, and

public policy; and

Whereas, John Bass worked as a staff director and senior executive for the House Subcommittee on Libraries and Memorials, which oversees the Smithsonian Institution, the Kennedy Performing Arts Center, and the Division of Congressional Research; and

Whereas, John Bass also was a consultant to the United States Department of Education and the Department of Labor; and

Whereas, John Bass previously served as an educator, counselor, and administrator for Saint Louis public schools; a faculty member and staffer at the University of Missouri-Saint Louis and the University of Missouri-Kansas City; a guest professor at Harris-Stowe State College; and a member of the Advisory Board of Project Appleseed Saint Louis, whose goal is to increase parental involvement in the Saint Louis public school system; and

Whereas, a member of the Board of the Missouri Coordinating Board for Higher Education, John Bass belonged to numerous professional and civic organizations; and

Whereas, John Bass was a veteran of the United States Navy who prepared for his diverse endeavors in life by earning a Bachelor of Arts degree in business and school administration from Lincoln University and a Master of Arts degree in counseling and school administration from Washington University; and

Whereas, a true leader in the African-American community in Saint Louis for decades, John Bass is survived by a beloved daughter and grandchild:

Now, Therefore, Be It Resolved that we, the members of the Missouri Senate, Ninety-fourth General Assembly, join to memorialize the life and work of former State Senator John Bass and to convey this legislative body's most heartfelt condolences to his family members, colleagues, friends, and neighbors who now miss his considerable warmth, strength, and light in their daily lives; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in memory of the Honorable John F. Bass of Saint Louis, Missouri.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 357**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 45** and **SB 39**, with **SCS**, respectfully requests that they be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

SENATE BILLS FOR PERFECTION

Senator Mayer moved that **SB 244** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Coleman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 244, Page 11, Section 169.070, Line 375, by inserting immediately after said line the following:

"169.466. 1. Any retired member with fifteen or more years of creditable service at retirement receiving [a pension] **retirement benefits** on August 28, 1997, shall receive on January first of each year, commencing on January 1, 1998, an increase in the amount of [pension] **benefits** received by the retired member pursuant to sections 169.410 to 169.540 during the preceding year of one hundred percent of the increase in the consumer price index calculated in the manner provided in this section; except that, no such increase in [pension] **retirement** benefits shall be paid for any year if such increase in the consumer price index is less than one percent. Such annual [pension] **retirement benefit** increase, however, shall not exceed three percent [and the total increases in the amount of pension benefits received by any retired member shall not, in the aggregate, exceed ten percent of the pension benefits such retired member received during the year preceding January first of the first year the retired member is entitled to receive an increase pursuant to this section]. A retired member qualified to receive an annual [pension] **retirement benefit** increase pursuant to this section shall not be eligible to receive an additional

benefit until the January first after the first anniversary of the date on which he or she commenced receiving [a pension] **retirement benefits** pursuant to sections 169.410 to 169.540. Benefits shall not be decreased in the case of a decrease in the consumer price index for any year.

2. For the purpose of this section, any increase in the consumer price index shall be determined by the board of trustees in November of each year based on the consumer price index for the twelve-month period ended on September thirtieth of such year over the consumer price index for the twelve-month period ended on September thirtieth of the year immediately prior thereto. Any increase so determined shall be applied by the board of trustees in calculating increases in [pension] **retirement** benefits that become payable pursuant to this section for the twelve-month period beginning on the January first immediately following such determination.

3. An annual increase in [pension] **retirement** benefits, if any, shall be payable monthly with monthly installments of other [pension] **retirement** benefits pursuant to sections 169.410 to 169.540.

169.471. 1. The board of education is authorized from time to time, in its discretion, to increase the [pension] **retirement** benefits now or hereafter provided pursuant to sections 169.410 to 169.540 and to adopt and implement additional [pension] **retirement** benefits and plans, including without limitation, early retirement plans, deferred retirement option plans and cost-of-living adjustments, but excluding compensation to retired members pursuant to section 169.475, and for such purpose the contribution rate of members of the retirement system may be increased to provide part of the cost thereof, subject to the following conditions:

(1) Any such increase in [pension] **retirement** benefits and additional [pension] **retirement** benefits and plans shall be approved by the board of trustees;

(2) The board of trustees shall have presented to the board of education the projected increases in rates of contribution which will be required to be made by members and the board of education to the retirement system to pay the cost of such increases in [pension] **retirement** benefits and additional [pension] **retirement** benefits and plans; and

(3) Any increase in the contribution rate of members of the retirement system shall be approved by the board of trustees and shall be deducted from the compensation of each member by the employing board and transferred and credited to the individual account of each member from whose compensation the deduction was made, and shall be administered in accordance with sections 169.410 to 169.540; provided that, any such increase in the members' contribution rate shall not exceed one-half of one percent of compensation in any year for such increases to [pension] **retirement** benefits and additional [pension] **retirement** benefits and plans adopted during such year by the board of education pursuant to this section, and all such increases in the members' contribution rate shall, in the aggregate, not exceed two percent of compensation.

2. The board of trustees is authorized from time to time, in its discretion, to increase the **retirement** benefits, now or hereinafter provided under sections 169.410 to 169.540, and to adopt and implement additional retirement benefits for persons who have retired, including cost-of-living adjustments, provided that the board of trustees finds the additional benefit will not require an increase in the contribution rate required by the members, will not increase the contribution required from the board of education, and is actuarially sound. In the event the board of trustees authorizes an increase under this section, it shall certify in writing to the board of education the findings, including but not limited to all actuarial assumptions, upon which the board of trustees determined

that the increase in benefits would result in no increase in contributions by members or the board of education.”; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Mayer, **SB 244**, as amended, was declared perfected and ordered printed.

CONCURRENT RESOLUTIONS

Senator Shields moved that **SCR 5**, with **SCS**, be taken up for adoption, which motion prevailed.

SCS for **SCR 5** was taken up.

Senator Shields moved that **SCS** for **SCR 5** be adopted, which motion prevailed.

On motion of Senator Shields, **SCR 5**, as amended by the **SCS**, was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion
Coleman	Days	Engler	Gibbons
Goodman	Graham	Green	Griesheimer
Gross	Justus	Kennedy	Koster
Lager	Loudon	Mayer	McKenna
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators

Barnitz Clemens—2

Absent with leave—Senator Crowell—1

Vacancies—None

SENATE BILLS FOR PERFECTION

SB 155, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Rupp, **SB 169**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Shields, **SB 430**, with **SCS**, was placed on the Informal Calendar.

SB 282, with **SCS**, was placed on the Informal Calendar.

SB 21, with **SCS**, was placed on the Informal Calendar.

SB 16, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Mayer, **SB 292** was placed on the Informal Calendar.

SB 300 was placed on the Informal Calendar.

Senator Goodman moved that **SB 62** and **SB 41**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 62** and **41**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 62 and 41

An Act to repeal sections 563.011, 563.031, 563.036, and 563.041, RSMo, and to enact in lieu thereof four new sections relating to the use of force.

Was taken up.

Senator Goodman moved that **SCS** for **SBs 62** and **41** be adopted.

Senator Shields assumed the Chair.

Senator Justus offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 62 and 41, Page 3, Section 563.074, Line 4, by striking “criminal prosecution or” from said line.

Senator Justus moved that the above amendment be adopted, which motion failed.

Senator Goodman moved that **SCS** for **SBs 62** and **41** be adopted, which motion

prevailed.

On motion of Senator Goodman, **SCS** for **SBs 62** and **41** was declared perfected and ordered printed.

Senator Wilson moved that **SB 107** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Wilson, **SB 107** was declared perfected and ordered printed.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Gross, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 14**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Gross assumed the Chair.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 650—By Gibbons.

An Act to amend chapter 407, RSMo, by adding thereto two new sections relating to consumer protection of electronically-transmitted information, with penalty provisions.

SB 651—By Loudon.

An Act to amend chapter 565, RSMo, by adding thereto two new sections relating to human embryos, with penalty provisions.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 597—Financial and Governmental Organizations and Elections.

SB 598—Financial and Governmental Organizations and Elections.

SB 599—Pensions, Veterans' Affairs and General Laws.

SB 600—Commerce, Energy and the Environment.

SB 601—Commerce, Energy and the Environment.

SB 602—Ways and Means.

SB 603—Judiciary and Civil and Criminal Jurisprudence.

SB 604—Seniors, Families and Public Health.

SB 605—Economic Development, Tourism and Local Government.

SB 606—Judiciary and Civil and Criminal Jurisprudence.

SB 607—Small Business, Insurance and Industrial Relations.

SB 608—Ways and Means.

SB 609—Ways and Means.

SB 610—Ways and Means.

SB 611—Judiciary and Civil and Criminal Jurisprudence.

SB 612—Seniors, Families and Public Health.

SRB 613—Governmental Accountability and Fiscal Oversight.

SB 614—Transportation.

REFERRALS

President Pro Tem Gibbons referred **SCS** for **SB 235** to the Committee on Governmental Accountability and Fiscal Oversight.

COMMUNICATIONS

Senator Bray submitted the following:

February 28, 2007

Terry Spieler
Senate Secretary
Missouri State Senate
State Capitol Building, Room 325
Jefferson City, MO 65101
Dear Ms. Spieler,

In accordance with Rule 45, I am writing to object to the placement of SB 257 on the Consent Calendar. This bill is too controversial to qualify as a consent bill and therefore should be removed as such and returned to the Judiciary and Civil and Criminal Jurisprudence Committee.

Sincerely,
/s/ Joan Bray
Joan Bray

Also,

President Pro Tem Gibbons submitted the following:

February 28, 2007

Mrs. Terry Spieler
Secretary of the Senate
State Capitol Building
Jefferson City, MO 65101

Re: Appointments to the Missouri State Unemployment Council

Dear Mrs. Spieler:

I am appointing the following to the Missouri State Unemployment Council:

- **Chuck Yarbrough, Employer Member**

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Kelsey Walters, Greenfield.

Senator Justus introduced to the Senate, members of St. Elizabeth Webelo Scouts Pack 150, Kansas City; and Ryan Burns, Zachary Casper, Robert Kelly, Nathan Rice, Andy Ritz, Joey

Torrence and Matthew Wallace were made honorary pages.

Senator Shoemyer introduced to the Senate, Kathy Nicholson, Bonnie Lutener, Kylee Meyer, Cindy Peter, Melissa Bringer, Tammy Hodges-Edwards and Angel Powers, Palmyra R-1 School Parents as Teachers.

Senator Lager introduced to the Senate, Tommye A. Quilty, Mound City.

Senator Graham introduced to the Senate, Kyle Houston, Huntsville.

Senator Champion introduced to the Senate, Miranda VanPelt, Barnard.

Senator Kennedy introduced to the Senate, Brigid Doherty, St. Louis.

Senator Kennedy introduced to the Senate, Judy Moore, Parents as Teachers, Hancock.

Senator Kennedy introduced to the Senate, Bryan and Mary Kay Fink, St. Louis.

Senator Wilson introduced to the Senate, Crystal Ward and Keisha Henson, Raytown.

Senator Mayer introduced to the Senate, Cody Troutt, Holcomb.

Senator Stouffer introduced to the Senate, Andrew Felten, Pilot Grove.

Senator Clemens introduced to the Senate, Landen Keeler, Marshfield.

Senator Clemens introduced to the Senate, Danette and Darrell Proctor, Willard.

Senator Smith introduced to the Senate, Lisa Thuer, Emily McGuines, Katie Ciorba and Robyn Morris, St. Louis.

Senator Crowell introduced to the Senate, Angie Clubb, Zelma.

Senator Vogel introduced to the Senate, Tyler Griffith, Eldon.

Senator Scott introduced to the Senate, Caitlin Holt, La Monte.

Senator Engler introduced to the Senate, Beth Kurts, Ste. Genevieve.

Senator Bray introduced to the Senate, former State Senator Betty Sims, Dean Edward Lawler and Betul Ozmat, St. Louis.

Senator Green introduced to the Senate, former State Representative Tim Van Zandt.

Senator Ridgeway introduced to the Senate, Teacher of the Year, Darryl Johnson, Smithville.

Senator Griesheimer introduced to the Senate, Mike and Chuck Marquart, Washington; and members of the Missouri Beer Wholesalers Association.

Senator Scott introduced to the Senate, Jane Britton and thirty-five fourth and eighth grade students from Pettis County R-XII, Sedalia.

Senator Graham introduced to the Senate, Dean Dr. Chris Tapscott, Dr. Michelle Esau and Dr. John J. Williams, Republic of South Africa; and Dr. David Valentine, Columbia.

Senator Kennedy introduced to the Senate, Beth Crancer, Fenton; and Cindy Lammert, St. Louis.

Senator Justus introduced to the Senate, Phoebe Harris, Grandview High School.

Senator Shoemyer introduced to the Senate, Western District Commissioner Steve Whitaker, Ralls County.

Senator Stouffer introduced to the Senate, members of Teen Pact Missouri.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-THIRD DAY—THURSDAY, MARCH 1, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 615-Callahan

SB 616-McKenna

SB 617-Rupp

SB 618-Rupp

SB 619-Rupp

SB 620-Rupp

SB 621-Engler

SB 622-Engler and Kennedy

SB 623-Coleman

SB 624-Coleman

SB 625-Coleman and Wilson

SB 626-Ridgeway

SB 627-Ridgeway

SB 628-Ridgeway

SB 629-Smith

SB 630-Justus

SB 631-Barnitz

SB 632-Barnitz

SB 633-Loudon and Ridgeway

SB 634-Loudon

SB 635-Loudon

SB 636-Loudon

SB 637-Bray and Justus

SB 638-Bray

SB 639-Bray

SB 640-Bray

SB 641-Bray, et al
SB 642-Bray
SB 643-Clemens
SB 644-Griesheimer
SB 645-Wilson, et al
SB 646-Wilson, et al

SB 647-Shoemyer
SB 648-Vogel
SB 649-Smith
SB 650-Gibbons
SB 651-Loudon
SJR 24-Lager

HOUSE BILLS ON SECOND READING

HB 353-Schaaf, et al
HCS for HB 300
HCS for HB 453
HB 454-Jetton, et al
HB 352-Hobbs, et al
HCS for HBs 545 & 590
HCS for HB 39

HCS for HBs 189 & 60
HCS for HBs 444, 217, 225, 239, 243,
297, 402 & 172
HCS for HB 327
HCS for HJR 1
HJR 7-Nieves

THIRD READING OF SENATE BILLS

SS#2 for SCS for SB 161-Shields
(In Fiscal Oversight)
SCS for SBs 199 & 207-Stouffer
(In Fiscal Oversight)
SCS for SB 384-Coleman and Gibbons
(In Fiscal Oversight)

SCS for SB 197-Loudon and Graham
SCS for SB 235-Shields
(In Fiscal Oversight)
SS for SB 195-Crowell

SENATE BILLS FOR PERFECTION

SB 204-Stouffer, with SCS
SB 64-Goodman and Koster, with SCS
SB 456-Gross, with SCS
SB 2-Gibbons, with SCS

SB 3-Gibbons, with SCS
SB 268-Coleman
SB 54-Koster, with SCS
SBs 239, 24 & 445-Stouffer, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 14, with SCS (Gross)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 16-Scott, with SCS	SB 274-Shields
SB 21-Griesheimer, with SCS	SB 282-Griesheimer, with SCS
SB 22-Griesheimer, with SCS	SB 287-Crowell and Vogel
SB 27-Bartle and Koster	SB 292-Mayer
SB 75-Coleman, et al, with SCS	SB 300-Bartle
SB 101-Mayer	SB 389-Nodler, et al, with SCS & SS#2
SB 155-Engler, with SCS	for SCS (pending)
SB 169-Rupp, with SCS	SB 430-Shields, et al, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman	SB 226-Stouffer, with SCS
SB 163-Mayer, with SCS	SB 104-Stouffer, with SCS
SB 406-Crowell	SB 103-Stouffer, with SCS
SB 130-Stouffer	SB 102-Stouffer
SB 238-Stouffer	SB 91-Nodler, with SCS
SB 240-Stouffer	

Reported 2/15

SB 8-Kennedy	SB 270-Scott
SB 156-Engler, with SCS	SB 271-Scott
SB 159-Engler, with SCS	SB 158-Engler
SB 272-Scott, with SCS	SB 281-Griesheimer
SB 132-Rupp	SB 237-Shields and Justus
SB 171-Nodler	SB 223-Rupp
SB 269-Scott	

Reported 2/22

SB 325-Loudon

SB 308-Crowell, et al, with SCS

SB 162-Vogel

SB 184-Green

SB 218-Graham

SB 233-Crowell

SB 376-Griesheimer

SB 397-Stouffer, with SCS

SB 67-Rupp, with SCS

SB 135-Nodler

SB 236-Shields

SB 172-Ridgeway

SB 395-McKenna

Unofficial

Journal

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Journal of the Senate

FIRST REGULAR SESSION

THIRTY-THIRD DAY—THURSDAY, MARCH 1, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The God of Peace be with you all.” (Romans 15:33)

Almighty God, as we conclude another work week we are grateful for the service we have to perform that gives meaning and purpose in our lives. We are grateful for those You have placed in our lives that make them richer and fuller. We are grateful for the opportunity to share Your peace with those we love. Make us sensitive to how we might be more open and helpful to their needs, especially those who have had to do the best they can while we have been away. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager

Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

Senator Nodler announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Bartle offered Senate Resolution No. 496, regarding Austen James Roth, Lee’s Summit, which was adopted.

Senator Vogel offered Senate Resolution No. 497, regarding Tom Blevins, Auxvasse, which was adopted.

Senator Vogel offered Senate Resolution No. 498, regarding the Zonta Club, Jefferson City, which was adopted.

Senator Stouffer offered Senate Resolution

No. 499, regarding the City of Slater, which was adopted.

Senator Stouffer offered Senate Resolution No. 500, regarding the death of Travis R. Wright, Slater, which was adopted.

Senator Stouffer offered Senate Resolution No. 501, regarding Sean B. Wells, Higginsville, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolutions were read the 1st time and ordered printed:

SB 652—By Coleman and Gibbons.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to education.

SB 653—By Kennedy, Justus, Coleman, Shoemyer and Days.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to the uninsured women's health program.

SB 654—By Kennedy.

An Act to repeal sections 84.120 and 84.170, RSMo, and to enact in lieu thereof two new sections relating to the St. Louis board of police commissioners.

SB 655—By Lager.

An Act to repeal section 407.025, RSMo, and to enact in lieu thereof two new sections relating to merchandising practices.

SB 656—By Lager.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to merchandising practices, with an emergency clause.

SB 657—By Crowell.

An Act to repeal sections 335.016, 335.066, 335.068, 335.076, 335.097, 383.130, and 383.133,

RSMo, and to enact in lieu thereof seven new sections relating to professional licensing of nurses.

SB 658—By Stouffer.

An Act to amend chapter 190, RSMo, by adding thereto eight new sections relating to outside the hospital do-not-resuscitate orders, with penalty provisions.

SB 659—By Stouffer.

An Act to repeal sections 194.119, 436.027, 436.031, RSMo, and to enact in lieu thereof three new sections relating to final disposition of a dead human body.

SB 660—By Mayer.

An Act to repeal section 556.036, RSMo, and to enact in lieu thereof one new section relating to crime.

SB 661—By Callahan.

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof four new sections relating to tax incentives for secondary mining uses.

SB 662—By Barnitz.

An Act to repeal section 105.935, RSMo, and to enact in lieu thereof one new section relating to overtime for state employees.

SB 663—By Barnitz.

An Act to repeal section 168.021, RSMo, and to enact in lieu thereof one new section relating to members of the military and their families.

SB 664—By Scott.

An Act to repeal sections 344.020, 344.030, 344.040, 344.050, 344.060, 344.070, 344.080, and 344.105, RSMo, and to enact in lieu thereof nine new sections relating to board of nursing home administrators.

SB 665—By Scott.

An Act to repeal section 287.220, RSMo, and to enact in lieu thereof one new section relating to

the second injury fund.

SB 666—By Scott.

An Act to repeal section 41.950, RSMo, and to enact in lieu thereof one new section relating to professional license renewals for military.

SB 667—By Scott.

An Act to repeal sections 166.425 and 166.435, RSMo, and to enact in lieu thereof two new sections relating to tax deduction for contributions to educational savings programs.

SB 668—By Loudon.

An Act to repeal sections 287.141, 287.150, 287.210, 287.220, 287.266, 287.280, 287.310, 287.430, 287.710, 287.713, and 287.715, RSMo, and to enact in lieu thereof ten new sections relating to the second injury fund, with an effective date.

SB 669—By Loudon.

An Act to amend chapter 1, RSMo, by adding thereto one new section relating to the official dating standard.

SB 670—By Loudon.

An Act to repeal sections 167.181 and 210.003, RSMo, and to enact in lieu thereof two new sections relating to immunizations.

SB 671—By Justus.

An Act to repeal sections 70.515 and 70.545, RSMo, and to enact in lieu thereof two new section relating to the regional investment district compact.

SB 672—By Vogel.

An Act to repeal section 149.203, RSMo, and to enact in lieu thereof three new sections relating to seizure and forfeiture of contraband cigarettes.

SB 673—By Bray.

An Act to repeal sections 105.711 and 105.716, RSMo, and to enact in lieu thereof three new sections relating to public expenditures.

SB 674—By Bray.

An Act to amend chapter 386, RSMo, by adding thereto one new section relating to renewable energy resources.

SB 675—By Goodman.

An Act to repeal section 198.097, RSMo, and to enact in lieu thereof one new section relating to financial exploitation of the elderly, with penalty provisions.

SB 676—By Goodman.

An Act to repeal sections 210.125, 568.050, and 568.060, RSMo, and to enact in lieu thereof three new sections relating to substance abuse during pregnancy, with penalty provisions.

SB 677—By Goodman.

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to chronic kidney disease task force.

SB 678—By Goodman.

An Act to repeal section 67.1360, RSMo, and to enact in lieu thereof one new section relating to transient guest taxes for certain cities, with an emergency clause.

SB 679—By Goodman.

An Act to repeal section 67.1360, RSMo, and to enact in lieu thereof one new section relating to transient guest taxes for certain cities, with an emergency clause.

SB 680—By Koster.

An Act to amend chapter 338, RSMo, by adding thereto fourteen new sections relating to pharmacy benefit managers.

SB 681—By Koster.

An Act to repeal section 99.820, RSMo, and to enact in lieu thereof one new section relating to municipal implementation of tax increment financing projects.

SB 682—By Koster.

An Act to amend chapter 99, RSMo, by adding thereto one new section relating to prohibition against tax increment financing projects which result in predominately residential use development.

SB 683—By Koster.

An Act to repeal section 407.300, RSMo, and to enact in lieu thereof one new section relating to the acquisition of copper or aluminum by trade or purchase, with penalty provisions.

SB 684—By Koster.

An Act to repeal section 99.825, RSMo, and to enact in lieu thereof one new section relating to the approval process for certain tax increment financing projects receiving recommendation in opposition from the tax increment financing commission.

SB 685—By Engler.

An Act to repeal sections 556.061, 559.100, 565.081, 565.082, and 565.083, RSMo, and to enact in lieu thereof six new sections relating to crimes against criminal justice officials, with penalty provisions.

SB 686—By Bartle.

An Act to repeal section 575.150, RSMo, and to enact in lieu thereof one new section relating to the crime of resisting or interfering with arrest, detention, or stop, with penalty provisions.

SB 687—By Griesheimer.

An Act to repeal sections 143.441, 144.605, and 147.010, RSMo, and to enact in lieu thereof three new sections relating to nexus for taxation purposes.

SB 688—By Gibbons.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to education.

SB 689—By Smith and Kennedy.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to the creation of the Missouri public charter school state board.

SB 690—By Smith and Kennedy.

An Act to repeal sections 162.626, 167.029, 167.296, and 171.031, RSMo, and to enact in lieu thereof thirteen new sections relating to the metropolitan school district.

SB 691—By Gross.

An Act to repeal section 302.010, RSMo, and to enact in lieu thereof two new sections relating to personal property tax lists, with penalty provisions.

SB 692—By Ridgeway.

An Act to repeal section 160.400, RSMo, and to enact in lieu thereof one new section relating to sponsorship of a charter school.

SB 693—By Ridgeway.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof one new section relating to an income tax exemption for Social Security benefits.

SB 694—By Shields.

An Act to amend chapter 103, RSMo, by adding thereto one new section relating to health care benefits for public safety officers.

SB 695—By Kennedy and Smith.

An Act to repeal section 135.535, RSMo, and to enact in lieu thereof two new sections relating to a tax credit for disability home remodeling, with an expiration date for a certain section.

SB 696—By Wilson and Coleman.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to eligibility for food stamps.

SJR 25—By Loudon.

Joint Resolution submitting to the qualified

voters of Missouri, an amendment amending article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the official dating standard.

SJR 26—By Bray.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 2, 5, 7, 9, and 10 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the general assembly and congressional districts.

SJR 27—By Ridgeway and Loudon.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 6 of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to a property tax exemption for business personal property.

CONCURRENT RESOLUTIONS

Senator Shoemyer offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 22

Whereas, sport fishing is a great industry, recreation, and occupation in Missouri; and

Whereas, hand fishing, which is also referred to as "noodling", for channel, blue, and flathead catfish is one of the ultimate challenges in the arena of sport fishing; and

Whereas, The United States Fish and Wildlife Service survey in 2001 found that there are approximately 467,000 catfish anglers in Missouri over the age of sixteen and by Missouri law, they can catch five flathead fish, five blue catfish, and ten channel catfish a day 365 days a year or 7,300 catfish for each permit sold; and

Whereas, Dr. Mark Morgan at the University of Missouri-Columbia conducted a study and found that there are approximately 2,000 hand fishers in Missouri, who are asking the Missouri Department of Conservation to allow them to hand catch five channel, blue, or flathead catfish in a sixty-day statewide season for each permit sold, which would be 0.000685 percent of the 7,300 catfish now allowed each catfish angler in Missouri; and

Whereas, the Missouri Department of Conservation is responsible for all Missouri state fishing and game regulations and should provide hand fishers with appropriate information and regulations; and

Whereas, recognizing and respecting the Research Division of the Missouri Department of Conservation, they should continue balanced research on hand fishing for channel, blue, and flathead catfish; and

Whereas, it is the desire for some sport fishers to participate in hand fishing of channel, blue, and flathead catfish in Missouri; and

Whereas, hand fishing is a legalized sport in 14 States, 6 of which surround Missouri; and

Whereas, the legalization of hand fishing is supported by the Missouri Farm Bureau, the Missouri Farmer's Union, MoFED, and the Missouri Trappers Association; and

Now, therefore, be it resolved that the members of the Senate of the Ninety-fourth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby strongly encourage the Missouri Department of Conservation to have a regulated statewide hand fishing season for channel, blue, and flathead catfish from June first to July thirteenth beginning in 2007 to allow hand fishers to take five of these fish by hand; and

Be it further resolved that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copies of this resolution for the Commissioners of the Missouri Department of Conservation.

Senators Bray, Green, Days, Smith, Coleman, Justus and McKenna offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 23

WHEREAS, every person in Missouri and in the United States deserves access to affordable, quality health care; and

WHEREAS, there is a growing crisis in health care in the United States of America, manifested in rising health care costs, increased premiums, out-of-pocket spending, decreased international business competitiveness, and massive layoffs; and

WHEREAS, approximately 635,000 to 707,000 Missourians lacked health insurance in 2005; and

WHEREAS, those insured now often experience unacceptable medical debt and sometimes life-threatening delays in obtaining health care; and

WHEREAS, one-half of all personal bankruptcies are due to illnesses or medical bills; and

WHEREAS, the termination of Medicaid in 2008 and the rising cost of insuring state employees and teachers can best be met not by limiting benefits, but by expanding them under a national, publicly-funded health insurance program; and

WHEREAS, the complex bureaucracy arising from our system of fragmented, for-profit, multi-payer system of health care financing consumes approximately 30% of United States health care spending; and

WHEREAS, independent research by Kenneth E. Thorpe, PhD. found in 2003 that if Missouri adopted a single-payer, universal health program with benefits more generous than 75% of all private insurance benefits in the state, Missouri health care spending would decline by a savings of \$1.3 billion in administrative costs alone under a streamlined administrative structure; and

WHEREAS, United States Representative John Conyers has introduced H.R. 676, the United States National Health Insurance Act, in the United States House of Representatives, and this act would provide a universal, comprehensive, single-payer system of high quality national health insurance:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby respectfully urge the United States Congress to enact the United States National Health Insurance Act sponsored by Representative Conyers; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for President George W. Bush and each member of the Missouri Congressional delegation.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Richard D. James, D.C., as a member of the Missouri Acupuncturist Advisory Committee;

Also,

Danette D. Proctor, Republican, as a member of the Missouri Development Finance Board;

Also,

Patricia J. Bolster, M.D., as a member of the Mental Health Commission;

Also,

Tommye A. Quilty, Democrat, and Thaddus S.

Danford, Republican, as members of the Missouri Western State University Board of Governors;

Also,

Jonathan D. "David" Rogers, as a member of the Seismic Safety Commission;

Also,

Ronnie D. Fox, Republican, as a member of the Dam and Reservoir Safety Council;

Also,

Donald B. Bedell, Republican, as a member of the Southeast Missouri State University Board of Regents.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SS No. 2** for **SCS** for **SB 161**; **SCS** for **SBs 199** and **207**; **SCS** for **SB 384**; and **SCS** for **SB 235**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 215**, begs leave to report that it has considered the same and recommends

that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 297**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 40**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 47**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 166**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 299**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 323**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 334**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 345**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 360**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 393**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Champion, Chairman of the Committee on Seniors, Families and Public Health, submitted the following reports:

Mr. President: Your Committee on Seniors,

Families and Public Health, to which was referred **SB 418**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Seniors, Families and Public Health, to which were referred **SB 260** and **SB 71**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which were referred **SB 370**, **SB 375**, and **SB 432**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 257**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary, Civil and Criminal Jurisprudence, to which were referred **SJR 9** and **SJR 17**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary, Civil and Criminal Jurisprudence, to which was referred **SB 242**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Nodler, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 160**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 320**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 492**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 476**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 303**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 363**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 352**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 139**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 200**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 543**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 547**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 549**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 82**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute,

hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 341**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Engler, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 416**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 328**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 407**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 112**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 131**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 31**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 250**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 309**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 332**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 498**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent

Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 440**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 244**; **SB 107**; and **SCS** for **SBs 62** and **41**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

HOUSE BILLS ON THIRD READING

HCS for **HB 14**, with **SCS**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for purchase of equipment, and for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2007.

Was taken up by Senator Gross.

SCS for **HCS** for **HB 14**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 14

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for purchase of equipment,

and for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2007.

Was taken up.

President Kinder assumed the Chair.

Senator Nodler assumed the Chair.

Senator Gross moved that **SCS** for **HCS** for **HB 14** be adopted, which motion prevailed.

Senator Koster assumed the Chair.

On motion of Senator Gross, **SCS** for **HCS** for **HB 14** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

The Senate observed a moment of silent prayer for Sarah Porter.

THIRD READING OF SENATE BILLS

SS No. 2 for **SCS** for **SB 161**, introduced by Senator Shields, entitled:

SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 161

An Act to repeal section 210.245, RSMo, and to enact in lieu thereof two new sections relating to quality rating system for child care facilities.

Was taken up.

On motion of Senator Shields, **SS No. 2** for **SCS** for **SB 161** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senator Crowell—1

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on

the table, which motion prevailed.

SCS for SBs 199 and 207, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 199 and 207**

An Act to repeal section 144.062, RSMo, and to enact in lieu thereof one new section relating to sales tax exemption for highway construction materials.

Was taken up by Senator Stouffer.

On motion of Senator Stouffer, **SCS for SBs 199 and 207** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senator Bray—1

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for SB 384, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 384**

An Act to repeal section 301.301, RSMo, and

to enact in lieu thereof one new section relating to stolen license plate tabs, with an emergency clause.

Was taken up by Senator Coleman.

On motion of Senator Coleman, **SCS for SB 384** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

On motion of Senator Coleman, title to the bill was agreed to.

Senator Coleman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for **SB 197**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 197

An Act to repeal sections 407.1200, 407.1203, 407.1206, 407.1209, 407.1212, 407.1215, 407.1218, 407.1221, 407.1224, 407.1225, and 407.1227, RSMo, and to enact in lieu thereof twenty-two new sections relating to service contracts, with an effective date.

Was taken up by Senator Loudon.

On motion of Senator Loudon, **SCS** for **SB 197** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Loudon, title to the bill

was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for **SB 235**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 235

An Act to repeal sections 36.030, 36.031, 306.161, 306.163, and 650.005, RSMo, and to enact in lieu thereof nine new sections relating to the water patrol.

Was taken up by Senator Shields.

On motion of Senator Shields, **SCS** for **SB 235** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Crowell moved that motion lay on the

table, which motion prevailed.

SS for **SB 195**, introduced by Senator Crowell, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 195

An Act to repeal sections 338.010 and 338.095, RSMo, and to enact in lieu thereof three new sections relating to pharmacists.

Was taken up.

On motion of Senator Crowell, **SS** for **SB 195** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural

Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 570**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 444**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 364**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 269**, entitled:

An Act to repeal sections 172.360, 174.130, 178.635, and 178.780, RSMo, and to enact in lieu thereof six new sections relating to prohibiting the admission of aliens unlawfully present in the United States at public institutions of higher education.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 15**.

HOUSE CONCURRENT RESOLUTION NO. 15

Whereas, chronic obstructive pulmonary disease (COPD), also known as chronic bronchitis and emphysema, is the fourth leading cause of death in the United States and the only one of the top five causes of death for which the prevalence and death rate are rising; and

Whereas, COPD is a chronic, progressive disease which impacts over 175,000 residents of Missouri and 24 million Americans; and

Whereas, the annual cost to the nation for COPD in 2004 was estimated to be \$37 billion; and

Whereas, early diagnosis and management of COPD can effectively reduce the overall financial burden of the illness within public programs such as Medicaid; and

Whereas, proper management of COPD can lead to improved quality of life and self-sufficiency on the part of patients with COPD cared for within public programs; and

Whereas, disease management has been demonstrated to reduce overall costs of care and increase quality of life for patients with chronic diseases, especially when targeted to appropriate conditions and patients; and

Whereas, November is COPD Awareness Month and November 21, 2007, is COPD Awareness Day:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-fourth General Assembly, First Regular Session, the Senate concurring therein, hereby recognize November 2007 as "COPD Awareness Month" and November 21, 2007, as "COPD Awareness Day" in Missouri; and

Be it further resolved that the General Assembly supports and encourages the Division of Medical Services within the Department of Social Services in its efforts with regard to disease management and including COPD in the Department's chronic care improvement program in an effort to reduce the financial and clinical burden of COPD on the Medicaid program and the citizens of Missouri.

In which the concurrence of the Senate is respectfully requested.

Senator Shields requested unanimous consent of the Senate to suspend Senate Rule 46 for the purpose of printing perfected **SB 164**, which request was granted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 697—By Ridgeway, Mayer, Justus, Callahan, Wilson, Purgason, Gibbons, Engler and

Smith.

An Act to repeal section 210.566, RSMo, and to enact in lieu thereof one new section relating to the foster parents' bill of rights.

SB 698—By Ridgeway, Gibbons, Loudon, Nodler, Rupp, Crowell, Scott and Clemens.

An Act to amend chapter 135, RSMo, by adding thereto seven new sections relating to the Betty L. Thompson Scholarship Program.

SB 699—By Lager.

An Act to repeal sections 30.750, 30.753, 30.756, 30.758, 30.760, and 30.765, RSMo, and to enact in lieu thereof six new sections relating to linked deposit loans for alternative energy sources, with penalty provisions.

SB 700—By Purgason.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for safety upgrade costs for gas stations.

SB 701—By Goodman.

An Act to repeal sections 337.010, 337.015, 337.020, and 338.198, RSMo, and to enact in lieu thereof six new sections relating to psychologist licensing.

SB 702—By Bray.

An Act to amend chapter 640, RSMo, by adding thereto one new section relating to the green building standards act.

SB 703—By Bray.

An Act to amend chapters 105 and 130, RSMo, by adding thereto three new sections relating to ethics, with penalty provisions.

SB 704—By Bray.

An Act to amend chapter 192, RSMo, by adding thereto five new sections relating to the implementation of a health care quality report card.

SB 705—By Mayer.

An Act to repeal section 44.100, RSMo,

section 44.045 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 58, ninety-third general assembly, first regular session and section 44.045 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 420 & 344, ninety-third general assembly, first regular session, and to enact in lieu thereof three new sections relating to emergency management.

SB 706—By Mayer.

An Act to repeal sections 620.1878 and 620.1881, RSMo, and to enact in lieu thereof four new sections relating to the economic recovery act for areas recently classified as disaster areas by the federal government.

SB 707—By Gibbons.

An Act to repeal section 375.936, RSMo, and to enact in lieu thereof one new section relating to the definition of unfair trade practices in the business of insurance.

SB 708—By Shoemyer.

An Act to repeal sections 8.420, 173.360, 173.385, and 173.425, RSMo, and to enact in lieu thereof seven new sections relating to higher education, with an emergency clause.

SB 709—By Shoemyer.

An Act to amend chapter 379, RSMo, by adding thereto one new section relating to automobile insurance.

SB 710—By Coleman.

An Act to repeal sections 115.203, 115.233, 115.241, 115.409, and 115.479, RSMo, and to enact in lieu thereof four new sections relating to elections.

SJR 28—By Scott.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article VIII of

the Constitution of Missouri relating to voter identification.

Senator Goodman assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 164**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

SB 615—Ways and Means.

SB 616—Economic Development, Tourism and Local Government.

SB 617—Education.

SB 618—Education.

SB 619—Education.

SB 620—Ways and Means.

SB 621—Seniors, Families and Public Health.

SB 622—Small Business, Insurance and Industrial Relations.

SB 623—Pensions, Veterans' Affairs and General Laws.

SB 624—Economic Development, Tourism and Local Government.

SB 625—Education.

SB 626—Pensions, Veterans' Affairs and General Laws.

SB 627—Pensions, Veterans' Affairs and General Laws.

SB 628—Pensions, Veterans' Affairs and General Laws.

SB 629—Judiciary and Civil and Criminal Jurisprudence.

SB 630—Seniors, Families and Public Health.

SB 631—Economic Development, Tourism and Local Government.

SB 632—Agriculture, Conservation, Parks and Natural Resources.

SB 633—Ways and Means.

SB 634—Seniors, Families and Public Health.

SB 635—Small Business, Insurance and Industrial Relations.

SB 636—Judiciary and Civil and Criminal Jurisprudence.

SB 637—Small Business, Insurance and Industrial Relations.

SB 638—Economic Development, Tourism and Local Government.

SB 639—Small Business, Insurance and Industrial Relations.

SB 640—Judiciary and Civil and Criminal Jurisprudence.

SB 641—Small Business, Insurance and Industrial Relations.

SB 642—Ways and Means.

SB 643—Ways and Means.

SB 644—Economic Development, Tourism and Local Government.

SB 645—Education.

SB 646—Education.

SB 647—Financial and Governmental Organizations and Elections.

SB 648—Financial and Governmental Organizations and Elections.

SB 649—Ways and Means.

SB 650—Commerce, Energy and the Environment.

SB 651—Judiciary and Civil and Criminal Jurisprudence.

SJR 24—Governmental Accountability and Fiscal Oversight.

HOUSE BILLS ON SECOND READING

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

HB 353—Health and Mental Health.

HCS for HB 300—Economic Development, Tourism and Local Government.

HCS for HB 453—Ways and Means.

HB 454—Seniors, Families and Public Health.

HB 352—Seniors, Families and Public Health.

HCS for HBs 545 and 590—Financial and Governmental Organizations and Elections.

HCS for HB 39—Health and Mental Health.

HCS for HBs 189 and 60—Judiciary and Civil and Criminal Jurisprudence.

HCS for HBs 444, 217, 225, 239, 243, 297, 402 and 172—Ways and Means.

HCS for HB 327—Economic Development, Tourism and Local Government.

HCS for HJR 1—Judiciary and Civil and Criminal Jurisprudence.

HJR 7—Pensions, Veterans' Affairs and General Laws.

RESOLUTIONS

Senator Rupp offered Senate Resolution No. 502, regarding Ryan Daniel Hite, Wentzville, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Crowell introduced to the Senate, fourth grade students from Nell Holcomb Elementary School, Cape Girardeau.

Senator Lager introduced to the Senate, the Physician of the Day, Dr. James D. Humphrey, M.D., Mound City.

Senator Green introduced to the Senate, Rachelle Wilson and sixty-five fourth grade

students from Koch Elementary School, St. Louis County; and Laron Crawford, Amber Fields, LaMonica Randle and Myesha Tucker were made honorary pages.

Senator Mayer introduced to the Senate, Dr. Floyd Northington, Dexter.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, March 5, 2007.

SENATE CALENDAR

THIRTY-FOURTH DAY—MONDAY, MARCH 5, 2007

FORMAL CALENDAR**SECOND READING OF SENATE BILLS**

SB 652-Coleman and Gibbons
 SB 653-Kennedy, et al
 SB 654-Kennedy
 SB 655-Lager
 SB 656-Lager
 SB 657-Crowell
 SB 658-Stouffer
 SB 659-Stouffer
 SB 660-Mayer
 SB 661-Callahan
 SB 662-Barnitz
 SB 663-Barnitz
 SB 664-Scott
 SB 665-Scott
 SB 666-Scott
 SB 667-Scott
 SB 668-Loudon
 SB 669-Loudon
 SB 670-Loudon

SB 671-Justus
 SB 672-Vogel
 SB 673-Bray
 SB 674-Bray
 SB 675-Goodman
 SB 676-Goodman
 SB 677-Goodman
 SB 678-Goodman
 SB 679-Goodman
 SB 680-Koster
 SB 681-Koster
 SB 682-Koster
 SB 683-Koster
 SB 684-Koster
 SB 685-Engler
 SB 686-Bartle
 SB 687-Griesheimer
 SB 688-Gibbons
 SB 689-Smith and Kennedy

SB 690-Smith and Kennedy
 SB 691-Gross
 SB 692-Ridgeway
 SB 693-Ridgeway
 SB 694-Shields
 SB 695-Kennedy and Smith
 SB 696-Wilson and Coleman
 SB 697-Ridgeway, et al
 SB 698-Ridgeway, et al
 SB 699-Lager
 SB 700-Purgason
 SB 701-Goodman
 SB 702-Bray

SB 703-Bray
 SB 704-Bray
 SB 705-Mayer
 SB 706-Mayer
 SB 707-Gibbons
 SB 708-Shoemyer
 SB 709-Shoemyer
 SB 710-Coleman
 SJR 25-Loudon
 SJR 26-Bray
 SJR 27-Ridgeway and Loudon
 SJR 28-Scott

HOUSE BILLS ON SECOND READING

HB 269-Nolte

THIRD READING OF SENATE BILLS

SB 244-Mayer
 SB 107-Wilson

SCS for SBs 62 & 41-Goodman and Koster
 SB 164-Scott

SENATE BILLS FOR PERFECTION

1. SB 204-Stouffer, with SCS
2. SB 64-Goodman and Koster, with SCS
3. SB 456-Gross, with SCS
4. SB 2-Gibbons, with SCS
5. SB 3-Gibbons, with SCS
6. SB 268-Coleman
7. SB 54-Koster, with SCS
8. SBs 239, 24 & 445-Stouffer, with SCS
9. SB 215-Loudon, with SCS
10. SB 297-Loudon, with SCS
11. SB 40-Ridgeway
12. SB 47-Engler, with SCS
13. SB 418-Champion, with SCS
14. SBs 260 & 71-Koster, et al, with SCS

15. SBs 370, 375 & 432-Scott and Koster, with SCS
16. SB 257-Engler, et al
17. SJRs 9 & 17-Crowell and Bartle, with SCS
18. SB 242-Nodler, with SCS
19. SB 160-Rupp, with SCS
20. SB 320-Clemens, with SCS
21. SB 492-Crowell
22. SB 476-Crowell
23. SB 303-Loudon, et al
24. SB 363-Bartle
25. SB 82-Griesheimer, with SCS
26. SB 112-Rupp

27. SB 131-Rupp
28. SB 31-Nodler
29. SB 250-Ridgeway and Vogel

30. SB 570-Clemens
31. SB 444-Goodman
32. SB 364-Koster, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 16-Scott, with SCS
SB 21-Griesheimer, with SCS
SB 22-Griesheimer, with SCS
SB 27-Bartle and Koster
SB 75-Coleman, et al, with SCS
SB 101-Mayer
SB 155-Engler, with SCS
SB 169-Rupp, with SCS

SB 274-Shields
SB 282-Griesheimer, with SCS
SB 287-Crowell and Vogel
SB 292-Mayer
SB 300-Bartle
SB 389-Nodler, et al, with SCS & SS#2
for SCS (pending)
SB 430-Shields, et al, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman
SB 163-Mayer, with SCS
SB 406-Crowell
SB 130-Stouffer
SB 238-Stouffer
SB 240-Stouffer

SB 226-Stouffer, with SCS
SB 104-Stouffer, with SCS
SB 103-Stouffer, with SCS
SB 102-Stouffer
SB 91-Nodler, with SCS

Reported 2/15

SB 8-Kennedy
SB 156-Engler, with SCS
SB 159-Engler, with SCS
SB 272-Scott, with SCS
SB 132-Rupp
SB 171-Nodler
SB 269-Scott

SB 270-Scott
SB 271-Scott
SB 158-Engler
SB 281-Griesheimer
SB 237-Shields and Justus
SB 223-Rupp

Reported 2/22

SB 325-Loudon
SB 308-Crowell, et al, with SCS
SB 162-Vogel
SB 184-Green
SB 218-Graham
SB 233-Crowell
SB 376-Griesheimer

SB 397-Stouffer, with SCS
SB 67-Rupp, with SCS
SB 135-Nodler
SB 236-Shields
SB 172-Ridgeway
SB 395-McKenna

Reported 3/1

SB 166-Griesheimer
SB 299-Purgason, with SCS
SB 323-Graham
SB 334-Griesheimer
SB 345-Shoemyer
SB 360-Goodman, with SCS
SB 393-McKenna
SB 352-Clemens
SB 139-Bray
SB 200-Stouffer
SB 543-Stouffer

SB 547-Griesheimer
SB 549-Scott
SB 341-Goodman, with SCS
SB 416-Goodman
SB 328-Engler
SB 407-Shoemyer
SB 309-Stouffer, with SCS
SB 332-Stouffer
SB 498-Scott
SB 440-Days and Gibbons

RESOLUTIONS

To be Referred

SCR 22-Shoemyer
SCR 23-Bray, et al

HCR 15-Threlkeld, et al

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Journal of the Senate

FIRST REGULAR SESSION

THIRTY-FOURTH DAY—MONDAY, MARCH 5, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“I will instruct you and teach you the way you should go; I will counsel you with my eye upon you.” (Psalm 32:8)

Heavenly Father, we begin a new week and have more and more laid before us and we need Your counsel as we work our way through the many bills that are coming before us each day. We know we often see things from different perspectives, yet we hope we can see the good that each bill will provide the people of this state and find ways to bring the best from each. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, March 1, 2007 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager

Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Kennedy offered Senate Resolution No. 503, regarding Joshua Lipina, which was adopted.

Senator Vogel offered Senate Resolution No. 504, regarding Nathan Dismang, which was adopted.

Senator Koster offered Senate Resolution No. 505, regarding Reese P. Harter, Raymore, which was adopted.

Senator Koster offered Senate Resolution No. 506, regarding Eric M. McLaughlin, Belton, which was adopted.

Senator Koster offered Senate Resolution No. 507, regarding Ryan C. Harter, Raymore,

which was adopted.

Senator Lager offered Senate Resolution No. 508, regarding the Eightieth Birthday of Roderick “Dick” Schank, Amazonia, which was adopted.

Senator Nodler offered Senate Resolution No. 509, regarding Gerald Hulsey, Carthage, which was adopted.

Senator Kennedy offered Senate Resolution No. 510, regarding Michael Minor, which was adopted.

Senator Coleman offered Senate Resolution No. 511, regarding Con-Way Central Express of Saint Louis, which was adopted.

Senator Rupp offered Senate Resolution No. 512, regarding James C. Frahm, St. Charles, which was adopted.

Senator Crowell offered Senate Resolution No. 513, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Herbert Buchheit, Perryville, which was adopted.

Senator Graham offered Senate Resolution No. 514, regarding Michael A. Dulle, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Bartle requested unanimous consent of the Senate to correct the report from the Committee on the Judiciary and Civil and Criminal Jurisprudence made on March 1, 2007, by submitting the correct Senate Committee Substitute for **SB 242**, which request was granted.

COMMUNICATIONS

Senator Shields submitted the following:

February 28, 2007

Ms. Terry Spieler

Secretary of the Senate

State Capitol, Office 325

Jefferson City, MO 65101

Dear Ms. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee met

today in Senate Committee Room 1. All members present voted to unanimously approve the 94th General Assembly’s American Dream Anti-Poverty Caucus.

A list of members is attached.

Sincerely,

/s/ Charlie

Charlie Shields

American Dream Anti-Poverty Caucus:

Representative Judy Baker 25

Senator Jeff Smith 4

Senator Maida J. Coleman 5

Senator Jolie Justus 10

Senator Timothy Green 13

Senator Rita Heard Days 14

Senator Frank Barnitz 16

Senator Chuck Graham 19

Senator Joan Bray 24

THIRD READING OF SENATE BILLS

SB 163, with **SCS**, introduced by Senator Mayer, entitled:

An Act to repeal section 477.650, RSMo, and to enact in lieu thereof one new section relating to the basic civil legal services fund.

Was called from the Consent Calendar and taken up.

Senator Shields assumed the Chair.

SCS for **SB 163**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 163

An Act to repeal sections 477.650 and 488.031, RSMo, and to enact in lieu thereof two new sections relating to the basic civil legal services fund, with an expiration date for certain sections.

Was taken up.

Senator Mayer moved that **SCS** for **SB 163** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS** for **SB 163** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 406, introduced by Senator Crowell, entitled:

An Act to repeal sections 104.010, 104.352, 104.354, 104.1003, 104.1021, and 104.1087, RSMo, and to enact in lieu thereof six new sections relating to the administration of state employee retirement benefits.

Was called from the Consent Calendar and taken up.

On motion of Senator Crowell, **SB 406** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Justus	Kennedy

Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senator Barnitz—1

Absent—Senator Gross—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 130, introduced by Senator Stouffer, entitled:

An Act to repeal sections 226.530 and 226.580, RSMo, and to enact in lieu thereof two new sections relating to outdoor advertising.

Was called from the Consent Calendar and taken up.

Senator Gross assumed the Chair.

On motion of Senator Stouffer, **SB 130** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 238, introduced by Senator Stouffer, entitled:

An Act to repeal section 301.142, RSMo, and to enact in lieu thereof one new section relating to disabled windshield placards, with penalty provisions and an effective date.

Was called from the Consent Calendar and taken up.

On motion of Senator Stouffer, **SB 238** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 240, introduced by Senator Stouffer, entitled:

An Act to repeal section 302.720, RSMo, and to enact in lieu thereof one new section relating to commercial driver license skills test exemptions for qualified military personnel.

Was called from the Consent Calendar and taken up.

On motion of Senator Stouffer, **SB 240** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator Days—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 226, with **SCS**, introduced by Senator Stouffer, entitled:

An Act to repeal section 577.051, RSMo, and to enact in lieu thereof one new section relating to the handling of certain driving offense records, with penalty provisions.

Was called from the Consent Calendar and taken up.

SCS for **SB 226**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 226

An Act to repeal section 577.051, RSMo, and to enact in lieu thereof one new section relating to the handling of certain driving offense records, with penalty provisions.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 226** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS** for **SB 226** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill

was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 104, with **SCS**, introduced by Senator Stouffer, entitled:

An Act to repeal sections 43.251, 302.133, 302.134, 302.135, 302.136, 302.137, 302.178, 577.608, and 650.005, RSMo, and to enact in lieu thereof ten new sections relating to the authority of the state highways and transportation commission over certain highway safety programs previously administered by the division of highway safety or the department of public safety.

Was called from the Consent Calendar and taken up.

SCS for **SB 104**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 104

An Act to repeal sections 43.010, 43.030, 43.090, 43.110, 43.120, 43.140, 43.210, 43.220, 43.251, 302.133, 302.134, 302.135, 302.136, 302.137, 302.178, 577.608, and 650.005, RSMo, and to enact in lieu thereof eighteen new sections relating to the administration of certain highway programs.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 104** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS** for **SB 104** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler

Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 103, with **SCS**, introduced by Senator Stouffer, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to the issuance of specialty license plates.

Was called from the Consent Calendar and taken up.

SCS for **SB 103**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 103

An Act to repeal section 301.030, RSMo, and to enact in lieu thereof two new sections relating to the registration of motor vehicles.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 103** be adopted.

At the request of Senator Stouffer, the motion to adopt **SCS** for **SB 103** was withdrawn, which placed the bill back on the Calendar.

SB 102, introduced by Senator Stouffer, entitled:

An Act to repeal section 304.180, RSMo, and to enact in lieu thereof one new section relating to vehicle weight regulations.

Was called from the Consent Calendar and taken up.

On motion of Senator Stouffer, **SB 102** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 91, with **SCS**, introduced by Senator Nodler, entitled:

An Act to repeal sections 301.550 and 301.560, RSMo, and to enact in lieu thereof two new sections relating to the sole purpose of exempting dealers who sell emergency vehicles from certain dealer licensure requirements.

Was called from the Consent Calendar and taken up.

SCS for SB 91, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 91**

An Act to repeal sections 301.550 and 301.560, RSMo, and to enact in lieu thereof two new sections relating to the sole purpose of exempting dealers who sell emergency vehicles from certain dealer licensure requirements.

Was taken up.

Senator Nodler moved that **SCS for SB 91** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS for SB 91** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

The Senate observed a moment of silence in memory of former U.S. Senator Thomas F.

Eagleton.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 678**, entitled:

An Act to amend chapter 171, RSMo, by adding thereto one new section relating to school attendance in inclement weather, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 652—Education.

SB 653—Health and Mental Health.

SB 654—Economic Development, Tourism and Local Government.

SB 655—Judiciary and Civil and Criminal Jurisprudence.

SB 656—Judiciary and Civil and Criminal Jurisprudence.

SB 657—Financial and Governmental Organizations and Elections.

SB 658—Seniors, Families and Public Health.

SB 659—Judiciary and Civil and Criminal Jurisprudence.

SB 660—Judiciary and Civil and Criminal Jurisprudence.

SB 661—Ways and Means.

SB 662—Financial and Governmental Organizations and Elections.

SB 663—Education.

SB 664—Financial and Governmental Organizations and Elections.

SB 665—Small Business, Insurance and Industrial Relations.

SB 666—Financial and Governmental Organizations and Elections.

SB 667—Financial and Governmental Organizations and Elections.

SB 668—Small Business, Insurance and Industrial Relations.

SB 669—Pensions, Veterans' Affairs and General Laws.

SB 670—Seniors, Families and Public Health.

SB 671—Economic Development, Tourism and Local Government.

SB 672—Ways and Means.

SB 673—Judiciary and Civil and Criminal Jurisprudence.

SB 674—Commerce, Energy and the Environment.

SB 675—Seniors, Families and Public Health.

SB 676—Judiciary and Civil and Criminal Jurisprudence.

SB 677—Seniors, Families and Public Health.

SB 678—Economic Development, Tourism and Local Government.

SB 679—Economic Development, Tourism and Local Government.

SB 680—Seniors, Families and Public Health.

SB 681—Economic Development, Tourism and Local Government.

SB 682—Economic Development, Tourism and Local Government.

SB 683—Judiciary and Civil and Criminal Jurisprudence.

SB 684—Economic Development, Tourism and Local Government.

SB 685—Judiciary and Civil and Criminal Jurisprudence.

SB 686—Judiciary and Civil and Criminal Jurisprudence.

SB 687—Ways and Means.

SB 688—Education.

SB 689—Education.

REFERRALS

President Pro Tem Gibbons referred **SCR 22**, **SCR 23** and **HCR 15** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Gibbons referred **SB 164** to the Committee on Governmental Accountability and Fiscal Oversight.

INTRODUCTIONS OF GUESTS

Senator Ridgeway introduced to the Senate, A. David Reinhart and Robin Meyers, Clay County.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-FIFTH DAY—TUESDAY, MARCH 6, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 690-Smith and Kennedy	SB 703-Bray
SB 691-Gross	SB 704-Bray
SB 692-Ridgeway	SB 705-Mayer
SB 693-Ridgeway	SB 706-Mayer
SB 694-Shields	SB 707-Gibbons
SB 695-Kennedy and Smith	SB 708-Shoemyer
SB 696-Wilson and Coleman	SB 709-Shoemyer
SB 697-Ridgeway, et al	SB 710-Coleman
SB 698-Ridgeway, et al	SJR 25-Loudon
SB 699-Lager	SJR 26-Bray
SB 700-Purgason	SJR 27-Ridgeway and Loudon
SB 701-Goodman	SJR 28-Scott
SB 702-Bray and Smith	

HOUSE BILLS ON SECOND READING

HB 269-Nolte	HCS for HB 678
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THIRD READING OF SENATE BILLS

SB 244-Mayer	SCS for SBs 62 & 41-Goodman and Koster
SB 107-Wilson	SB 164-Scott (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

- | | |
|---------------------------------------|---------------------------|
| 1. SB 204-Stouffer, with SCS | 3. SB 456-Gross, with SCS |
| 2. SB 64-Goodman and Koster, with SCS | 4. SB 2-Gibbons, with SCS |

- | | |
|--|---------------------------------|
| 5. SB 3-Gibbons, with SCS | 18. SB 242-Nodler, with SCS |
| 6. SB 268-Coleman | 19. SB 160-Rupp, with SCS |
| 7. SB 54-Koster, with SCS | 20. SB 320-Clemens, with SCS |
| 8. SBs 239, 24 & 445-Stouffer, with SCS | 21. SB 492-Crowell |
| 9. SB 215-Loudon, with SCS | 22. SB 476-Crowell |
| 10. SB 297-Loudon, with SCS | 23. SB 303-Loudon, et al |
| 11. SB 40-Ridgeway | 24. SB 363-Bartle |
| 12. SB 47-Engler, with SCS | 25. SB 82-Griesheimer, with SCS |
| 13. SB 418-Champion, with SCS | 26. SB 112-Rupp |
| 14. SBs 260 & 71-Koster, et al, with SCS | 27. SB 131-Rupp |
| 15. SBs 370, 375 & 432-Scott and Koster,
with SCS | 28. SB 31-Nodler |
| 16. SB 257-Engler, et al | 29. SB 250-Ridgeway and Vogel |
| 17. SJRs 9 & 17-Crowell and Bartle,
with SCS | 30. SB 570-Clemens |
| | 31. SB 444-Goodman |
| | 32. SB 364-Koster, with SCS |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|--------------------------------|--|
| SB 16-Scott, with SCS | SB 274-Shields |
| SB 21-Griesheimer, with SCS | SB 282-Griesheimer, with SCS |
| SB 22-Griesheimer, with SCS | SB 287-Crowell and Vogel |
| SB 27-Bartle and Koster | SB 292-Mayer |
| SB 75-Coleman, et al, with SCS | SB 300-Bartle |
| SB 101-Mayer | SB 389-Nodler, et al, with SCS & SS#2
for SCS (pending) |
| SB 155-Engler, with SCS | SB 430-Shields, et al, with SCS |
| SB 169-Rupp, with SCS | |

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

SB 103-Stouffer, with SCS

Reported 2/15

SB 8-Kennedy	SB 270-Scott
SB 156-Engler, with SCS	SB 271-Scott
SB 159-Engler, with SCS	SB 158-Engler
SB 272-Scott, with SCS	SB 281-Griesheimer
SB 132-Rupp	SB 237-Shields and Justus
SB 171-Nodler	SB 223-Rupp
SB 269-Scott	

Reported 2/22

SB 325-Loudon	SB 397-Stouffer, with SCS
SB 308-Crowell, et al, with SCS	SB 67-Rupp, with SCS
SB 162-Vogel	SB 135-Nodler
SB 184-Green	SB 236-Shields
SB 218-Graham	SB 172-Ridgeway
SB 233-Crowell	SB 395-McKenna
SB 376-Griesheimer	

Reported 3/1

SB 166-Griesheimer	SB 547-Griesheimer
SB 299-Purgason, with SCS	SB 549-Scott
SB 323-Graham	SB 341-Goodman, with SCS
SB 334-Griesheimer	SB 416-Goodman
SB 345-Shoemyer	SB 328-Engler
SB 360-Goodman, with SCS	SB 407-Shoemyer
SB 393-McKenna	SB 309-Stouffer, with SCS
SB 352-Clemens	SB 332-Stouffer
SB 139-Bray	SB 498-Scott
SB 200-Stouffer	SB 440-Days and Gibbons
SB 543-Stouffer	

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Journal of the Senate

FIRST REGULAR SESSION

THIRTY-FIFTH DAY—TUESDAY, MARCH 6, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The Lord is near to the brokenhearted, and saves the crushed in spirit.” (Psalm 34:18)

Merciful God, each day we meet various people who we sometimes have the opportunity to hear their stories and discover the diversity of human hurts and needs and a variety of wants. Help us to know, amid our limited resources, new avenues to address ways we can be of assistance that can lift their spirits and direct help their way. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler

Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Clemens offered Senate Resolution No. 515, regarding Chris Leslie, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 516, regarding Girma Wolde Giorgis, president of Ethiopia, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Rupp moved that **SB 169**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 169**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 169

An Act to amend chapter 135, RSMo, by

adding thereto one new section relating to the new markets tax credit program.

Was taken up.

Senator Rupp moved that **SCS** for **SB 169** be adopted.

Senator Rupp offered **SS** for **SCS** for **SB 169**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 169

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to the new markets tax credit program.

Senator Rupp moved that **SS** for **SCS** for **SB 169** be adopted.

Senator Shields assumed the Chair.

Senator Purgason offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 169, Page 1, In the Title, Line 3, by striking all of said line and inserting in lieu thereof the following: "sections relating to certain tax credit programs."; and

Further amend page 8, section 135.662, line 19 by inserting after all of said line the following:

"135.669. 1. As used in this section, the following terms mean:

(1) "Authority", the Missouri agricultural and small business development authority organized under sections 348.005 to 348.180, RSMo;

(2) "Gas station", any gas station serving a rural area that would have no gas station service if the gas station were nonoperational as a result of a failure to install safety upgrades;

(3) "Safety upgrades", any upgrade to a gas station required for safety by federal safety

standards administered by the state department of agriculture;

(4) "Tax credit", a credit against the tax otherwise due under chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo;

(5) "Taxpayer", any individual or entity that owns a gas station and that is subject to the tax imposed in chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo.

2. For all taxable years beginning on or after January 1, 2007, a taxpayer shall be allowed a tax credit for the costs incurred to install safety upgrades to a gas station. The tax credit amount shall be equal to the lesser of fifty percent of the costs incurred or ten thousand dollars. If the amount of the tax credit issued exceeds the amount of the taxpayer's state tax liability for the tax year for which the credit is claimed, the difference shall not be refundable but may be carried back to any of the taxpayer's three prior taxable years and carried forward to any of the taxpayer's five subsequent taxable years. Any tax credit granted under this section may be transferred, sold, or assigned. Whenever a certificate of tax credit is transferred, sold, assigned, or otherwise conveyed, a notarized endorsement shall be filed with the authority specifying the name and address of the new owner of the tax credit or the value of the credit. The cumulative amount of tax credits which may be issued under this section in any one fiscal year shall not exceed five hundred thousand dollars.

3. A taxpayer shall submit to the authority an application for a certificate of tax credit before any costs are incurred for any safety upgrades. The authority may promulgate rules establishing the application procedure and verification of eligibility for the tax credit. The authority may impose a fee not to exceed one hundred dollars for the application process.

4. The department of revenue and the authority may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

5. Under section 23.253, RSMo, of the Missouri Sunset Act:

(1) The provisions of the new program authorized under this section shall automatically sunset on December thirty-first three years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first three years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

Further amend the title and enacting clause accordingly.

Senator Purgason moved that the above amendment be adopted.

Senator Koster assumed the Chair.

Senator Callahan raised the point of order that **SA 1** is out of order as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem who took it under advisement, which placed **SB 169**, with **SCS**, **SS** for **SCS**, **SA 1** and the point of order (pending) on the Informal Calendar.

Senator Griesheimer moved that **SB 282**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 282**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 282

An Act to repeal sections 135.950, 135.963, 135.967, 178.895, 178.896, 620.1878, and 620.1881, RSMo, and to enact in lieu thereof eight new sections relating to certain department of economic development programs.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 282** be adopted.

Senator Griesheimer offered **SS** for **SCS** for **SB 282**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 282

An Act to repeal sections 135.950, 135.963, 135.967, 178.895, 178.896, 620.1878, and 620.1881, RSMo, and to enact in lieu thereof eight new sections relating to certain department of economic development programs.

Senator Griesheimer moved that **SS** for **SCS** for **SB 282** be adopted.

At the request of Senator Griesheimer, **SB 282**, with **SCS** and **SS** for **SCS** (pending) was placed on the Informal Calendar.

INTRODUCTIONS OF GUESTS

Senator Barnitz introduced to the Senate, Major General William H. McCoy and his wife, Jill, Ft. Leonard Wood. Major General McCoy assumed the dais and addressed the members of the Senate.

Senator Koster resumed the Chair.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 70**, entitled:

An Act to repeal section 170.011, RSMo, and to enact in lieu thereof one new section relating to transfer student curriculum.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Shields, the Senate recessed until 4:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Scott.

RESOLUTIONS

Senator Bray offered Senate Resolution No. 517, regarding the Ninetieth Birthday of Rose Schechter, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 518, regarding Harriet Tubman Day in Kansas City, which was adopted.

Senator Rupp offered Senate Resolution No. 519, regarding Billy Collier, which was adopted.

Senator Rupp offered Senate Resolution No. 520, regarding Mary Riorden, Saint Peters, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 69**, entitled:

An Act to repeal section 67.1000, as enacted by senate committee substitute for senate bill no. 820, eighty-ninth general assembly, second regular session, and section 67.1000, as enacted by house bill no. 1587, eighty-ninth general assembly, second regular session, and to enact in lieu thereof one new section relating to transient guest taxes.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 14** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

THIRD READING OF SENATE BILLS

SB 244, introduced by Senator Mayer, entitled:

An Act to repeal sections 169.070, 169.466, 169.471, and 169.670, RSMo, and to enact in lieu thereof four new sections relating to the teacher and school employee retirement systems.

Was taken up.

Senator Mayer moved that **SB 244** be read the 3rd time and passed.

At the request of Senator Mayer, **SB 244** was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Gross moved that the Senate refuse to

recede from its position on **SCS** for **HCS** for **HB 14** and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 14**: Senators Gross, Nodler, Mayer, Green and Bray.

THIRD READING OF SENATE BILLS

Senator Mayer moved that **SB 244** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SB 244 was again taken up.

On motion of Senator Mayer, **SB 244** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 107, introduced by Senator Wilson, entitled:

An Act to amend chapter 195, RSMo, by adding thereto one new section relating to distribution of a controlled substance near a park, with penalty provisions.

Was taken up.

On motion of Senator Wilson, **SB 107** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senator Ridgeway—1

Absent—Senator Justus—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wilson, title to the bill was agreed to.

Senator Wilson moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for **SBs 62** and **41**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 62 and 41

An Act to repeal sections 563.011, 563.031, 563.036, and 563.041, RSMo, and to enact in lieu

thereof four new sections relating to the use of force.

Was taken up by Senator Goodman.

On motion of Senator Goodman, **SCS** for **SBs 62** and **41** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators

Bray Justus—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Stouffer moved that **SB 204**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 204**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 204

An Act to repeal section 414.255, RSMo, and to enact in lieu thereof one new section relating to

biodiesel, with penalty provisions.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 204** be adopted.

Senator Stouffer offered **SS** for **SCS** for **SB 204**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 204

An Act to repeal section 414.255, RSMo, and to enact in lieu thereof one new section relating to biodiesel, with penalty provisions.

Senator Stouffer moved that **SS** for **SCS** for **SB 204** be adopted.

At the request of Senator Stouffer, **SB 204**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

Senator Goodman moved that **SB 64**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 64**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 64

An Act to repeal sections 171.031 and 171.033, RSMo, and to enact in lieu thereof two new sections relating to the opening date for all public schools.

Was taken up.

Senator Goodman moved that **SCS** for **SB 64** be adopted.

Senator Wilson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 64, Page 1, Section 171.031, Line 5, by inserting after the number “2.” the following:

“Notwithstanding the provisions of subsection 1 of this section, for the 2006-2007 school year, each school board shall provide a

minimum term of at least one hundred seventy-four days or one thousand forty-four hours of actual pupil attendance.

3.”; and

Further renumber the remaining subsections accordingly.

Senator Wilson moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 64, Pages 2-3, Section 171.033, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Goodman moved that **SCS** for **SB 64**, as amended, be adopted, which motion prevailed.

On motion of Senator Goodman, **SCS** for **SB 64**, as amended, was declared perfected and ordered printed.

Senator Gross moved that **SB 456**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 456**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 456

An Act to repeal section 163.011, RSMo, and to enact in lieu thereof two new sections relating to fine revenue for school district funding.

Was taken up.

Senator Gross moved that **SCS** for **SB 456** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **SB 456** was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from

the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 25**.

HOUSE CONCURRENT RESOLUTION NO. 25

Whereas, Truman Medical Centers is Western Missouri's safety net hospital system. The Truman Medical Center System is comprised of Truman Medical Center Hospital Hill, Truman Medical Center Lakewood, and Truman Medical Center Behavioral Health; and

Whereas, with three out of four of Truman Medical Center patients being uninsured or Medicaid-eligible, Truman Medical Center is the health care home for many of the underinsured in the Kansas City area; and

Whereas, Truman Medical Center is particularly concerned about proposed regulations from the federal Centers for Medicare and Medicaid Services that would narrow the definition of "public" so that many current public hospitals, including Truman Medical Center, would no longer qualify as public for purposes of providing the local match required to obtain federal Medicaid funds. Initial estimates of the impact to Truman Medical Center is that it would exceed \$37 million in lost Medicaid funding; and

Whereas, Truman Medical Center's exclusion as a public institution would occur despite the fact that Truman Medical Center operates the hospitals of the City of Kansas City, Missouri, and Jackson County, Missouri. Truman Medical Center continues to shoulder public duties such as indigent healthcare and jail clinics; and

Whereas, both Truman Medical Center hospitals serve as primary teaching institutions for the residents and undergraduate medical students of the University of Missouri-Kansas City School of Medicine; and

Whereas, the Centers for Medicare and Medicaid Services has previously explicitly recognized Truman Medical Center's governmental status; and

Whereas, the proposed rules would arbitrarily remove Truman Medical Center from its status as a government owned or operated hospital:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-fourth General Assembly, First Regular Session, the Senate concurring therein, hereby urge the Centers for Medicare and Medicaid Services to withdraw the portion of the proposed rules that would change the status of Truman Medical Center as a government owned or operated hospital; and

Be it further resolved that the General Assembly requests that the Missouri Congressional delegation ask the Centers for Medicare

and Medicaid Services to withdraw this rule and further requests the Missouri Congressional delegation to diligently work to assure that this rule does not take effect; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for Leslie V. Norwalk, Acting Administrator of the Centers for Medicare and Medicaid Services and each member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 14**. Representatives: Icet, Stevenson, Cunningham (145), Wildberger and Donnelly.

INTRODUCTIONS OF GUESTS

Senator McKenna introduced to the Senate, ninth grade students from Festus High School.

Senator Barnitz introduced to the Senate, Connie Shoemaker and art students, Myndi Brinlee, Darla Jones and Krystal Garcia from Rolla High School.

Senator Stouffer introduced to the Senate, Mrs. Reed and fourth grade students from Atlanta C-3 School; and Christina Pennington and Torey Rhoades were made honorary pages.

Senator Mayer introduced to the Senate, Will Van Wig, Ashland.

Senator Gross introduced to the Senate, Heather Ryan and seventh and eighth grade Gifted Students from Barnwell Middle School, St. Charles.

Senator Coleman introduced to the Senate, Gwen Crimm, Mike Mehan and Antoinette Oden, Stephanie Cheeks, Michael Marion, Shawn Like, Jeremy Stewart, Theodis Howard, Gabrielle Fields, Cherrell Sipes, Garland Patton, Ebonee' Ali, Justin Stokes, Leandre Gibson, Terral Henderson, James

Jordan, Shawn Hunter, Daniel Glenn, faculty and students from the Construction Careers Center, St. Louis City.

Senator Clemens introduced to the Senate, Troy Garrison and forty students from Ava High School.

Senator Champion introduced to the Senate, Pat Quick, David Kremer, Michael Carr, Jim Twibell and Marlene Williams, Springfield.

Senator Graham introduced to the Senate, twenty sixth and seventh grade Gifted Students from Lange Middle School, Columbia.

Senator Engler introduced to the Senate, students from the De Soto Schools.

Senator Scott introduced to the Senate, Tisha Clawson, Lisa Funk and Richard Clawson, Bolivar.

Senator Scott introduced to the Senate, Principal John Nail and seventh and eighth grade students from St. Paul's Lutheran School, Sedalia.

Senator Smith introduced to the Senate, members of Leadership St. Louis.

Senator Clemens introduced to the Senate, art students from Willard South Elementary School.

Senator Graham introduced to the Senate, Brad Clark, O'Fallon.

Senator Shoemyer introduced to the Senate, Annette Greenwald, Emily Yarbough, David Coltron, Elliott Myer, Erica Graham, Samantha Cockrell, Ryan Tucker, Lainy Harrison, Austin Carter, Kathryn Leicht and Jared Held, Hannibal.

Senator Shoemyer introduced to the Senate, Donna Houston and students of the Paris Gifted Class.

Senator Scott introduced to the Senate, the Physician of the Day, Dr. Jeff Tedrow, M.D., and his daughter Molly, Bolivar.

Senator Champion introduced to the Senate, Kelley Barker, Springfield.

Senator Goodman introduced to the Senate, Shandra Stephens and Maxwell Stephens, Dakota Wood, Kayla Hess and Tawsha Creason, Gifted Students from McDonald County Schools.

Senator Barnitz introduced to the Senate, former State Representative Bill Ransdall and LEAP Gifted Students from Waynesville and Fort Leonard Wood.

Senator Green introduced to the Senate, Principal Kerry McDaniel, Sue Downs, Cheryl Scurry; parents and teachers and forty-five fourth grade students from Robinwood Elementary School, Florissant; and Amber Berry, Monet Britts, Timothy King and Caitlin Luley were made honorary pages.

Senator Scott introduced to the Senate, Jennifer Kelley and Anne Rinehart, Billie Rattler, Michelle Lawler, Mandy Aspey, Alex Faigenblat, Ashley Moore, Amber J. Thomas, Ashley Marie,

Joseph Rowski and Jim Choate, students from Wheatland School.

Senator Kennedy introduced to the Senate, Dr. Gerald Wertel, Dr. Kimberly Nolan, Dr. William Nolan and Dr. Michael Finley.

Senator Ridgeway introduced to the Senate, Dr. Linda Buckmiller, Dr. Sharon Kavanaugh, Dr. Elizabeth Arnold and Dr. Lynn McIntosh, Kansas City.

Senator Graham introduced to the Senate, Brad Schad, Katie Jarboe, Whitney Wallace, Tyler Jones, Kyle Allen, John Schad and Ryan Wallace, Columbia.

Senator Kennedy introduced to the Senate, Suzanne Archer, St. Louis.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-SIXTH DAY—WEDNESDAY, MARCH 7, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 690-Smith and Kennedy
 SB 691-Gross
 SB 692-Ridgeway
 SB 693-Ridgeway
 SB 694-Shields
 SB 695-Kennedy and Smith
 SB 696-Wilson and Coleman
 SB 697-Ridgeway, et al
 SB 698-Ridgeway, et al
 SB 699-Lager
 SB 700-Purgason

SB 701-Goodman
 SB 702-Bray and Smith
 SB 703-Bray
 SB 704-Bray
 SB 705-Mayer
 SB 706-Mayer
 SB 707-Gibbons
 SB 708-Shoemyer
 SB 709-Shoemyer
 SB 710-Coleman
 SJR 25-Loudon

SJR 26-Bray
SJR 27-Ridgeway and Loudon

SJR 28-Scott

HOUSE BILLS ON SECOND READING

HB 269-Nolte
HCS for HB 678

HB 70-Day, et al
HB 69-Day

THIRD READING OF SENATE BILLS

SB 164-Scott (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

- | | |
|--|---------------------------------|
| 1. SB 2-Gibbons, with SCS | 15. SB 242-Nodler, with SCS |
| 2. SB 3-Gibbons, with SCS | 16. SB 160-Rupp, with SCS |
| 3. SB 268-Coleman | 17. SB 320-Clemens, with SCS |
| 4. SB 54-Koster, with SCS | 18. SB 492-Crowell |
| 5. SBs 239, 24 & 445-Stouffer, with SCS | 19. SB 476-Crowell |
| 6. SB 215-Loudon, with SCS | 20. SB 303-Loudon, et al |
| 7. SB 297-Loudon, with SCS | 21. SB 363-Bartle |
| 8. SB 40-Ridgeway | 22. SB 82-Griesheimer, with SCS |
| 9. SB 47-Engler, with SCS | 23. SB 112-Rupp |
| 10. SB 418-Champion, with SCS | 24. SB 131-Rupp |
| 11. SBs 260 & 71-Koster, et al, with SCS | 25. SB 31-Nodler |
| 12. SBs 370, 375 & 432-Scott and Koster,
with SCS | 26. SB 250-Ridgeway and Vogel |
| 13. SB 257-Engler, et al | 27. SB 570-Clemens |
| 14. SJRs 9 & 17-Crowell and Bartle, with SCS | 28. SB 444-Goodman |
| | 29. SB 364-Koster, with SCS |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|--------------------------------|---|
| SB 16-Scott, with SCS | SB 155-Engler, with SCS |
| SB 21-Griesheimer, with SCS | SB 169-Rupp, with SCS, SS for SCS, SA 1
& point of order (pending) |
| SB 22-Griesheimer, with SCS | SB 204-Stouffer, with SCS & SS
for SCS (pending) |
| SB 27-Bartle and Koster | SB 274-Shields |
| SB 75-Coleman, et al, with SCS | |
| SB 101-Mayer | |

SB 282-Griesheimer, with SCS & SS
for SCS (pending)
SB 287-Crowell and Vogel
SB 292-Mayer

SB 300-Bartle
SB 389-Nodler, et al, with SCS & SS#2
for SCS (pending)
SB 430-Shields, et al, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

SB 103-Stouffer, with SCS

Reported 2/15

SB 8-Kennedy
SB 156-Engler, with SCS
SB 159-Engler, with SCS
SB 272-Scott, with SCS
SB 132-Rupp
SB 171-Nodler
SB 269-Scott

SB 270-Scott
SB 271-Scott
SB 158-Engler
SB 281-Griesheimer
SB 237-Shields and Justus
SB 223-Rupp

Reported 2/22

SB 325-Loudon
SB 308-Crowell, et al, with SCS
SB 162-Vogel
SB 184-Green
SB 218-Graham
SB 233-Crowell
SB 376-Griesheimer

SB 397-Stouffer, with SCS
SB 67-Rupp, with SCS
SB 135-Nodler
SB 236-Shields
SB 172-Ridgeway
SB 395-McKenna

Reported 3/1

SB 166-Griesheimer
SB 299-Purgason, with SCS

SB 323-Graham
SB 334-Griesheimer

SB 345-Shoemyer
SB 360-Goodman, with SCS
SB 393-McKenna
SB 352-Clemens
SB 139-Bray
SB 200-Stouffer
SB 543-Stouffer
SB 547-Griesheimer
SB 549-Scott

SB 341-Goodman, with SCS
SB 416-Goodman
SB 328-Engler
SB 407-Shoemyer
SB 309-Stouffer, with SCS
SB 332-Stouffer
SB 498-Scott
SB 440-Days and Gibbons

**BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES**

In Conference

HCS for HB 14, with SCS (Gross)

RESOLUTIONS

To be Referred

HCR 25-Yates, et al

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Journal of the Senate

FIRST REGULAR SESSION

THIRTY-SIXTH DAY—WEDNESDAY, MARCH 7, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“He judges the world with righteousness; he judges the peoples with equity.” (Psalm 9:8)

Almighty God, we ask that You preserve and protect us this day from all that would distract us from serving You and Your righteousness. We would also ask that You will continue to give us Your Spirit of wisdom, kindness and justice that all of our interactions with each other and with those we serve may be expressions of true courtesy. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler

Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Graham offered Senate Resolution No. 521, regarding Gilbert Ross, Jr., M.D., which was adopted.

Senator Green offered Senate Resolution No. 522, regarding William Booth, St. Paul, which was adopted.

Senator Green offered Senate Resolution No. 523, regarding Jimmy Dee Woods, III, Florissant, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Scott moved that **SB 16**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 16**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 16

An Act to repeal section 192.935, RSMo, and to enact in lieu thereof three new sections relating to vision examinations for school children.

Was taken up.

Senator Scott moved that **SCS** for **SB 16** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SB 16** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 64** and **SCS** for **SB 456**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTIONS

SB 2, with **SCS**, was placed on the Informal Calendar.

SB 3, with **SCS**, was placed on the Informal Calendar.

Senator Coleman moved that **SB 268** be taken up for perfection, which motion prevailed.

Senator Koster assumed the Chair.

On motion of Senator Coleman, **SB 268** was declared perfected and ordered printed.

Senator Griesheimer assumed the Chair.

Senator Koster moved that **SB 54**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 54**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 54

An Act to amend chapter 393, RSMo, by

adding thereto five new sections relating to the green power initiative, with an effective date.

Was taken up.

Senator Koster moved that **SCS** for **SB 54** be adopted.

Senator Green offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 54, Page 1, In the Title, Line 3, by striking all of said line and inserting in lieu thereof the following: "electrical corporations, with penalty provisions and an effective date for certain sections."; and

Further amend said bill and page, section A, line 3, by inserting immediately after said line the following:

"386.266. 1. Subject to the requirements of this section, any electrical corporation may make an application to the commission to approve rate schedules authorizing an interim energy charge, or periodic rate adjustments outside of general rate proceedings to reflect increases and decreases in its prudently incurred fuel and purchased-power costs, including transportation. The commission may, in accordance with existing law, include in such rate schedules features designed to provide the electrical corporation with incentives to improve the efficiency and cost-effectiveness of its fuel and purchased-power procurement activities.

2. Subject to the requirements of this section, any electrical, gas, or water corporation may make an application to the commission to approve rate schedules authorizing periodic rate adjustments outside of general rate proceedings to reflect increases and decreases in its prudently incurred costs, whether capital or expense, to comply with any federal, state, or local environmental law, regulation, or rule. Any rate adjustment made under such rate schedules shall not exceed an annual amount equal to two and one-half percent of the electrical, gas, or water corporation's

Missouri gross jurisdictional revenues, excluding gross receipts tax, sales tax and other similar pass-through taxes not included in tariffed rates, for regulated services as established in the utility's most recent general rate case or complaint proceeding. In addition to the rate adjustment, the electrical, gas, or water corporation shall be permitted to collect any applicable gross receipts tax, sales tax, or other similar pass-through taxes, and such taxes shall not be counted against the two and one-half percent rate adjustment cap. Any costs not recovered as a result of the annual two and one-half percent limitation on rate adjustments may be deferred, at a carrying cost each month equal to the utilities net of tax cost of capital, for recovery in a subsequent year or in the corporation's next general rate case or complaint proceeding.

3. Subject to the requirements of this section, any gas corporation may make an application to the commission to approve rate schedules authorizing periodic rate adjustments outside of general rate proceedings to reflect the nongas revenue effects of increases or decreases in residential and commercial customer usage due to variations in either weather, conservation, or both.

4. The commission shall have the power to approve, modify, or reject adjustment mechanisms submitted under subsections 1 to 3 of this section only after providing the opportunity for a full hearing in a general rate proceeding, including a general rate proceeding initiated by complaint. The commission may approve such rate schedules after considering all relevant factors which may affect the costs or overall rates and charges of the corporation, provided that it finds that the adjustment mechanism set forth in the schedules:

(1) Is reasonably designed to provide the utility with a sufficient opportunity to earn a fair return on equity;

(2) Includes provisions for an annual true-up which shall accurately and appropriately remedy any over- or under-collections, including interest at

the utility's short-term borrowing rate, through subsequent rate adjustments or refunds;

(3) In the case of an adjustment mechanism submitted under subsections 1 and 2 of this section, includes provisions requiring that the utility file a general rate case with the effective date of new rates to be no later than four years after the effective date of the commission order implementing the adjustment mechanism. However, with respect to each mechanism, the four-year period shall not include any periods in which the utility is prohibited from collecting any charges under the adjustment mechanism, or any period for which charges collected under the adjustment mechanism must be fully refunded. In the event a court determines that the adjustment mechanism is unlawful and all moneys collected thereunder are fully refunded, the utility shall be relieved of any obligation under that adjustment mechanism to file a rate case;

(4) In the case of an adjustment mechanism submitted under subsection 1 or 2 of this section, includes provisions for prudence reviews of the costs subject to the adjustment mechanism no less frequently than at eighteen-month intervals, and shall require refund of any imprudently incurred costs plus interest at the utility's short-term borrowing rate.

5. Once such an adjustment mechanism is approved by the commission under this section, it shall remain in effect until such time as the commission authorizes the modification, extension, or discontinuance of the mechanism in a general rate case or complaint proceeding.

6. Any amounts charged under any adjustment mechanism approved by the commission under this section shall be separately disclosed on each customer bill.

7. The commission may take into account any change in business risk to the corporation resulting from implementation of the adjustment mechanism in setting the corporation's allowed return in any

rate proceeding, in addition to any other changes in business risk experienced by the corporation.

8. In the event the commission lawfully approves an incentive- or performance-based plan, such plan shall be binding on the commission for the entire term of the plan. This subsection shall not be construed to authorize or prohibit any incentive- or performance-based plan.

9. Prior to August 28, 2005, the commission shall have the authority to promulgate rules under the provisions of chapter 536, RSMo, as it deems necessary, to govern the structure, content and operation of such rate adjustments, and the procedure for the submission, frequency, examination, hearing and approval of such rate adjustments. Such rules shall be promulgated no later than one hundred fifty days after the initiation of such rulemaking proceeding. Any electrical, gas, or water corporation may apply for any adjustment mechanism under this section whether or not the commission has promulgated any such rules.

10. Nothing contained in this section shall be construed as affecting any existing adjustment mechanism, rate schedule, tariff, incentive plan, or other ratemaking mechanism currently approved and in effect.

11. Each of the provisions of this section is severable. In the event any provision or subsection of this section is deemed unlawful, all remaining provisions shall remain in effect.

12. The provisions of this section shall take effect on January 1, 2006, and the commission shall have previously promulgated rules to implement the application process for any rate adjustment mechanism under this section prior to the commission issuing an order for any rate adjustment.

13. The public service commission shall appoint a task force, consisting of all interested parties, to study and make recommendations on the cost recovery and implementation of conservation

and weatherization programs for electrical and gas corporations.

14. The commission shall not accept an application submitted to the commission under this section by any electrical corporation in violation of any regulation promulgated under subdivision (4) of section 393.140, RSMo, until such corporation is in compliance with all such regulations.

393.140. The commission shall:

(1) Have general supervision of all gas corporations, electrical corporations, water corporations and sewer corporations having authority under any special or general law or under any charter or franchise to lay down, erect or maintain wires, pipes, conduits, ducts or other fixtures in, over or under the streets, highways and public places of any municipality, for the purpose of furnishing or distributing water or gas or of furnishing or transmitting electricity for light, heat or power, or maintaining underground conduits or ducts for electrical conductors, or for the purpose of collecting, carrying, treating, or disposing of sewage, and all gas plants, electric plants, water systems and sewer systems owned, leased or operated by any gas corporation, electrical corporation, water corporation, or sewer corporation.

(2) Investigate and ascertain, from time to time, the quality of gas or water supplied and sewer service furnished by persons and corporations, examine or investigate the methods employed by such persons and corporations in manufacturing, distributing and supplying gas or electricity for light, heat or power and in transmitting the same, and in supplying and distributing water for any purpose whatsoever, and in furnishing a sewer system, and have power to order such reasonable improvements as will best promote the public interest, preserve the public health and protect those using such gas, electricity, water, or sewer system, and those employed in the manufacture and distribution thereof, and have

power to order reasonable improvements and extensions of the works, wires, poles, pipes, lines, conduits, ducts and other reasonable devices, apparatus and property of gas corporations, electrical corporations, water corporations, and sewer corporations.

(3) Have power, by order, to fix from time to time standards for the measurement of the purity or illuminating power of gas to be manufactured, distributed or sold by persons or corporations for lighting, heating or power purposes, to prescribe from time to time the efficiency of the electric supply system, of the current supplied and of the lamps furnished by the persons or corporations generating and selling electric current, and to fix from time to time standards for the measurement of the purity or pressure of water to be distributed or sold by persons or corporations for any purpose whatsoever, and to fix from time to time the standards for designing, constructing, operating and maintaining sewer systems of sewer corporations, including sewers, sewage pumping stations, sewage treatment works, primary treatment facilities, sludge digestion and disposal facilities, secondary treatment facilities, disinfection facilities, and any and all facilities related thereto; provided, however, that such standards shall be supplemental to and in no way set standards lesser than the minimum standards adopted by the state water pollution board, and by order to require gas so manufactured, distributed or sold to equal the standards so fixed by it, and to prescribe from time to time the reasonable minimum and maximum pressure at which gas shall be delivered by said persons or corporations. For the purpose of determining whether the gas manufactured, distributed or sold by such persons or corporations for lighting, heating or power purposes conforms to the standards of illuminating power, purity and pressure, and for the purpose of determining whether the efficiency of the electric supply system, of the current supplied and of the lamps furnished, and for the purpose of determining whether the water furnished or sold

conforms to the standard of purity and pressure, and for the purpose of determining whether the sewer system conforms to the standards for designing, constructing, operating and maintaining sewer systems, and conforms to the orders issued by the commission, the commission shall have power, of its own motion, to examine and investigate the plants and methods employed in manufacturing, delivering and supplying gas, electricity or water, and the collecting, carrying, treating and disposing of sewage, and shall have access, through its members or persons employed and authorized by it, to make such examinations and investigations to all parts of the manufacturing plants owned, used or operated for the manufacture, transmission or distribution of gas or electricity by any such person or corporation, and to all parts of the systems owned, used or operated for the supplying and distribution of water and the collecting, carrying, treating and disposing of sewage by any such person or corporation. Any employee or agent of the commission who divulges any fact or information which may come to his knowledge during the course of any such inspection or examination, except insofar as he may be directed by the commission, or by a court or judge thereof, or authorized by law, shall be guilty of a misdemeanor.

(4) Promulgate rules by January 1, 2008, under the authority of section 386.125, RSMo, that establish:

(a) Minimum standards for the management of vegetation in, and adjacent to, the utility system easement or right-of-way of electrical corporations. Such standards may be prescriptive standards, performance standards, or both;

(b) Minimum standards for the inspection, maintenance, repair, and replacement of utility infrastructure used by electrical corporations for the provision of electrical service. Such standards may be prescriptive standards, performance standards, or both;

(c) Minimum reliability standards for the provision of utility service by electrical corporations. Such standards shall include conditions under which electrical corporations shall reimburse any customer who sustains economic loss or damage valued over two hundred dollars that results from electric service outages in violation of the standards developed under this paragraph;

(d) Reporting requirements for electrical corporations under the requirements of paragraphs (a), (b), and (c) of this subdivision. Any reports issued by an electrical corporation under this subdivision shall be made available to the public; and

(e) A schedule of penalties to be assessed against any electrical corporation in violation of any provision of this subdivision, with no single penalty to exceed two hundred fifty thousand dollars per day per violation.

(5) Conduct inspection and monitoring activities as necessary to ensure and enforce compliance by electrical corporations with the standards developed under subdivision 4 of this section.

(6) Have power, in its discretion, to prescribe uniform methods of keeping accounts, records and books, to be observed by gas corporations, electrical corporations, water corporations and sewer corporations engaged in the manufacture, sale or distribution of gas and electricity for light, heat or power, or in the distribution and sale of water for any purpose whatsoever, or in the collection, carriage, treatment and disposal of sewage for municipal, domestic or other necessary beneficial purpose. It may also, in its discretion, prescribe, by order, forms of accounts, records and memoranda to be kept by such persons and corporations. Notice of alterations by the commission in the required method or form of keeping a system of accounts shall be given to such persons or corporations by the commission at least six months before the same shall take effect.

Any other and additional forms of accounts, records and memoranda kept by such corporation shall be subject to examination by the commission.

[(5)] (7) Examine all persons and corporations under its supervision and keep informed as to the methods, practices, regulations and property employed by them in the transaction of their business. Whenever the commission shall be of the opinion, after a hearing had upon its own motion or upon complaint, that the rates or charges or the acts or regulations of any such persons or corporations are unjust, unreasonable, unjustly discriminatory or unduly preferential or in any wise in violation of any provision of law, the commission shall determine and prescribe the just and reasonable rates and charges thereafter to be in force for the service to be furnished, notwithstanding that a higher rate or charge has heretofore been authorized by statute, and the just and reasonable acts and regulations to be done and observed; and whenever the commission shall be of the opinion, after a hearing had upon its own motion or upon complaints, that the property, equipment or appliances of any such person or corporation are unsafe, insufficient or inadequate, the commission shall determine and prescribe the safe, efficient and adequate property, equipment and appliances thereafter to be used, maintained and operated for the security and accommodation of the public and in compliance with the provisions of law and of their franchises and charters.

[(6)] (8) Require every person and corporation under its supervision and it shall be the duty of every person and corporation to file with the commission an annual report, verified by the oath of the president, treasurer, general manager or receiver, if any, thereof. The verification shall be made by said official holding office at the time of the filing of said report, and if not made upon the knowledge of the person verifying the same, shall set forth the sources of his information and the grounds of his belief as to any matters not stated to be verified upon his knowledge. The report shall

show in detail the amount of its authorized capital stock and the amount thereof issued and outstanding; the amount of its authorized bonded indebtedness and the amount of its bonds and other forms of evidence of indebtedness issued and outstanding; its receipts and expenditures during the preceding year; the amount paid as dividends upon its stock and as interest upon its bonds; the names of its officers and the aggregate amount paid as salaries to them and the amount paid as wages to its employees; the location of its plant or plants and system, with a full description of its property and franchises, stating in detail how each franchise stated to be owned was acquired; and such other facts pertaining to the operation and maintenance of the plant and system, and the affairs of such person or corporation as may be required by the commission. Such reports shall be in the form, cover the period and be filed at the time prescribed by the commission. The commission may, from time to time, make changes and additions in such forms. When any such report is defective or believed to be erroneous, the commission shall notify the person or corporation making such report to amend the same within a time prescribed by the commission. Any such person or corporation which shall neglect to make any such report or which shall fail to correct any such report within the time prescribed by the commission shall be liable to a penalty of one hundred dollars and an additional penalty of one hundred dollars for each day after the prescribed time for which it shall neglect to file or correct the same, to be sued for in the name of the state of Missouri. The amount recovered in any such action shall be paid to the public school fund of the state. The commission may extend the time prescribed for cause shown.

[(7)] (9) Have power, either through its members or inspectors or employees duly authorized by it, to enter in or upon and to inspect the property, buildings, plants, factories, powerhouses, ducts, conduits and offices of any such corporations or persons.

[(8)] (10) Have power to examine the accounts, books, contracts, records, documents and papers of any such corporation or person, and have power, after hearing, to prescribe by order the accounts in which particular outlays and receipts shall be entered, charged or credited.

[(9)] (11) Have power to compel, by subpoena duces tecum, the production of any accounts, books, contracts, records, documents, memoranda and papers. In lieu of requiring production of originals by subpoena duces tecum the commission or any commissioner may require sworn copies of any such books, records, contracts, documents and papers, or parts thereof, to be filed with it. The commission may require of all such corporations or persons specific answers to questions upon which the commission may need information, and may also require such corporations or persons to file periodic reports in the form, covering the period and filed at the time prescribed by the commission. If such corporation or person shall fail to make specific answer to any question or shall fail to make a periodic report when required by the commission as herein provided within the time and in the form prescribed by the commission for the making and filing of any such report or answer, such corporation or person shall forfeit to the state the sum of one hundred dollars for each and every day it shall continue to be in default with respect to such report or answer. Such forfeiture shall be recovered in an action brought by the commission in the name of the state of Missouri. The amount recovered in any such action shall be paid to the public school fund of the state.

[(10)] (12) Have power in all parts of the state, either as a commission or through its members, to subpoena witnesses, take testimony and administer oaths to witnesses in any proceeding or examination instituted before it, or conducted by it, in reference to any matter under sections 393.110 to 393.285.

[(11)] (13) Have power to require every gas corporation, electrical corporation, water

corporation, and sewer corporation to file with the commission and to print and keep open to public inspection schedules showing all rates and charges made, established or enforced or to be charged or enforced, all forms of contract or agreement and all rules and regulations relating to rates, charges or service used or to be used, and all general privileges and facilities granted or allowed by such gas corporation, electrical corporation, water corporation, or sewer corporation; but this subdivision shall not apply to state, municipal or federal contracts. Unless the commission otherwise orders, no change shall be made in any rate or charge, or in any form of contract or agreement, or any rule or regulation relating to any rate, charge or service, or in any general privilege or facility, which shall have been filed and published by a gas corporation, electrical corporation, water corporation, or sewer corporation in compliance with an order or decision of the commission, except after thirty days' notice to the commission and publication for thirty days as required by order of the commission, which shall plainly state the changes proposed to be made in the schedule then in force and the time when the change will go into effect. The commission for good cause shown may allow changes without requiring the thirty days' notice under such conditions as it may prescribe. No corporation shall charge, demand, collect or receive a greater or less or different compensation for any service rendered or to be rendered than the rates and charges applicable to such services as specified in its schedule filed and in effect at the time; nor shall any corporation refund or remit in any manner or by any device any portion of the rates or charges so specified, nor to extend to any person or corporation any form of contract or agreement, or any rule or regulation, or any privilege or facility, except such as are regularly and uniformly extended to all persons and corporations under like circumstances. The commission shall have power to prescribe the form of every such schedule, and from time to time prescribe by order such changes in the form thereof

as may be deemed wise. The commission shall also have power to establish such rules and regulations, to carry into effect the provisions of this subdivision, as it may deem necessary, and to modify and amend such rules or regulations from time to time.

[(12)] (14) In case any electrical corporation, gas corporation, water corporation or sewer corporation engaged in carrying on any other business than owning, operating or managing a gas plant, electric plant, water system or sewer system which other business is not otherwise subject to the jurisdiction of the commission, and is so conducted that its operations are to be substantially kept separate and apart from the owning, operating, managing or controlling of such gas plant, electric plant, water system or sewer system, said corporation in respect to such other business shall not be subject to any of the provisions of this chapter and shall not be required to procure the consent or authorization of the commission to any act in such other business or to make any report in respect thereof. But this subdivision shall not restrict or limit the powers of the commission in respect to the owning, operating, managing or controlling by such corporation of such gas plant, electric plant, water system or sewer system, and said powers shall include also the right to inquire as to, and prescribe the apportionment of, capitalization, earnings, debts and expenses fairly and justly to be awarded to or borne by the ownership, operation, management or control of such gas plant, electric plant, water system or sewer system as distinguished from such other business. In any such case if the owning, operating, managing or controlling of such gas plant, electric plant, water system or sewer system by any such corporation is wholly subsidiary and incidental to the other business carried on by it and is inconsiderable in amount and not general in its character, the commission may by general rules exempt such corporation from making full reports and from the keeping of accounts as to such subsidiary and incidental business.

393.141. The costs associated with any penalties paid by an electrical corporation under section 393.144 or with any reimbursements paid to customers under paragraph (c) of subdivision (4) of section 393.140 shall be borne solely by such corporation's shareholders, and shall not be passed on to the corporation's customers in any form.

393.144. 1. In addition to any other remedy provided by law, upon a determination by the commission that any standard, rule, or regulation promulgated pursuant to subdivision 4 of section 393.140 has been violated by any electrical corporation, the commission may issue an order assessing an administrative penalty upon the violator under this section. An administrative penalty shall not be imposed until the commission has sought to resolve the violations through conference, conciliation and persuasion. If the violation is resolved through conference, conciliation and persuasion, no administrative penalty shall be assessed unless the violation was knowingly committed.

2. The maximum amount of administrative penalties assessed pursuant to this section shall be no more than two hundred fifty thousand per day, or part thereof, for each violation. In determining the amount of the administrative penalty, the commission shall take into consideration all relevant circumstances, including, but not limited to, the harm which the violation causes or may cause, the violator's previous compliance record with the standards in subdivision (4) of section 393.140, the nature and persistence of the violation, any corrective actions taken, and any other factors which the commission may reasonably deem relevant.

3. Any order assessing an administrative penalty shall state that an administrative penalty is being assessed under this section and that the corporation subject to the penalty may appeal as provided by this section. Any such

order which fails to state the law or regulation under which the penalty is being sought, the manner of collection or rights of appeal shall result in the state's waiving any right to collection of the penalty. An administrative penalty shall be paid within sixty days from the date of issuance of the order assessing the penalty. Any corporation subject to an administrative penalty may appeal to the commission. Any appeal shall stay the due date of such administrative penalty until the appeal is resolved. Any corporation that fails to pay an administrative penalty by the final due date shall be liable to the state for a surcharge of fifteen percent of the penalty plus ten percent per annum on any amounts owed. Any administrative penalty paid pursuant to this section shall be handled in accordance with section 7 of article IX of the Missouri Constitution. An action may be brought in the appropriate circuit court to collect any unpaid administrative penalty, and for attorney's fees and costs incurred directly in the collection thereof.

4. An administrative penalty assessed under this section shall not be increased in those instances where commission action, or failure to act, has caused a continuation of the violation that was a basis for the penalty. Any administrative penalty shall be assessed within two years following the commission's initial discovery of such alleged violation, or from the date the commission in the exercise of ordinary diligence should have discovered such alleged violation.

5. Any final order imposing an administrative penalty under this section is subject to judicial review upon the filing of a petition pursuant to section 536.100, RSMo, by any corporation subject to the administrative penalty. No judicial review shall be available, however, until all administrative remedies are exhausted.

6. The state may elect to assess an administrative penalty under this section, or, in lieu thereof, to request that the attorney general or prosecutor file an appropriate legal action seeking a civil penalty in the appropriate circuit court.”; and

Further amend said bill, page 5, section B, line 1, by striking “Section A” and inserting in lieu thereof the following: “The enactment of sections 393.1020, 393.1025, 393.1030, 393.1035, and 393.1040”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

Senator Koster raised the point of order that **SA 1** is out of order as it exceeds the scope of the title of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Graham offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 54, Pages 1-2, Section 393.1020, by striking all of said section from the bill; and

Further amend said bill, pages 2-4, section 393.1025, by striking all of said section from the bill; and

Further amend said bill, page 4, section 393.1030, by striking all of said section from the bill; and

Further amend said bill, pages 4-5, section 393.1035, by striking all of said section from the bill; and

Further amend said bill, page 5, section 393.1040, by striking all of said section from the bill; and inserting in lieu thereof the following:

“393.320. As used in sections 393.320 to 393.332, the following terms mean:

(1) **“Commission”, the public service commission;**

(2) **“Department”, the department of natural resources;**

(3) **“Renewable energy resources”, energy from wind, solar thermal sources, photovoltaic cells and panels, dedicated crops grown for energy production, plant-based residues, fuel cells using hydrogen produced by a renewable energy source, and other alternative sources of energy as defined by rule by the department; and**

(4) **“Renewable energy credit”, a certificate of proof that one kilowatt-hour of electricity has been generated from renewable energy sources.**

393.323. 1. The department shall, in consultation with the commission, prescribe by rule a portfolio requirement for all retail suppliers of electrical energy, including municipal and cooperative utilities, to generate or purchase electricity generated from renewable energy resources. Such portfolio requirement shall provide that electricity from renewable energy sources shall constitute:

(1) **No less than one percent of retail sales for each supplier of electrical energy after December 31, 2009;**

(2) **No less than three percent of retail sales for each supplier of electrical energy after December 31, 2013;**

(3) **No less than six percent of retail sales for each supplier of electrical energy after December 31, 2017; and**

(4) **No less than ten percent of retail sales for each supplier of electrical energy in each year after December 31, 2021.**

Such portfolio requirement shall apply to all suppliers of electrical energy to consumers in this state and to all power sold to Missouri consumers whether such power is self-generated or purchased from another source in or outside

of this state.

2. Each supplier of electricity shall provide documentation to the department and commission demonstrating the acquisition of renewable energy credits by self-generation, purchase, or trade sufficient to fulfill the provisions of subsection 1 of this section.

3. The department, in consultation with the commission and within one year of the effective date of sections 393.320 to 393.332, shall establish by rule a program for trading renewable energy credits. Any electric supplier that provides renewable energy to its retail customers or members in excess of the percentages specified in subsection 1 of this section may sell or otherwise transfer to any other electric supplier excess renewable energy credits at any negotiated price. Such rules shall specify:

(1) Requirements for tracking, recording, and verifying the trading of renewable energy credits;

(2) Requirements for general compliance with a credit trading program;

(3) Requirements for certification of renewable energy credits under subsection 4 of this section;

(4) Requirements for participation in any regional system that relates to trading renewable energy credits;

(5) Provisions for flexibility in the event that an electric supplier is, by reason of necessity, unable to meet the requirements of subsection 1 of this section; and

(6) Provisions for the recovery of costs through customer billing if necessary, with the amount of any such charge not to exceed fifty cents per month for each residential customer.

4. The department shall, in consultation with the commission, establish by rule a certification process for power generated from

renewable resources and used to fulfill the requirements of subsection 1 of this section. To the extent feasible, the certification process shall be consistent with operational practices of the regional transmission organizations active in the midwestern region of the United States. Certification criteria for renewable energy generation shall be determined by factors that include fuel type, technology, and the environmental impacts of the generating facility. Renewable energy facilities shall not cause undue adverse air, water, or land use impacts, including impacts associated with the gathering of generation feedstocks. If any amount of fossil fuel is used with renewable energy sources to generate energy to fulfill the requirements of subsection 1 of this section, only the portion of electricity output that is attributable to renewable energy resources shall be used to fulfill such requirements.

5. Electricity suppliers that fail to acquire sufficient renewable energy credits to comply with the requirements of subsection 1 of this section in any compliance period shall forfeit for each kilowatt-hour deficiency an amount equal to three times the average market cost of a renewable energy credit during that compliance period. Amounts forfeited under this section shall be remitted to the department to purchase renewable energy credits needed for compliance. Any excess forfeited revenues shall be used by the department's energy center solely for renewable energy and energy efficiency programs.

393.326. 1. A supplier of electrical energy may receive additional credit toward meeting the requirements of section 393.323 if it acquires renewable resources physically located in this state or renewable energy credits from a renewable resource physically located in this state:

(1) Where the renewable resource project commenced construction after December 31,

2006; and

(2) Where the renewable energy developer, during construction of the renewable resource project, used apprenticeship programs approved by the department of economic development; and

(3) Where the apprenticeship programs shall have met the following benchmarks:

(a) Minimum levels of apprenticeship programs constitute ten percent of total labor hours for projects commencing construction after December 31, 2009;

(b) Minimum levels of apprenticeship programs constitute twelve and one-half percent of total labor hours for projects commencing construction after December 31, 2015; or

(c) Minimum levels of apprenticeship programs constitute fifteen percent of total labor hours for projects commencing construction after December 31, 2022.

2. The department shall determine the amount of additional credit to be awarded under this section.

393.329. 1. All suppliers of electrical energy shall disclose to any person upon request standard and useful information regarding the generation attributes of electricity sold by the supplier.

2. For electrical corporations, information to be supplied under this section shall be presented in a uniform label in an easily understood format. The commission shall develop rules necessary to implement the requirements of this subsection, within one year from the effective date of this section. The label shall contain, but not be limited to, the following information:

(1) The sources of energy supplied, specified by percentages, of biomass power, coal-fired power, hydropower, natural gas-fired

power, nuclear power, oil-fired power, solar power, wind power, and other resources in such format as the commission shall require;

(2) A standardized chart in a format determined by the commission that provides the amounts of carbon dioxide, nitrous oxides, sulfur dioxide emissions, and nuclear waste attributable to the known sources of electricity supplied as set forth in subdivision (1) of this subsection; and

(3) Any other information as the commission may determine that permits and facilitates customer understanding of the environmental consequences of electrical generation and use.

3. The information required to be disclosed under this section shall be updated quarterly and presented on the supplier's Internet homepage. Such information shall also be presented quarterly to the commission for inclusion on its Internet homepage.

393.332. 1. The department shall promulgate rules necessary for the administration of sections 393.320 to 393.332.

2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly under chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above

amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Days, Justus and Wilson.

SA 2 failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Coleman	Days
Graham	Green	Justus	Kennedy
McKenna	Smith	Wilson—11	

NAYS—Senators

Champion	Clemens	Crowell	Engler
Gibbons	Goodman	Griesheimer	Gross
Koster	Lager	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Stouffer
Vogel—21			

Absent—Senators

Barnitz Bartle—2

Absent with leave—Senators—None

Vacancies—None

Senator Koster moved that **SCS** for **SB 54** be adopted, which motion prevailed.

On motion of Senator Koster, **SCS** for **SB 54** was declared perfected and ordered printed.

Senator Rupp moved that **SB 169**, with **SCS**, **SS** for **SCS**, **SA 1** and the point of order (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

President Pro Tem Gibbons ruled the pending point of order not well taken.

At the request of Senator Rupp, **SB 169**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 268** and **SCS** for **SB 16**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Gibbons referred **SCS** for **SB 456** and **SCS** for **SB 16** to the Committee on Governmental Accountability and Fiscal Oversight.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 16**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2007.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Shields, the Senate recessed until 3:45 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Koster.

RESOLUTIONS

Senator Coleman offered Senate Resolution No. 524, regarding Elizabeth Brandow, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 525, regarding Kayla Kohler, Florissant, which

was adopted.

Senator Coleman offered Senate Resolution No. 526, regarding Jane Allen, Wildwood, which was adopted.

Senator Coleman offered Senate Resolution No. 527, regarding Nadia Ziadi, Fenton, which was adopted.

Senator Coleman offered Senate Resolution No. 528, regarding Lindsey Knoll, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 529, regarding Victoria Duckworth, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 530, regarding Margaret Lowry, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 531, regarding Sarah E. Fichtinger, St. Peters, which was adopted.

Senator Coleman offered Senate Resolution No. 532, regarding Janelle Delmez, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 533, regarding Carrie Malcom, Fenton, which was adopted.

Senator Coleman offered Senate Resolution No. 534, regarding Lauren Faye Albinson, Fenton, which was adopted.

Senator Coleman offered Senate Resolution No. 535, regarding Kimberlee Boltz, Lake Saint Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 536, regarding Tricia Hobbs, Saint Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 537, regarding Ashley Lauren Wall, Florissant, which was adopted.

Senator Coleman offered Senate Resolution

No. 538, regarding Natalie Freiburger, Saint Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 539, regarding Stacy Elizabeth Portilla, Saint Charles, which was adopted.

Senator Coleman offered Senate Resolution No. 540, regarding Grace Joan Cline, Saint Louis, which was adopted.

Senator Justus offered Senate Resolution No. 541, regarding the death of Claude “Chico” Carlock, Kansas City, which was adopted.

Senator Justus offered Senate Resolution No. 542, regarding the Kansas City Ballet, which was adopted.

Senator Clemens offered Senate Resolution No. 543, regarding Deputy Curtis Hunt, Greene County, which was adopted.

Senator Clemens offered Senate Resolution No. 544, regarding Deputy Brian Robinson, Greene County, which was adopted.

Senator Justus offered Senate Resolution No. 545, regarding the death of Mark Anthony Dover, Parkville, which was adopted.

Senator Lager offered Senate Resolution No. 546, regarding the One Hundredth Birthday of Jean Clark, Bethany, which was adopted.

Senator Lager offered Senate Resolution No. 547, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. John Lindsay, Albany, which was adopted.

Senator Lager offered Senate Resolution No. 548, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lester Rodgers, Marceline, which was adopted.

Senator Lager offered Senate Resolution No. 549, regarding the Ninetieth Birthday of Yvonne Ramsey, Merriam Woods, which was adopted.

Senator Lager offered Senate Resolution No. 550, regarding the Eightieth Birthday of Ken

Privett, Mound City, which was adopted.

Senator Lager offered Senate Resolution No. 551, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. James Callow, Maitland, which was adopted.

Senator Ridgeway offered Senate Resolution No. 552, regarding Ammon Sarver, Liberty, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 22**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 22**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 22

An Act to repeal sections 41.655, 50.565, 50.660, 64.907, 67.110, 67.320, 67.410, 67.463, 67.797, 67.1003, 67.1158, 67.1360, 67.1451, 67.2500, 67.2510, 71.011, 71.012, 72.080, 78.610, 89.010, 89.400, 100.050, 100.059, 110.150, 137.055, 137.115, 206.090, 250.140, 260.830, 260.831, 393.825, 393.847, 393.900, 393.933, 537.610, RSMo, and section 67.2505, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill nos. 795, 972, 1128 & 1161 merged with house substitute for senate committee substitute for senate bill no. 1155, ninety-second general assembly, second regular session and section 67.2505 as enacted by senate substitute for senate committee substitute for house committee substitute for house bill no. 833 merged with house committee substitute for senate substitute for senate bill no. 732, ninety-second general assembly, second regular session, and to enact in lieu thereof fifty-two new sections relating to political subdivisions, with penalty provisions and an emergency clause for a certain section.

Was taken up.

Senator Griesheimer moved that **SCS** for

SB 22 be adopted.

Senator Griesheimer offered **SS** for **SCS** for **SB 22**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 22

An Act to repeal sections 41.655, 50.565, 50.660, 58.500, 58.510, 64.907, 64.940, 67.110, 67.320, 67.410, 67.463, 67.797, 67.1003, 67.1360, 67.1451, 67.2500, 67.2510, 67.2555, 71.011, 71.012, 72.080, 78.610, 79.050, 87.006, 89.010, 89.400, 100.050, 100.059, 105.971, 110.150, 110.130, 110.140, 110.150, 137.055, 137.115, 206.090, 235.210, 247.060, 250.140, 260.830, 260.831, 320.200, 320.271, 320.300, 320.310, 393.825, 393.847, 393.900, 393.933, 473.743, 479.011, 650.340, RSMo, and section 67.2505, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill nos. 795, 972, 1128 & 1161 merged with house substitute for senate committee substitute for senate bill no. 1155, ninety-second general assembly, second regular session and section 67.2505 as enacted by senate substitute for senate committee substitute for house committee substitute for house bill no. 833 merged with house committee substitute for senate substitute for senate bill no. 732, ninety-second general assembly, second regular session, and to enact in lieu thereof sixty-eight new sections relating to political subdivisions, with penalty provisions and an emergency clause for certain sections.

Senator Griesheimer moved that **SS** for **SCS** for **SB 22** be adopted.

Senator Crowell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 5, Section 50.032, Lines 10-14 of said page, by striking all of said lines and inserting in lieu

thereof the following: **“in mandatory mediation if a dispute concerning a financial expenditure arises between such county and another county as to which county is fully responsible or if both”**.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Crowell offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 86, Section 87.006, Line 24 of said page, by inserting after “evidence” the following: **“and it can be proven to a reasonable degree of medical certainty that the condition did not result nor was contributed to by the voluntary use of tobacco”**.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Pages 135-140, Section 321.229, by striking all of said section; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Gross offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 109, Section 137.055, Line 14 of said page, by inserting after all of said line the following:

“137.094. 1. Every person, corporation, partnership or association, subject to taxation

under the laws of this state, owning or controlling tangible personal property taxable by any such county, except merchants and manufacturers, and except railroads, public utilities, pipeline companies or any other person or corporation subject to special statutory tax requirements, who shall return and file their assessments on locally assessed property no later than April first, shall file with the assessor of the county an itemized return listing all the tangible personal property so owned or controlled on January first of each year, together with such additional information as required by the assessor to permit a determination of its value. The returns shall be delivered to the office of the assessor of the county between the first day of January and the first day of March of each year and shall be signed and certified by the taxpayer as being a true and complete list or statement of all the taxable tangible personal property and the estimated true value thereof. The assessor shall have available at his office a supply of appropriate forms or blanks on which the return by the taxpayer shall be made. For the convenience of taxpayers the assessor shall mail to or leave at the residence or place of business of the taxpayer a form for making the return. All tangible personal property of whatever nature and character situate in a county other than the one in which the taxpayer resides shall be listed in the itemized return listing all tangible personal property to be provided to the assessor for the county of the owner or controller's residence address, except that house boats, cabin cruisers, floating boat docks, and manufactured homes, as defined in section 700.010, RSMo, used for lodging shall be listed in the itemized return provided to the county assessor for the county in which such property is located. For purposes of this section, the term “residence address” shall have the same meaning as provided under section 302.010, RSMo.

2. Any person, corporation, partnership or association, that may hereafter knowingly violate the provisions of this section shall upon conviction be deemed guilty of a misdemeanor.”; and

Further amend said bill, Page 132, Section 260.831, Line 7 of said page, by inserting after all of said line the following:

“302.010. Except where otherwise provided, when used in this chapter, the following words and phrases mean:

(1) “Circuit court”, each circuit court in the state;

(2) “Commercial motor vehicle”, a motor vehicle designed or regularly used for carrying freight and merchandise, or more than fifteen passengers;

(3) “Conviction”, any final conviction; also a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction, except that when any conviction as a result of which points are assessed pursuant to section 302.302 is appealed, the term “conviction” means the original judgment of conviction for the purpose of determining the assessment of points, and the date of final judgment affirming the conviction shall be the date determining the beginning of any license suspension or revocation pursuant to section 302.304;

(4) “Director”, the director of revenue acting directly or through the director's authorized officers and agents;

(5) “Farm tractor”, every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry;

(6) “Highway”, any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways, or alleys in any municipality;

(7) “Incompetent to drive a motor vehicle”, a person who has become physically incapable of meeting the prescribed requirements of an examination for an operator's license, or who has been adjudged by a probate division of the circuit court in a capacity hearing of being incapacitated;

(8) “License”, a license issued by a state to a person which authorizes a person to operate a motor vehicle;

(9) “Motor vehicle”, any self-propelled vehicle not operated exclusively upon tracks except motorized bicycles, as defined in section 307.180, RSMo;

(10) “Motorcycle”, a motor vehicle operated on two wheels; however, this definition shall not include motorized bicycles as defined in section 301.010, RSMo;

(11) “Motortricycle”, a motor vehicle operated on three wheels, including a motorcycle operated with any conveyance, temporary or otherwise, requiring the use of a third wheel;

(12) “Moving violation”, that character of traffic violation where at the time of violation the motor vehicle involved is in motion, except that the term does not include the driving of a motor vehicle without a valid motor vehicle registration license, or violations of sections 304.170 to 304.240, RSMo, inclusive, relating to sizes and weights of vehicles;

(13) “Municipal court”, every division of the circuit court having original jurisdiction to try persons for violations of city ordinances;

(14) “Nonresident”, every person who is not a resident of this state;

(15) “Operator”, every person who is in actual physical control of a motor vehicle upon a highway;

(16) “Owner”, a person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon

performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of sections 302.010 to 302.540;

(17) “Record” includes, but is not limited to, papers, documents, facsimile information, microphotographic process, electronically generated or electronically recorded information, digitized images, deposited or filed with the department of revenue;

(18) **“Residence address”, residence, or resident address shall be the location or residence within this state in which the applicant physically currently resides. Proof of such address, residence, or resident address may be required in the form of voter registration or other such form established by the director by administrative rule;**

(19) “Restricted driving privilege”, a driving privilege issued by the director of revenue following a suspension of driving privileges for the limited purpose of driving in connection with the driver's business, occupation, employment, formal program of secondary, postsecondary or higher education, or for an alcohol education or treatment program;

[(19)] (20) “School bus”, when used in sections 302.010 to 302.540, means any motor vehicle, either publicly or privately owned, used to transport students to and from school, or to transport pupils properly chaperoned to and from any place within the state for educational purposes. The term “school bus” shall not include a bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interstate transportation of passengers when such bus is not traveling a specific school bus route but is:

(a) On a regularly scheduled route for the transportation of fare-paying passengers; or

(b) Furnishing charter service for the transportation of persons enrolled as students on field trips or other special trips or in connection with other special events;

[(20)] (21) “School bus operator”, an operator who operates a school bus as defined in subdivision [(19)] (20) of this section in the transportation of any schoolchildren and who receives compensation for such service. The term “school bus operator” shall not include any person who transports schoolchildren as an incident to employment with a school or school district, such as a teacher, coach, administrator, secretary, school nurse, or janitor unless such person is under contract with or employed by a school or school district as a school bus operator;

[(21)] (22) “Signature”, any method determined by the director of revenue for the signing, subscribing or verifying of a record, report, application, driver's license, or other related document that shall have the same validity and consequences as the actual signing by the person providing the record, report, application, driver's license or related document;

[(22)] (23) “Substance abuse traffic offender program”, a program certified by the division of alcohol and drug abuse of the department of mental health to provide education or rehabilitation services pursuant to a professional assessment screening to identify the individual needs of the person who has been referred to the program as the result of an alcohol- or drug-related traffic offense. Successful completion of such a program includes participation in any education or rehabilitation program required to meet the needs identified in the assessment screening. The assignment recommendations based upon such assessment shall be subject to judicial review as provided in subsection 13 of section 302.304 and subsections 1 and 5 of section 302.540;

[(23)] (24) “Vehicle”, any mechanical device on wheels, designed primarily for use, or used on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by handicapped persons.”; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Days offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 152, Section 479.011, Line 13 of said page, by inserting after all of said line the following:

“644.597. In addition to those sums authorized prior to August 28, 2007, the board of fund commissioners of the state of Missouri, as authorized by section 37(e) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of ten million dollars in the manner described, and for the purposes set out, in chapter 640, RSMo, and in this chapter.

644.598. In addition to those sums authorized prior to August 28, 2007, the board of fund commissioners of the state of Missouri, as authorized by section 37(g) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of ten million dollars in the manner described, and for the purposes set out, in chapter 640, RSMo, and in this chapter.

644.599. In addition to those sums authorized prior to August 28, 2007, the board of fund commissioners of the state of Missouri, as authorized by section 37(h) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of

twenty million dollars in the manner described, and for the purposes set out, in chapter 640, RSMo, and in this chapter.”; and

Further amend the title and enacting clause accordingly.

Senator Days moved that the above amendment be adopted, which motion prevailed.

Senator Koster offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 9, Section 50.660, Line 22 of said page, by inserting after all of said line the following:

“57.265. 1. In order to protect the well-being and safety of Missouri citizens and support county sheriff's departments, there is hereby created in the state treasury the “Public Safety Enhancement Fund”, which shall consist of money transferred from the general revenue fund in an amount that is necessary to fund the grant program established under subsection 2 of this section. The fund shall be administered by the department of public safety. The money in the fund shall be used solely for the administration of such program. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund; however, the fund shall terminate on June 30, 2011, and all moneys remaining in the fund on such date shall revert to the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

2. Subject to appropriations from the public safety enhancement fund, the department of public safety shall create a program to distribute grants to counties for the purpose of supplementing the expense of law

enforcement activities of county sheriff's departments. Any county shall be eligible and may apply to receive a grant for fiscal year to supplement such activities. The enrollment period for the first year of this grant program shall be from August 29, 2007, to December 31, 2007.

3. When administering this grant program, the department of public safety shall coordinate and consult with the Missouri sheriffs' association for review of applications and disbursement of the grant money.

4. The department of public safety shall have the authority to promulgate rules to implement and administer this grant program. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Koster moved that the above amendment be adopted.

Senator Gross offered SA 1 to SA 6:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 2, Section 57.265, Line 24 of said amendment, by inserting after all of said

line the following:

“Section 1. 1. Notwithstanding any other provision of law to the contrary, as of August 28, 2007, all provisions of state law relating to county law enforcement shall expire, and the Missouri state police department, as provided for in this section, shall be created. The state police department may be funded, partially or completely by money deposited into the public safety enhancement fund, as created by section 57.265, RSMo. The state police department shall assume all responsibilities and duties formerly held by county law enforcement agencies.

2. The mission of the state police shall be to serve, protect, and defend the people of this state while preserving the rights and dignity of all. The mission shall include the following priorities:

(1) To prevent crime and enforce the law by:

(a) Protecting people and property;

(b) preventing and detecting crime and other violations of law; and

(c) Pursuing criminal investigations and arresting criminals;

(2) To ensure highway safety by:

(a) Making our roads safe for all users by:

a. Maintaining regular patrols;

b. Providing saturation patrols for speed and DWI enforcement, including providing sobriety checkpoints;

c. Providing for emergency and disaster services; and

(b) Reducing death, injury, and property damage caused by motor vehicle accidents through vehicle and traffic enforcement and education through specialized units including:

a. Drug enforcement task forces;

b. Community narcotics enforcement teams;

c. Violent felony warrant squads;

d. Violent crime investigation teams;

e. Firearms tracing unit;

f. Forensic investigative support services;

(3) To render general assistance to all in need and protect citizens and their property from harm and to resolve problems in partnership with other service providers;

(4) To promote peace and order by:

(a) Providing disorder control and security in all types of natural and man-made emergencies; and

(b) Providing for the safety and security of individuals and groups of citizens in furtherance of their rights, duties, and responsibilities; and

(5) To provide high quality support to:

(a) Provide the highest quality support services in an efficient manner; and

(b) Support others by creating partnerships for safety and security with individuals, groups, and communities throughout the state.

3. The state police department shall be a full service police department and shall share jurisdiction and work cooperatively with municipal law enforcement agencies.

4. The general headquarters of the state police department shall be located in Jefferson City, Missouri. A superintendent shall be the head administrator and police officer of the department. The superintendent shall be appointed by the governor with the advice and consent of the senate. The state police department shall be divided into two branches, the uniform branch and the bureau of criminal investigation, under the direct operational supervision of the deputy superintendent. Each

branch shall fulfill its own responsibilities, but shall also be required to support and cooperate with the other branch, and with other law enforcement agencies in the state.

5. The uniform force shall conduct active patrols of specific geographic regions and shall be the first responder to most calls for police services. The uniform force shall be organized into troop divisions. There shall be separate troop divisions with one located in each congressional district. The members of each division shall be called "uniform troopers". Uniform troopers shall perform routine patrols, provide primary and initial response to all types of calls for services, including but not limited to, burglaries, missing children, assaults, robberies, and homicides.

6. The bureau of criminal investigation shall be responsible for cases requiring extensive investigation or involving felonies. In addition to conducting investigations initiated by the state police department, investigators within the bureau shall be available to assist municipal police departments that lack personnel, expertise, or material needed for major crime investigations. Specialists within the bureau shall deal with complicated cases related to narcotics, violent and serial crimes, child abuse and sexual exploitation, computer and technology-related crimes, bias-related crimes, auto theft, consumer product tampering, organized crime, and numerous other crimes.

7. A special unit of the state police department shall be formed and shall be staffed with personnel from the uniform force and the bureau of criminal investigation. The special unit shall be called the office of counter terrorism. The office shall be responsible for overseeing and coordinating all activities related to preventing, investigating and responding to terrorist-related matters. The office shall interact with the bureau and the

uniform force to ensure that information is shared appropriately and that all terrorism-related issues are brought to the forefront for investigative and notification purposes. Additionally, the office shall be responsible for maintaining liason with the state's Office of Homeland Security, the Missouri state highway patrol, the federal bureau of investigation, and other relevant law enforcement agencies associated with the investigation, prevention, and response to terrorism. All the state police department troop divisions are responsible for directly notifying the office of all incidents, responses, and investigations related to, or suspected to be related to, terrorism.”; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted.

Senator Koster requested a roll call vote be taken on the adoption of SA 1 to SA 6 and was joined in his request by Senators Bray, Callahan, Justus and Shoemyer.

SA 1 to SA 6 failed of adoption by the following vote:

YEAS—Senators

Bartle	Bray	Clemens	Gibbons
Green	Gross	Lager	Loudon
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel—16

NAYS—Senators

Barnitz	Callahan	Coleman	Crowell
Days	Engler	Goodman	Graham
Griesheimer	Justus	Kennedy	Koster
Mayer	Shoemyer	Smith	Wilson—16

Absent—Senators

Champion McKenna—2

Absent with leave—Senators—None

Vacancies—None

Senator Gross offered SA 2 to SA 6:

SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 2, Section 57.265, Line 24 of said amendment, by after all of said line the following:

“Section 1. 1. There is hereby created in the state treasury the “Public Services Enhancement Fund”, which shall consist of money transferred from the general revenue fund in an amount that is necessary to fund the grant program established under subsection 2 of this section. The fund shall be administered by the department of public safety. The money in the fund shall be used solely for the administration of such program. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund; however, the fund shall terminate on June 30, 2011, and all moneys remaining in the fund on such date shall revert to the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

2. Subject to appropriations from the public services enhancement fund, the department of public safety shall create a program to distribute grants to counties for the purpose of supplementing the expense of all non-law enforcement activities of the county or municipal government. Any county or municipality shall be eligible and may apply to receive a grant for fiscal year to supplement such activities. The enrollment period for the first year of this grant program shall be from August 29, 2007, to December 31, 2007.

3. The department of public safety shall

have the authority to promulgate rules to implement and administer this grant program. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

At the request of Senator Koster, SA 6 was withdrawn, rendering the amendment offered by Senator Gross moot.

Senator Green offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 152, Section 479.011, Line 13 of said page, by inserting immediately after said line the following:

“650.058. 1. Notwithstanding the sovereign immunity of the state, any individual who was found guilty of a felony in a Missouri court and was later determined to be actually innocent of such crime solely as a result of DNA profiling analysis may be paid restitution **from the county or city not within a county where the original prosecution in circuit court occurred.** The individual may receive an amount of fifty dollars per day for each day of postconviction incarceration for the crime for which the individual is determined to be actually innocent. The petition

for the payment of said restitution shall be filed with the sentencing court. For the purposes of this section, the term “actually innocent” shall mean:

(1) The individual was convicted of a felony for which a final order of release was entered by the court;

(2) All appeals of the order of release have been exhausted;

(3) The individual was not serving any term of a sentence for any other crime concurrently with the sentence for which he or she is determined to be actually innocent, unless such individual was serving another concurrent sentence because his or her parole was revoked by a court or the board of probation and parole in connection with the crime for which the person has been exonerated; and

(4) Testing ordered under section 547.035, RSMo, or testing by the order of any state or federal court, if such person was exonerated on or before August 28, 2004, or testing ordered under section 650.055, if such person was or is exonerated after August 28, 2004, demonstrates a person's innocence of the crime for which the person is in custody.

Any individual who receives restitution under this section shall be prohibited from seeking any civil redress from the state, its departments and agencies, or any employee thereof, or any political subdivision or its employees. This section shall not be construed as a waiver of sovereign immunity for any purposes other than the restitution provided for herein. The [department of corrections] **county treasurer or treasurer of the city not within a county** shall determine the aggregate amount of restitution owed during a fiscal year. If insufficient moneys are appropriated each fiscal year to pay restitution to such persons, the [department] **county or city not within a county** shall pay each individual who has received an order awarding restitution a pro rata share of the amount appropriated **for such purpose.** Provided sufficient

moneys are appropriated [to the department], the amounts owed to such individual shall be paid on June thirtieth of each subsequent fiscal year, until such time as the restitution to the individual has been paid in full. However, no individual awarded restitution under this subsection shall receive more than thirty-six thousand five hundred dollars during each fiscal year. No interest on unpaid restitution shall be awarded to the individual. No individual who has been determined by the court to be actually innocent shall be responsible for the costs of care under section 217.831, RSMo.

2. If the results of the DNA testing confirm the person's guilt, then the person filing for DNA testing under section 547.035, RSMo, shall:

(1) Be liable for any reasonable costs incurred when conducting the DNA test, including but not limited to the cost of the test. Such costs shall be determined by the court and shall be included in the findings of fact and conclusions of law made by the court; and

(2) Be sanctioned under the provisions of section 217.262, RSMo.

3. A petition for payment of restitution under this section may only be filed by the individual determined to be actually innocent or the individual's legal guardian. No claim or petition for restitution under this section may be filed by the individual's heirs or assigns. An individual's right to receive restitution under this section is not assignable or otherwise transferrable. The state's obligation to pay restitution under this section shall cease upon the individual's death. Any beneficiary designation that purports to bequeath, assign, or otherwise convey the right to receive such restitution shall be void and unenforceable.

4. An individual who is determined to be actually innocent of a crime under this chapter shall automatically be granted an order of expungement from the court in which he or she pled guilty or was sentenced to expunge from all official records all recordations of his or her arrest,

plea, trial or conviction. Upon granting of the order of expungement, the records and files maintained in any administrative or court proceeding in an associate or circuit division of the court shall be confidential and only available to the parties or by order of the court for good cause shown. The effect of such order shall be to restore such person to the status he or she occupied prior to such arrest, plea or conviction and as if such event had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction or expungement in response to any inquiry made of him or her for any purpose whatsoever and no such inquiry shall be made for information relating to an expungement under this section.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Green offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 120, Section 137.1040, Line 3 of said page, by inserting after all of said line the following:

“144.757. 1. Any county or municipality, except municipalities within a county having a charter form of government with a population in excess of nine hundred thousand, may, by a majority vote of its governing body, impose a local use tax if a local sales tax is imposed as defined in section 32.085, RSMo, at a rate equal to the rate of the local sales tax in effect in such county or municipality; provided, however, that no ordinance or order enacted pursuant to sections 144.757 to 144.761 shall be effective unless the governing body of the county or municipality submits to the

voters thereof at a municipal, county or state general, primary or special election a proposal to authorize the governing body of the county or municipality to impose a local use tax pursuant to sections 144.757 to 144.761. Municipalities within a county having a charter form of government with a population in excess of nine hundred thousand may, upon voter approval received pursuant to paragraph (b) of subdivision (2) of subsection 2 of this section, impose a local use tax at the same rate as the local municipal sales tax with the revenues from all such municipal use taxes to be distributed pursuant to subsection 4 of section 94.890, RSMo. The municipality shall within thirty days of the approval of the use tax imposed pursuant to paragraph (b) of subdivision (2) of subsection 2 of this section select one of the distribution options permitted in subsection 4 of section 94.890, RSMo, for distribution of all municipal use taxes.

2. (1) The ballot of submission, except for counties and municipalities described in subdivisions (2) and (3) of this subsection, shall contain substantially the following language:

Shall the (county or municipality's name) impose a local use tax at the same rate as the total local sales tax rate, currently (insert percent), provided that if the local sales tax rate is reduced or raised by voter approval, the local use tax rate shall also be reduced or raised by the same action? A use tax return shall not be required to be filed by persons whose purchases from out-of-state vendors do not in total exceed two thousand dollars in any calendar year.

☐ YES ☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

(2) (a) The ballot of submission in a county having a charter form of government with a population in excess of nine hundred thousand shall contain substantially the following language:

For the purposes of [economic development]

enhancing county and municipal public safety, parks, and job creation and enhancing local government services, shall the county be authorized to collect a local use tax equal to the total of the existing county sales tax rate of (insert tax rate), provided that if the county sales tax is repealed, reduced or raised by voter approval, the local use tax rate shall also be repealed, reduced or raised by the same voter action? Fifty percent of the revenue shall be used [for economic development, including retention, creation, and attraction of better-paying jobs], **by the county throughout the county for improving and enhancing public safety, park improvements, and job creation**, and fifty percent shall be used for enhancing local government services. The county shall be required to make available to the public an audited comprehensive financial report detailing the management and use of [economic development] **the countywide portion of the funds each year.**

A use tax is the equivalent of a sales tax on purchases from out-of-state sellers by in-state buyers and on certain taxable business transactions. A use tax return shall not be required to be filed by persons whose purchases from out-of-state vendors do not in total exceed two thousand dollars in any calendar year.

☐ YES ☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

(b) The ballot of submission in a municipality within a county having a charter form of government with a population in excess of nine hundred thousand shall contain substantially the following language:

Shall the municipality be authorized to impose a local use tax at the same rate as the local sales tax by a vote of the governing body, provided that if any local sales tax is repealed, reduced or raised

by voter approval, the respective local use tax shall also be repealed, reduced or raised by the same action? A use tax return shall not be required to be filed by persons whose purchases from out-of-state vendors do not in total exceed two thousand dollars in any calendar year.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

(3) The ballot of submission in any city not within a county shall contain substantially the following language:

Shall the (city name) impose a local use tax at the same rate as the local sales tax, currently at a rate of (insert percent) which includes the capital improvements sales tax and the transportation tax, provided that if any local sales tax is repealed, reduced or raised by voter approval, the respective local use tax shall also be repealed, reduced or raised by the same action? A use tax return shall not be required to be filed by persons whose purchases from out-of-state vendors do not in total exceed two thousand dollars in any calendar year.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

(4) If any of such ballots are submitted on August 6, 1996, and if a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect October 1, 1996, provided the director of revenue receives notice of adoption of the local use tax on or before August 16, 1996. If any of such ballots are submitted after December 31, 1996, and if a majority of the votes cast on the proposal by the qualified voters voting thereon are

in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the first day of the calendar quarter which begins at least forty-five days after the director of revenue receives notice of adoption of the local use tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county or municipality shall have no power to impose the local use tax as herein authorized unless and until the governing body of the county or municipality shall again have submitted another proposal to authorize the governing body of the county or municipality to impose the local use tax and such proposal is approved by a majority of the qualified voters voting thereon.

3. The local use tax may be imposed at the same rate as the local sales tax then currently in effect in the county or municipality upon all transactions which are subject to the taxes imposed pursuant to sections 144.600 to 144.745 within the county or municipality adopting such tax; provided, however, that if any local sales tax is repealed or the rate thereof is reduced or raised by voter approval, the local use tax rate shall also be deemed to be repealed, reduced or raised by the same action repealing, reducing or raising the local sales tax.

4. For purposes of sections 144.757 to 144.761, the use tax may be referred to or described as the equivalent of a sales tax on purchases made from out-of-state sellers by in-state buyers and on certain intrabusiness transactions. Such a description shall not change the classification, form or subject of the use tax or the manner in which it is collected.

144.759. 1. All local use taxes collected by the director of revenue pursuant to sections 144.757 to 144.761 on behalf of any county or municipality, less one percent for cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be

deposited with the state treasurer in a local use tax trust fund, which fund shall be separate and apart from the local sales tax trust funds. The moneys in such local use tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county or municipality imposing a local use tax, and the records shall be open to the inspection of officers of the county or municipality and to the public. No later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month, except as provided in subsection 2 of this section, to the county or municipality treasurer, or such other officer as may be designated by the county or municipality ordinance or order, of each county or municipality imposing the tax authorized by sections 144.757 to 144.761, the sum due the county or municipality as certified by the director of revenue.

2. The director of revenue shall distribute all moneys which would be due any county having a charter form of government and having a population of nine hundred thousand or more to the county treasurer or such other officer as may be designated by county ordinance, who shall distribute such moneys as follows: the portion of the use tax imposed by the county which equals one-half the rate of sales tax in effect for such county shall be disbursed to the county treasurer for expenditure [for economic development purposes, as defined in this section] **throughout the county for public safety, parks, and job creation**, subject to any qualifications and regulations adopted by ordinance of the county. Such ordinance shall require an audited comprehensive financial report detailing the management and use of [economic development] **such** funds each year. Such ordinance shall also require that the county and the municipal league of the county jointly prepare [an economic development] a strategy to guide expenditures of

funds and conduct an annual review of the strategy. The treasurer or such other officer as may be designated by county ordinance shall distribute one-third of the balance to the county and to each city, town and village in group B according to section 66.620, RSMo, as modified by this section, a portion of the two-thirds remainder of such balance equal to the percentage ratio that the population of each such city, town or village bears to the total population of all such group B cities, towns and villages. For the purposes of this subsection, population shall be determined by the last federal decennial census or the latest census that determines the total population of the county and all political subdivisions therein. For the purposes of this subsection, each city, town or village in group A according to section 66.620, RSMo, but whose per capita sales tax receipts during the preceding calendar year pursuant to sections 66.600 to 66.630, RSMo, were less than the per capita countywide average of all sales tax receipts during the preceding calendar year, shall be treated as a group B city, town or village until the per capita amount distributed to such city, town or village equals the difference between the per capita sales tax receipts during the preceding calendar year and the per capita countywide average of all sales tax receipts during the preceding calendar year.

3. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county or municipality for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties or municipalities. If any county or municipality abolishes the tax, the county or municipality shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored

checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county or municipality, the director of revenue shall authorize the state treasurer to remit the balance in the account to the county or municipality and close the account of that county or municipality. The director of revenue shall notify each county or municipality of each instance of any amount refunded or any check redeemed from receipts due the county or municipality.

4. Except as modified in sections 144.757 to 144.761, all provisions of sections 32.085 and 32.087, RSMo, applicable to the local sales tax, except for subsection 12 of section 32.087, RSMo, and all provisions of sections 144.600 to 144.745 shall apply to the tax imposed pursuant to sections 144.757 to 144.761, and the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax.

[5. As used in this section, “economic development” means:

(1) Expenditures for infrastructure and sites for business development or for public infrastructure projects;

(2) Purchase, assembly, clearance, demolition, environmental remediation, planning, redesign, reconstruction, rehabilitation, construction, modification or expansion of land, structures and facilities, public or private, either in connection with a reinvestment project in areas with underused, derelict, economically challenged, or environmentally troubled sites, or in connection with business attraction, retention, creation, or expansion;

(3) Expenditures related to business district activities such as facade improvements, landscaping, street lighting, sidewalk construction, trash receptacles, park benches, and other public improvements;

(4) Expenditures for the provision of

workforce training and educational support in connection with job creation, retention, attraction, and expansion;

(5) Development and operation of business incubator facilities, and related entrepreneurship support programs;

(6) Capitalization or guarantee of small business loan or equity funds;

(7) Expenditures for business development activities including attraction, creation, retention, and expansion; and

(8) Related administration expenses of economic and community development programs, provided that such expenses shall not exceed five percent of annual revenues.]”; and

Further amend said bill, Page 153, Section 650.340, Line 25 of said page, by inserting after all of said line the following:

“650.396. A county in which an emergency communications system commission has been established may, by a majority vote of the qualified voters voting thereon, levy and collect a tax on the taxable real property in the district, not to exceed six cents per one hundred dollars of assessed valuation, **or a sales tax not to exceed one-tenth of one percent, or a use tax equal to the total of the existing county sales tax rate, provided that if the county sales tax is repealed, reduced, or raised by voter approval, the local use tax rate shall also be repealed, reduced, or raised by the same voter action,** to accomplish any of the following purposes:

(1) The provision of necessary funds to establish, operate and maintain an emergency communications system to serve the county in which the commission is located; and

(2) The provision of funds to supplement existing funds for the operation and maintenance of an existing emergency communications system in the county in which the commission is located.

650.399. 1. The board of commissioners may,

by a majority vote of its members, request that the governing body of the county submit to the qualified voters of such county at a general, primary or special election [either] **one** of the questions contained in subsection 2 of this section. The governing body may approve or deny such request. The governing body may also vote to submit such question without a request of the board of commissioners. The county election official shall give legal notice of the election pursuant to chapter 115, RSMo.

2. The questions shall be put in substantially the following form:

(1) “Shall (name of county) establish an emergency communications system fund to establish (and/or) maintain an emergency communications system, and for which the county shall levy a tax of (insert exact amount, not to exceed six cents) per each one hundred dollars assessed valuation therefor, to be paid into the fund for that purpose?”

☐ YES ☐ NO; or

(2) “Shall (name of county) establish an emergency communications system fund to establish (and/or) maintain an emergency communications system, and for which the county shall levy a sales tax of (insert exact amount, not to exceed one-tenth of one percent), to be paid into the fund for that purpose?”

☐ YES ☐ NO; or

(3) For the purposes of enhancing county and municipal public safety, parks, and job creation and enhancing local government services, shall the county be authorized to collect a local use tax equal to the total of the existing county sales tax rate, provided that if the county sales tax is repealed, reduced, or raised by voter approval, the local use tax rate shall also be repealed, reduced, or raised by the same voter action? Fifty percent of the revenue shall be used by the county throughout the county for improving and enhancing public

safety, park improvements, and job creation, and fifty percent shall be used for enhancing local government services. The county shall be required to make available to the public an audited comprehensive financial report detailing the management and use of the countywide portion of the funds each year.

A use tax is equivalent of a sales tax on purchases from out-of-state sellers by in-state buyers and on certain taxable business transactions. A use tax return shall not be required to be filed by persons whose purchases from out-of-state vendors do not in total exceed two thousand dollars in any calendar year.

☐ YES ☐ NO

3. The election shall be conducted and vote canvassed in the same manner as other county elections. If the majority of the qualified voters voting thereon vote in favor of such tax, then the county shall levy such tax in the specified amount, beginning in the tax year immediately following its approval. The tax so levied shall be collected along with other county taxes in the manner provided by law. If the majority of the qualified voters voting thereon vote against such tax, then such tax shall not be imposed unless such tax is resubmitted to the voters and a majority of the qualified voters voting thereon approve such tax.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Green offered SA 9:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 132, Section 260.831, Line 7 of said page, by inserting immediately after said line the following:

“320.096. 1. Except as provided in subsection 2 or 4 of this section, fire protection districts as defined in section 321.010, RSMo,

municipal fire departments and volunteer protection associations, as defined in section 320.300, shall be the sole providers of fire suppression response and related activities, including but not limited to fire prevention, rescue, emergency medical services, hazardous material response, or special operations, within their legally defined boundaries.

2. Upon the approval by a majority vote of the governing body of a registered fire protection district, municipal fire department, or volunteer fire protection association, any other association, organization, group, or political subdivision may provide the fire suppression response and related activities described in subsection 1 of this section, within the legally defined boundaries of such registered fire protection district, municipal fire department, or volunteer fire protection association.

3. Any association, organization, group, or political subdivision denied authorization to provide fire suppression response and related activities as provided by subsection 2 of this section may, within thirty days of such denial, appeal such denial to the circuit court with jurisdiction over such registered fire protection district, municipal fire department, or volunteer fire protection association. The appeal shall be a trial de novo in the manner prescribed for nonjury civil proceedings.

4. This section shall not be construed to supersede any provision in chapter 190, RSMo, or chapter 321, RSMo, relating to the formation and operation of any fire protection district, ambulance district, or ambulance service. This section shall not prohibit any fire protection district, municipal fire department, or volunteer protection association from accepting assistance when requested from another fire protection district, municipal fire department, or volunteer protection association during an emergency without a vote of the governing body.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Justus offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 74, Section 67.2555, Line 22 of said page, by inserting after all of said line the following:

“70.515. **Subject to the applicable provisions of section 70.545**, the Regional Investment District Compact is hereby enacted into law and entered into by the state of Missouri with the state of Kansas legally joining therein, in the form substantially as follows:

[KANSAS AND MISSOURI] REGIONAL INVESTMENT DISTRICT COMPACT

I. AGREEMENT AND PLEDGE

The [states of Kansas and Missouri] **participants in this Compact** agree to and pledge, each to the other, faithful cooperation in the support of regional programs and initiatives to benefit and serve the Kansas City metropolitan area, holding in high trust for the benefit of the people and of the nation, the special blessings and natural advantages thereof.

II. POLICY AND PURPOSE

The [states of Kansas and Missouri desire, by common action,] **purpose of this Compact is** to provide support for regional programs and initiatives that will produce significant benefit to the Kansas City metropolitan area, with the goal of making more efficient use of resources through inter-jurisdictional cooperation on strategic regional programs and initiatives involving public transit.

III. DEFINITIONS

A. “Commission” means the governing body of the [Kansas and Missouri] Regional Investment District.

B. “District” means the [Kansas and Missouri]

Regional Investment District.

C. “[Kansas and Missouri] Regional Investment District” or “District” means a political subdivision of the states [of Kansas and Missouri, which] **that have adopted this Compact**, is created by this Compact and which is composed of **Buchanan County and of** those Kansas and Missouri counties, cities and other political subdivisions that are now or hereafter shall become parties to the Articles of Agreement executed on January 1, 1972, and thereafter amended, which geographic area covered by those political subdivisions is therein designated as the Mid-America Regional Planning Area.

D. “Mid-America Regional Council or MARC” means the body corporate and politic created by the Articles of Agreement, originally executed on January 1, 1972, and as thereafter amended, which therein assumed all the rights, duties and obligations of the Mid-America Council of Governments and the Metropolitan Planning Commission - Kansas City Region.

E. “Oversight Committee or Committee” means a body or bodies appointed by the Commission for a Regional Program that shall be constituted as set forth in Article IX of this Compact and that shall have the powers set forth in Article X of this Compact.

F. “Program Plan” means a plan developed for a proposed ballot question by the Commission, as required by Article VI, Section C of this Compact, that describes a Regional Program and provides for the appropriation and use of moneys derived from the sales tax authorized by this Compact in support of that Regional Program.

G. “Public Transit System” or “Transit System” means, without limitation, a regional system of public transit, consisting of property, structures, improvements, vehicles, potentially including, but not limited to, vans, buses, bus rapid transit, commuter rail, and other fixed guideways, equipment, software, telecommunications networks, plants, parking or other facilities, transit centers, stops, park-n-ride lots, transit related surface transportation improvements and

rights-of-way used or useful for the purposes of public transit, which provides significant regional benefit, and the acquisition, construction, reconstruction, repair, maintenance, administration and operations thereof and similar activities related thereto, whether operated by one or multiple entities.

H. “Regional Program” means a program involving a Public Transit System.

IV. DISTRICT

A. Upon this Compact being entered into law by the [Legislatures] **Legislature** of the [respective states] **State of Missouri**, the Regional Investment District is created and shall include Buchanan County, Missouri, and all the geographic area within the jurisdictional limits of those [Kansas and] Missouri counties that are parties to the Articles of Agreement executed on January 1, 1972, and thereafter amended, which area is designated as the Mid-America Regional Planning Area, and currently includes the following counties:

Clay County, Missouri [Wyandotte County, Kansas]

Platte County, Missouri [Johnson County, Kansas]

Jackson County, Missouri [Leavenworth County, Kansas]

Cass County, Missouri

Ray County, Missouri

B. In the event that the Legislature of the State of Kansas enacts legislation adopting this Compact, the Regional Investment District shall also include all the geographic area within the jurisdictional limits of those Kansas counties that are parties to the Articles of Agreement executed on January 1, 1972, and thereafter amended, which area is designated as the Mid-America Regional Planning Area, and currently includes the following counties:

Wyandotte County, Kansas

Johnson County, Kansas

Leavenworth County, Kansas

C. The District automatically shall be expanded to include Kansas and Missouri cities, counties and other political subdivisions that hereafter shall become parties

to the Articles of Agreement executed on January 1, 1972, and thereafter amended, upon the execution of the Articles of Agreement by the governing body of such political subdivisions.

V. THE COMMISSION

A. The District shall be governed by the Commission, which shall be a body corporate and politic and shall be composed of voting members of MARC, as that Council is constituted from time to time and which is also known as the Board of Directors and may include an elected chief official from Buchanan County appointed by its chief official. All of the members of the Commission shall be elected officials from the jurisdiction that appointed them as voting members of MARC's Board of Directors; **provided that all members of the Commission shall be from a jurisdiction in a state that has adopted the Compact.**

B. The terms of the members of the Commission shall expire concurrently with the member's tenure as an elected official of a jurisdiction that is a party to MARC's Articles of Agreement. If a jurisdiction that is a party to MARC's Articles of Agreement appoints a different member of its governing body to MARC, that newly appointed individual shall assume the position of the member replaced. Each member shall serve until that member's replacement has been sworn in as an elected official.

C. The Commission shall begin functioning immediately upon creation of the District, as provided for in Article IV, Section A hereof.

D. The Commission shall select annually, from its membership, a chairperson, a vice chairperson, and a treasurer. The treasurer shall be bonded in the amounts the Commission may require.

E. The Commission may appoint the officers, agents, and employees, as it may require for the performance of the Commission's duties, and shall determine the qualifications and duties and fix the compensation of those officers, agents and employees.

F. The Commission shall fix the time and place at which its meetings shall be held. Meetings shall be held within the District and shall be open to the public.

Public notice shall be given of all meetings of the Commission.

G. A majority of the Commissioners from each state **that has enacted the Compact** shall constitute, in the aggregate, a quorum for the transaction of business. No action of the Commission shall be binding unless taken at a meeting at which at least a quorum is present, and unless a majority of the Commissioners from each state, present at the meeting, shall vote in favor thereof. No action of the Commission taken at a meeting thereof shall be binding unless the subject of the action is included in a written agenda for the meeting, the agenda and notice of meeting having been provided to each Commissioner at least seven calendar days prior to the meeting.

H. The Commissioners from each state shall each be subject to the provisions of the laws of either the State of Kansas or the State of Missouri (depending upon the Commissioner's state of residence) relating to conflicts of interest of public officers and employees. If any Commissioner has a direct or indirect financial interest in any facility, service provider, organization or activity supported by the District or Commission or in any other business transaction of the District or Commission, the Commissioner shall disclose that interest in writing to the other Commissioners and shall abstain from voting on any matter in relation to that facility, organization or activity or to that business transaction.

I. If any action at law or equity, or other legal proceeding, shall be brought against any Commissioner for any act or omission arising out of the performance of their duties as a Commissioner, the Commissioner shall be indemnified in whole and held harmless by the Commission for any judgment or decree entered against the Commissioner and, further, shall be defended at the cost and expense of the Commission in any resulting proceeding.

J. Each member of the Commission shall serve as a member of the Commission without compensation for that service, except for payment of their actual and reasonably necessary expenses, as provided by Article VIII, Section A, 1.

VI. POWERS AND DUTIES OF THE COMMISSION

A. The Commission, formally the governing body of the District, shall primarily function as the planning and administrative arm for the District. The Commission shall: undertake community planning to identify regional programs and initiatives that will produce significant benefit to the Kansas City metropolitan area; fully develop the specifics regarding existing regional programs and initiatives and those newly identified regional programs and initiatives; prepare a Program Plan for regional programs and initiatives in consultation with local officials and the public; prepare ballot questions for programs and initiatives that the Commission determines could appropriately be supported by the sales tax authorized by this Compact; and assist an appointed Oversight Committee when requested by the Oversight Committee in the implementation of any Regional Program approved by District qualified electors in accordance with the terms of this Compact.

B. The Commission shall adopt a seal and suitable bylaws governing its management, procedure and effective operation.

C. The Commission shall develop a Program Plan for a Regional Program that it determines could appropriately be supported by the sales tax authorized by the Compact, which Program Plan shall generally describe the Regional Program and provide for the appropriation and use of moneys in support of that Regional Program only for the Eligible Uses set forth in Article VIII of this Compact. A Program Plan shall also designate:

1. the counties or county in which a majority of the qualified electors voting on the ballot question must cast an affirmative vote before the sales tax may be imposed by any individual county for uses in accordance with the Program Plan;

2. the duration of the sales tax imposed in support of the Regional Program, which may be described in terms of the number of years the tax shall be imposed, a maximum number of dollars that may be raised by the

sales tax imposed or any other reasonable means of establishing the duration of the sales tax; provided that the sales tax shall not extend beyond the fifteen (15) years following the date of the first receipt by the county treasurer of revenue from the sales tax imposed to support the Regional Program unless renewed by the qualified electors of that county prior to its expiration; and

3. the composition of the Oversight Committee to be appointed by the Commission for that Regional Program, which composition shall be consistent with Article IX, Section A of this Compact.

D. The Commission, subject to the requirements of Article VII, Section C, shall set the date or dates by which the election shall be held pursuant to this Compact and shall recommend those counties or county which shall hold a vote on the ballot question prepared by the Commission for that Regional Program.

E. For each election to be held pursuant to this Compact, the Commission shall prepare and submit a ballot question to the governing body of each county within the District. Each such question shall be in the form set forth in Article VII, Section D of this Compact.

F. The Commission may prepare additional ballot language generally describing a Regional Program and the use and allocation of the sales tax proposed to be imposed for the support of a Regional Program, and shall submit that additional language to each county within the District. If additional ballot language is so submitted by the Commission, and a county governing body decides to place the ballot question before the qualified electors of that county, the additional ballot language shall be placed on the subject ballot by that governing body.

G. When a majority of the qualified electors in the county or counties designated in the Program Plan for that Regional Program as one of those counties that must cast an affirmative vote on the ballot question before the sales tax may be imposed, have cast an affirmative vote, the Commission shall, in accordance with Article IX, Section A of this Compact, appoint an

Oversight Committee for that Program Plan.

H. The Commission shall have the power to contract and to be contracted with and to sue and to be sued.

I. The Commission, when it deems it necessary and when requested to do so by an Oversight Committee, shall interpret and/or provide guidance and further details on a Program Plan to assist in the oversight of the appropriation and use of moneys by the Oversight Committee for that Program Plan.

J. In accordance with written guidelines adopted by the Commission, which guidelines shall be consistent with the Program Plans required by Article VI, Section C, the Commission may receive or provide donations, contributions, and grants or other support, financial or otherwise, from public or private entities, for Program Plans and the Eligible Uses set forth in Article VIII of this Compact.

K. The Commission shall execute those contracts and agreements as an Oversight Committee shall direct to implement the Program Plan developed for an approved Regional Program, provided that, the Commission determines each contract is consistent with the Program Plan.

L. The Commission may appoint advisory committees to provide input, consultation, guidance and assistance to the Commission on matters and issues related to any purposes for which the District and the Commission are hereby created.

M. The Commission may form whatever partnerships, associations, joint ventures or other affiliations, formal or otherwise, as it deems appropriate and that are in furtherance of the purposes for which the District and the Commission are created.

N. The Commission may utilize assistance from any governmental or non-governmental entity, as it shall determine appropriate, in the form of personnel, technical expertise or other resources, to further the policies, purposes and goals of the District, as stated in Article II of this Compact.

O. The Commission shall cause to be prepared

annually a report on the operations and transactions conducted by the Commission during the preceding year. The report shall be an open record submitted to the legislatures and governors of the compacting states and to the governing bodies of the jurisdictions that are then a party to MARC's Articles of Agreement and of Buchanan County, Missouri, on or before March 15th of each calendar year, commencing on March 15th of the year following the year in which the certification described in Article IV, Section B hereof occurs. The Commission shall take those actions as are reasonably required to make this report readily available to the public.

P. The Commission shall have the power to apply to the Congress of the United States for its consent and approval of this Compact, if it is determined by the Commission that this consent is appropriate. In the absence of the consent of the Congress and until consent is secured, if that consent is determined appropriate, this Compact is binding upon [the states of Missouri and Kansas] **any state that has enacted it** in all respects permitted by **that state's** law [of the two states].

Q. The Commission shall have the power to perform all other necessary and incidental functions and duties and to exercise all other necessary and appropriate powers, not inconsistent with other provisions of this Compact or the constitution or laws of the United States or of [either of] the **state or** states [of Kansas or Missouri] **in which its members are located**, that it deems appropriate to effectuate the purposes for which this District and the Commission are created.

VII. BALLOT QUESTIONS

A. The Commission, as required by Article VI, Section C, shall develop Program Plans for Regional Programs to be submitted to the qualified electors within the District. A Program Plan developed by the Commission shall be available to the public for review and comment in advance of dates set by the Commission for submission of a ballot question to the electors in the District.

B. The governing body of each county in the District shall determine whether the provision of financial support for a Regional Program is in the best interests of the citizens of the county and whether the levy of a sales tax to provide, on a cooperative basis with another county or other counties, for financial support of the Regional Program would be economically practicable and cost beneficial to the citizens of the county and the District. Each governing body that makes an affirmative determination with respect hereto shall adopt a resolution evidencing that determination and authorizing a vote of its citizens on the ballot question for the Regional Program, by a two-thirds (2/3) majority vote of the members elect of the governing body.

C. Upon adoption of a resolution pursuant to Section B of this Article, the governing body of that county, promptly after adoption of the resolution, shall request the county election commissioner to submit the ballot question for that Regional Program to the qualified electors of that county. Each such ballot question shall be printed on the ballot and in the notice of election. Each ballot question shall be submitted to the qualified electors of that county at the primary or general election next following the date the request was filed with the county election officer.

D. The ballot for the proposition in each county shall be in substantially the following form:

Shall a sales tax (insert amount, not to exceed one-half cent) be levied and collected in County for the support of a Regional Program that will produce significant benefit within the [Kansas and Missouri] Regional Investment District, with such tax to extend no longer than (insert years not to exceed fifteen) years following the first receipt by the county treasurer of revenue from such tax?

☐ YES

☐ NO

E. The governing body of each of the counties that requested their county election commissioner submit the ballot question to its qualified electors also shall provide their respective county election officers with

copies of any additional language prepared by the Commission, pursuant to Article VI, Section F, which additional language shall be included by each such county on the ballot.

F. The question of whether a sales tax for the support of a Regional Program involving a Public Transit System shall be imposed shall be submitted to qualified electors at the first election to be held on Regional Programs, pursuant to this Compact.

G. The governing body of any county in the District that does not pass the resolution contemplated by Section B of this Article in time to cause the placement of the ballot question before the qualified electors of that county at the first election or any subsequent election to be held on Regional Programs, pursuant to this Compact, may adopt that resolution at any time thereafter, and that ballot question shall be provided to the election commissioner of that county and submitted to the qualified electors of the county at the next primary or general election, in accordance with Section C of this Article.

H. In each county where a majority of the qualified electors voting in an election shall have cast an affirmative vote on a ballot question, that ballot question shall be approved.

I. If a ballot question is submitted to the qualified electors of a county in the District, and the ballot question is not approved in that county, following defeat of the ballot question, the governing body of that county or counties may renew procedures to levy the sales tax in support of that Regional Program. A defeat of a ballot question in any county shall not affect the approval of that ballot question in any other county, which approval shall continue to have effect.

J. No county in the District shall levy a sales tax specified herein until the qualified electors in all the counties designated by the Commission in the Program Plan for the subject Regional Program, as those that must approve the sales tax, have approved the levy of the sales tax to support the Program Plan for that Regional Program.

K. [With respect to the first election to be held on

Regional Programs pursuant to this Compact, no sales tax shall be levied by any county which has adopted the resolution contemplated by Section B and has submitted the ballot question to the qualified voters of that county pursuant to Section C of this Article, unless and until a majority of the qualified electors of at least Johnson and Wyandotte Counties, Kansas, and Jackson County, Missouri, has approved the levy of a sales tax for the Regional Program involving a Public Transit System.

L.] When, but only when, the electors in all of the counties designated by the Commission in the Program Plan for the Regional Program, as those that must approve the sales tax, have approved that ballot question, the governing body of each county that has approved that ballot question, at the first available opportunity, shall take all required actions to begin levying this tax.

[M.] L. Any of the counties that have elected by a vote of its electors to levy a sales tax authorized by this Compact may cease to levy this sales tax upon the majority vote of the qualified electors of the county on a ballot question submitted to qualified electors asking if that county should cease to levy this sales tax. This vote shall take place in the same manner provided in this section for levying this sales tax; provided that, no vote to cease to levy this sales tax shall take place in any county on a date earlier than a date that is five years from the date that county approved this sales tax. Provided further, in no event shall any county cease to levy this sales tax until that county has entered into a written agreement with the Commission, which agreement shall provide for the terms of cessation, and shall specifically provide: (1) a means to ensure that the county pays a fair share of the outstanding obligations incurred by the District in furtherance of its established purposes; and (2) for the ongoing operations and maintenance or the termination of any facilities or services established in the county with support provided by the Commission. The governing body of a county that has decided by this vote to cease to levy this sales tax shall send formal written notice thereof to each of the other counties comprising the District. In no event, shall the county cease to levy the sales tax earlier than

ninety days after this notice has been sent. If any county in the District decides to cease levying the sales tax, the status of the District as a political subdivision of the states of Kansas and Missouri shall be unaltered and that county shall continue to have the representation on the Commission, as set forth in Article V of this Compact.

VIII. ELIGIBLE USES OF FUNDS

A. The Commission shall only budget and authorize the appropriation of monies for the following eligible purposes:

1. the actual and reasonably necessary expenses of the Commission and Oversight Committee, including, but not limited to, staff personnel, auditors, budget and financial consultation, legal assistance, administrative, operational, planning and engineering consultation and marketing, as well as for the actual and reasonably necessary expenses of individual Commission and Committee members that are incurred in the performance of their official duties; provided that, the Commission, in each fiscal year, shall not appropriate, for this purpose, any monies in excess of an amount that is equal to one percent of the funds appropriated to the Commission in that fiscal year by all of the counties imposing this sales tax; and

2. the support of voter approved Regional Programs within the District;

3. only pursuant to a contract with bodies corporate and politic, political subdivisions of the states of Missouri or Kansas and/or local units of government in the states of Missouri or Kansas, provided, however, the Commission may, in its discretion, require that entities contracted with shall procure a set percentage of Public Transit System services from third party contractors on a competitive basis; and

4. only in support of a Regional Program in counties that have voted affirmatively to impose a sales tax in support of that Regional Program.

B. The aggregate amount of sales taxes imposed by any county within the District, pursuant to the authority granted in this Compact, shall not exceed one-half cent.

IX. THE OVERSIGHT COMMITTEE

A. An Oversight Committee shall be appointed by the Commission for a Regional Program, as provided for in Article VI, Section G hereof. An Oversight Committee shall be composed of elected officials of jurisdictions that are within a county where a majority of the qualified electors voting on the ballot question have cast an affirmative vote on the imposition of a sales tax to support the subject Regional Program. An Oversight Committee shall be composed of the elected officials designated in the Program Plan for the Regional Program. An Oversight Committee shall include a minimum of one elected representative from each county that approves that ballot question and elected representatives from both cities and counties and each representative shall be approved by the chief elected official of the county or city from which they are elected. If the Program Plan describes a Regional Program that serves both Missouri and Kansas, the Oversight Committee shall be composed of an equal number of elected representatives from each state. In such instances, no action of the Commission shall be binding unless taken at a meeting at which at least a quorum is present, and unless a majority of the Commissioners from each state, present at the meeting, shall vote in favor thereof. The number of individuals comprising the Oversight Committee shall be in the sole discretion of the Commission.

B. An Oversight Committee shall be appointed within forty-five days of certification that the ballot question has been approved by the last of the counties designated by the Commission in the Program Plan for the Regional Plan, pursuant to Article VI, Section C, 1 hereof, to so certify and shall begin functioning immediately upon its appointment by the Commission. If, pursuant to Article VII, Section K, additional counties within the District shall approve the ballot question, the Commission shall appoint a minimum of one additional representative from each such county to the Oversight Committee.

C. An appointed Oversight Committee shall fix the time and place at which its meetings shall be held. Meetings shall be held at a location in a county that has

approved the imposition of the sales tax to support the Program Plan for the subject Regional Program and shall be open to the public. Public notice shall be given of all meetings of the Committee.

D. The Committee members shall each be subject to the provisions of the laws of either the State of Kansas or the State of Missouri (depending upon the Committee member's state of residence) that relate to conflicts of interest of public officers and employees. If any Committee member has a direct or indirect financial interest in any facility, service provider, organization or activity supported by the District or Commission or in any other business transaction of the District or Commission, the Committee member shall disclose that interest in writing to the members of the Commission and to the other members of the Committee and shall abstain from voting on any matter in relation to that facility, organization or activity or to that business transaction with respect to which that Committee member has the interest.

E. If any action at law or equity, or other legal proceeding, shall be brought against any Committee member for any act or omission arising out of the performance of duties as a Committee member, the Committee member shall be indemnified in whole and held harmless by the Commission for any judgment or decree entered against the Committee member and, further, shall be defended at the cost and expense of the Commission in any resulting proceeding.

F. The Oversight Committee for a Regional Program shall terminate on the date when all of the moneys derived from the sales tax imposed by any or all counties in the District to support the Program Plan for that Regional Program and which have been credited to the Regional Investment Fund have been expended.

X. POWERS AND DUTIES OF THE OVERSIGHT COMMITTEE

A. The Oversight Committee for an approved Regional Program is charged with the oversight of the appropriation and use of moneys generated from the sales taxes and credited to the Regional Investment

Fund. These moneys shall be appropriated only for the Eligible Uses set forth in Article VIII of this Compact.

B. An Oversight Committee shall only provide support for and allocate and appropriate monies for programs, services and facilities that are consistent with the voter approved Program Plan developed by the Commission and only for programs, services and facilities in counties that have approved the imposition of a sales tax in support of the Regional Program. If the Committee is uncertain or has any question about whether a specific appropriation of moneys or support activity is consistent with the Program Plan developed by the Commission, it shall seek a determination on that question from the Commission.

C. An Oversight Committee, as appropriate, shall direct that the Commission execute those contracts and agreements necessary or desirable to implement the Program Plan developed by the Commission.

D. An Oversight Committee shall adopt suitable bylaws governing its management, procedure and its effective operations.

E. An Oversight Committee shall provide the information that the Commission shall require to allow the Commission to prepare annually a report on the operations and transactions conducted by the Commission during the preceding year relating to the approved Regional Programs. This information shall include an annual financial statement prepared in accordance with General Accepted Accounting Principles (GAAP). The Oversight Committee for a Public Transit Service Regional Program shall also provide a report on operational statistics, including statistics on the ridership of the Public Transit System funded with sales tax revenues resulting from the authority granted by this Compact, comparing ridership in the then current fiscal year to ridership in the three fiscal years next preceding.

XI. FINANCE

A. The moneys necessary to finance the operation of the District, implement the voter approved Program Plans and execute the powers, duties and responsibilities of the Commission shall be

appropriated to the Commission by the counties comprising the District, which, in accordance with Article VII, Section J of the Compact, have approved the ballot question for the subject Regional Program. The moneys to be appropriated to the Commission, in addition to the sales tax authorized by this Compact, may be raised by the governing bodies of the respective counties by the levy of taxes, fees, charges or any other revenue, as authorized by those counties or cities in those counties or by the legislatures of the respective party states, provided nothing herein shall require either state to make appropriations for any purpose.

B. Neither the Commission nor any Oversight Committee shall incur any indebtedness of any kind; nor shall they pledge the credit of MARC or any jurisdiction that is party to MARC's Articles of Agreement or either of the states party to this Compact, except as specifically authorized by this Compact. The budget of the District shall be prepared, adopted and published, as provided by law, for other political subdivisions of the party states.

C. The Commission and an Oversight Committee shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become a part of the annual report of the Commission.

D. The accounts of the Commission shall be open at any reasonable time for inspection by duly authorized representatives of [the compacting states] **a state that has enacted this Compact**, the counties comprising the District, and other persons authorized by the Commission.

XII. ENTRY INTO FORCE

A. This Compact shall enter into force and become effective and binding upon the states of Kansas and Missouri when it has been entered into law by the legislatures of the respective states.

B. Amendments to the Compact shall become effective upon enactment by the legislatures of the respective states.

XIII. TERMINATION

A. The Compact shall continue in force and remain binding upon a party state until its legislature shall have enacted a statute repealing the same and providing for the sending of formal written notice of enactment of that statute to the legislature of the other party state. Upon enactment of that statute by the legislature of either party state, the sending of notice thereof to the other party and payment of any obligations that the Commission may have incurred prior to the effective date of that statute, the agreement of the party states embodied in the Compact shall be deemed fully executed, the Compact shall be null and void and of no further force or effect, the District shall be dissolved, and the Commission shall be abolished. If any monies remain in the Regional Investment Fund upon dissolution of this Compact, the Commission may distribute these monies to an entity or organization selected by the Commission to be used to support purposes for which the District is hereby created, as stated in Article II of this Compact.

XIV. CONSTRUCTION AND SEVERABILITY

A. The provisions of this Compact shall be liberally construed and shall be severable. If any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitutions of either [of the party states] **a state that has enacted this Compact** or of the United States or **if** the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of either party state hereto, the Compact shall thereby be nullified and voided and of no further force or effect.

70.545. If the state of Kansas has not [authorized the compact as outlined in section 70.515] **enacted the Compact by [July 1] August 28, 2007, then the district described in section 70.515 shall nonetheless be created, and the district,** any Missouri county in the district [and], the [district,] Commission, and an oversight committee shall have all the powers and

duties and may operate as set forth in sections 70.515 to 70.545, **provided that:**

1. The Regional Investment District created in section 70.515 shall be known as the "Missouri Regional Investment District", shall be a political subdivision solely of the state of Missouri, and shall consist only of those Missouri counties that are within the Mid-America Regional Planning Area and Buchanan County. All references to a "Regional Investment District" or "District" in section 70.515 shall be deemed to refer exclusively to the "Missouri Regional Investment District".

2. Article XII of the Compact shall be inapplicable."; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted, which motion prevailed.

Senator Justus offered SA 11:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 153, Section 650.340, Line 25 of said page, by inserting immediately after said line the following:

"Section 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest in the following described real property owned by the state in Jackson County to the city of Kansas City:

Parcel # 12-840-27-08-00-0-00-000

**JOHNSON'S SUB OF O T LANDS
BEG 460 W 185' S NE CE S SW 1/4
SE 1/4 TH SW 250' SE 220' NE 250'
NW 220' TO POB**

Parcel # 12-840-26-02-00-0-00-000

**EAST KANSAS
LOT 1 & N 10 FT OF LOT 2 BL K 53**

Parcel # 12-840-26-03-00-0-00-000

EAST KANSAS**ALL OF LOT 2 (EX N 10') & ALL OF
LOT 3 & N 10' OF LOT 4 BLK 53**

Section 2. The commissioner of administration shall set the terms and conditions for the sale as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, and the time, place, and terms of the sale.

Section 3. The attorney general shall approve as to form the instrument of conveyance.”; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Coleman offered **SA 12:**

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 154, Section 105.971, Line 24 of said page, by inserting immediately after said line the following:

“[162.1100. 1. There is hereby established within each city not within a county a school district to be known as the “Transitional School District of (name of city)”, which shall be a body corporate and politic and a subdivision of the state. The transitional school district shall be coterminous with the boundaries of the city in which the district is located. Except as otherwise provided in this section and section 162.621, the transitional school district shall be subject to all laws pertaining to “seven-director districts”, as defined in section 160.011, RSMo. The transitional school district shall have the

responsibility for educational programs and policies determined by a final judgment of a federal school desegregation case to be needed in providing for a transition of the educational system of the city from control and jurisdiction of a federal court school desegregation order, decree or agreement and such other programs and policies as designated by the governing body of the school district.

2. (1) The governing board of the transitional school district shall consist of three residents of the district: one shall be appointed by the governing body of the district, one shall be appointed by the mayor of the city not within a county and one shall be appointed by the president of the board of aldermen of the city not within a county. The members of the governing board shall serve without compensation for a term of three years, or until their successors have been appointed, or until the transitional district is dissolved or terminated. Any tax approved for the transitional district shall be assigned to the governing body of the school district in a city not within a county after dissolution or termination of the transitional district.

(2) In the event that the state board of education shall declare the school district of a city not within a county to be unaccredited, the member of the governing board of the transitional district appointed by the governing body of the district as provided in subdivision (1) of this subsection shall, within ninety days, be replaced by a chief executive officer nominated by the state board of education and appointed by the governor with the advice and consent of the senate. The chief executive officer need not be a resident of the district but shall be a

person of recognized administrative ability, shall be paid in whole or in part with funds from the district, and shall have all other powers and duties of any other general superintendent of schools, including appointment of staff. The chief executive officer shall serve for a term of three years or until his successor is appointed or until the transitional district is dissolved or terminated. His salary shall be set by the state board of education.

3. In the event that the school district loses its accreditation, upon the appointment of a chief executive officer, any powers granted to any existing school board in a city not within a county on or before August 28, 1998, shall be vested with the special administrative board of the transitional school district containing such school district so long as the transitional school district exists, except as otherwise provided in section 162.621.

4. The special administrative board's powers and duties shall include:

(1) Creating an academic accountability plan, taking corrective action in underperforming schools, and seeking relief from state-mandated programs;

(2) Exploration of alternative forms of governance for the district;

(3) Authority to contract with nonprofit corporations to provide for the operation of schools;

(4) Oversight of facility planning, construction, improvement, repair, maintenance and rehabilitation;

(5) Authority to establish school site councils to facilitate site-based school management and to improve the

responsiveness of the schools to the needs of the local geographic attendance region of the school;

(6) Authority to submit a proposal to district voters pursuant to section 162.666 regarding establishment of neighborhood schools.

5. (1) The provisions of a final judgment as to the state of Missouri and its officials in a school desegregation case which subjects a district in which a transitional district is located in this state to a federal court's jurisdiction may authorize or require the governing body of a transitional school district established under this section to establish the transitional district's operating levy for school purposes, as defined pursuant to section 163.011, RSMo, at a level not to exceed eighty-five cents per one hundred dollars assessed valuation in the district or a sales tax equivalent amount as determined by the department of elementary and secondary education which may be substituted for all or part of such property tax.

(2) Any other statute to the contrary notwithstanding, no tax authorized pursuant to this subsection shall:

(a) Be subject to any certificate of tax abatement issued after August 28, 1998, pursuant to sections 99.700 to 99.715, RSMo; and

(b) Effective January 1, 2002, be subject to any new or existing tax increment financing adopted by a city not within a county pursuant to sections 99.800 to 99.865, RSMo, except that any redevelopment plan and redevelopment project concerning a convention headquarters hotel adopted by ordinance by a city not within a county prior to

August 28, 2003, shall be subject to such tax increment financing.

(3) The transitional school district shall not be subject to the provisions of section 162.081, sections 163.021 and 163.023, RSMo, with respect to any requirements to maintain a minimum value of operating levy or any consequences provided by law for failure to levy at least such minimum rate. No operating levy or increase in the operating levy or sales tax established pursuant to this section shall be collected for a transitional school district unless prior approval is obtained from a simple majority of the district's voters. The board of the transitional district shall place the matter before the voters prior to March 15, 1999.

6. (1) The special administrative board established in this section shall develop, implement, monitor and evaluate a comprehensive school improvement plan, and such plan shall be subject to review and approval of the state board of education. The plan shall ensure that all students meet or exceed grade-level standards established by the state board of education pursuant to section 160.514, RSMo;

(2) The special administrative board shall establish student performance standards consistent with the standards established by the state board of education pursuant to section 160.514, RSMo, for preschool through grade twelve in all skill and subject areas, subject to review and approval of the state board of education for the purpose of determining whether the standards are consistent with standards established by the state board of education pursuant to section 160.514, RSMo;

(3) All students in the district who do not achieve grade-level standards shall be required to attend summer school; except that the provisions of this subsection shall not apply to students receiving special education services pursuant to sections 162.670 to 162.999;

(4) No student shall be promoted to a higher grade level unless that student has a reading ability at or above one grade level below the student's grade level; except that the provisions of this subsection shall not apply to students receiving special education services pursuant to sections 162.670 to 162.999;

(5) The special administrative board established in this section shall develop, implement and annually update a professional development plan for teachers and other support staff, subject to review and approval of the state board of education.

7. The school improvement plan established pursuant to this section shall ensure open enrollment and program access to all students in the district, and, consistent with the Missouri and United States Constitutions, shall give first priority to residents of the city for admission to magnet schools. The school board shall take all practicable and constitutionally permissible steps to ensure that all magnet schools operate at full capacity. Students who change residence within the district shall be allowed to continue to attend the school in which they were initially enrolled for the remainder of their education at grade levels served by that school, and transportation shall be provided by the district to allow such students to continue to attend such school of initial enrollment.

8. To the extent practicable, the special administrative board shall ensure that per pupil expenditures and pupil-teacher ratios shall be the same for all schools serving students at a given grade level.

9. The special administrative board shall ensure that early childhood education is available throughout the district.

10. The special administrative board shall ensure that vocational education instruction is provided within the district.

11. The special administrative board shall establish an accountability officer whose duty shall be to ensure that academically deficient schools within the district are raised to acceptable condition within two years.

12. The transitional school district in any city not within a county shall be dissolved on July 1, 2008, unless the state board determines, prior to that date, that it is necessary for the transitional district to continue to accomplish the purposes for which it was created. The state board of education may cause the termination of the transitional school district at any time upon a determination that the transitional district has accomplished the purposes for which it was established and is no longer needed. The state board of education may cause the reestablishment of the transitional school district at any time upon a determination that it is necessary for the transitional district to be reestablished to accomplish the purposes established in this section. The state board of education shall provide notice to the governor and general assembly of the termination or reestablishment of the transitional school district and the termination or

reestablishment shall become effective thirty days following such determination. Upon dissolution of a transitional school district pursuant to this section, nothing in this section shall be construed to reduce or eliminate any power or duty of any school district or districts containing the territory of the dissolved transitional school district unless such transitional school district is reestablished by the state board of education pursuant to this section.]; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted.

Senator Nodler raised the point of order that **SA 12** is out of order as it is not germane to the underlying bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Coleman offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 94, Section 92.500, Line 18 of said page, by inserting after all of said line the following:

“94.660. 1. The governing body of any city not within a county and any county of the first classification having a charter form of government with a population of over nine hundred thousand inhabitants may propose, by ordinance or order, a transportation sales tax of up to one percent for submission to the voters of that city or county at an authorized election date selected by the governing body.

2. Any sales tax approved under this section shall be imposed on the receipts from the sale at retail of all tangible personal property or taxable services within the city or county adopting the tax, if such property and services are subject to taxation

by the state of Missouri under sections 144.010 to 144.525, RSMo.

3. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the county/city of (county's or city's name) impose a county/city-wide sales tax of percent for the purpose of providing a source of funds for public transportation purposes?

☐ YES

☐ NO

Except as provided in subsection 4 of this section, if a majority of the votes cast in that county or city not within a county on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall go into effect on the first day of the next calendar quarter beginning after its adoption and notice to the director of revenue, but no sooner than thirty days after such adoption and notice. If a majority of the votes cast in that county or city not within a county by the qualified voters voting are opposed to the proposal, then the additional sales tax shall not be imposed in that county or city not within a county unless and until the governing body of that county or city not within a county shall have submitted another proposal to authorize the local option transportation sales tax authorized in this section, and such proposal is approved by a majority of the qualified voters voting on it. In no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal.

4. No tax shall go into effect under this section in any city not within a county or any county of the first classification having a charter form of government with a population over nine hundred thousand inhabitants unless and until both such city and such county approve the tax.

5. The provisions of subsection 4 of this section requiring both the city and county to approve a transportation sales tax before a transportation sales tax may go into effect in either jurisdiction shall not apply to any

transportation sales tax submitted to and approved by the voters in such city or such county on or after August 28, 2007.

[5.] 6. All sales taxes collected by the director of revenue under this section on behalf of any city or county, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds, shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Public Transit Sales Tax Trust Fund". The sales taxes shall be collected as provided in section 32.087, RSMo. The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each city or county approving a sales tax under this section, and the records shall be open to inspection by officers of the city or county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city or county which levied the tax, and such funds shall be deposited with the treasurer of each such city or county and all expenditures of funds arising from the county public transit sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county or city not within a county.

[6.] 7. The revenues derived from any transportation sales tax under this section shall be used only for the planning, development, acquisition, construction, maintenance and operation of public transit facilities and systems other than highways.

[7.] 8. The director of revenue may authorize the state treasurer to make refunds from the amount in the trust fund and credited to any city or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities or

counties. If any city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city or county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the city or county and close the account of that city or county. The director of revenue shall notify each city or county of each instance of any amount refunded or any check redeemed from receipts due the city or county.”; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Shoemyer offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 153, Section 650.340, Line 25, by inserting after all of said line the following:

“Section 1. Notwithstanding the provisions of section 163.011, RSMo, for any school district located in more than one county and whose headquarters are located within a city of the fourth classification with more than two thousand five hundred but fewer than two thousand six hundred inhabitants and located in more than one county, the county signified in the school district number shall be the county in the district with the highest dollar value modifier.”; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Shoemyer moved that the above amendment be adopted, which motion prevailed.

Senator Shoemyer offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 143, Section 321.800, Line 16, by inserting after all of said line the following:

“393.715. 1. The general powers of a commission to the extent provided in section 393.710 to be exercised for the benefit of its contracting members shall include the power to:

(1) Plan, develop, acquire, construct, reconstruct, operate, manage, dispose of, participate in, maintain, repair, extend or improve one or more projects, either exclusively or jointly or by participation with electric cooperative associations, municipally owned or public utilities or acquire any interest in or any rights to capacity of a project, within or outside the state, and act as an agent, or designate one or more other persons participating in a project to act as its agent, in connection with the planning, acquisition, construction, operation, maintenance, repair, extension or improvement of such project;

(2) Acquire, sell, distribute and process fuels necessary to the production of electric power and energy; provided, however, the commission shall not have the power or authority to erect, own, use or maintain a transmission line which is parallel or generally parallel to another transmission line in place within a distance of two miles, which serves the same general area sought to be served by the commission unless the public service commission finds that it is not feasible to utilize the transmission line which is in place;

(3) Acquire by purchase or lease, construct, install, and operate reservoirs, pipelines, wells, check dams, pumping stations, water purification plants, and other facilities for the production, wholesale distribution, and utilization of water and to own and hold such real and personal property as

may be necessary to carry out the purposes of its organization; provided, however, that a commission shall not sell or distribute water, at retail or wholesale, within the certificated area of a water corporation which is subject to the jurisdiction of the public service commission unless the sale or distribution of water is within the boundaries of a public water supply district or municipality which is a contracting municipality in the commission and the commission has obtained the approval of the public service commission prior to commencing such said sale or distribution of water;

(4) Acquire by purchase or lease, construct, install, and operate lagoons, pipelines, wells, pumping stations, sewage treatment plants and other facilities for the treatment and transportation of sewage and to own and hold such real and personal property as may be necessary to carry out the purposes of its organization;

(5) Enter into operating, franchises, exchange, interchange, pooling, wheeling, transmission and other similar agreements with any person;

(6) Make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the commission;

(7) Employ agents and employees;

(8) Contract with any person, within or outside the state, for the construction of any project or for any interest therein or any right to capacity thereof, without advertising for bids, preparing final plans and specifications in advance of construction, or securing performance and payment of bonds, except to the extent and on such terms as its board of directors or executive committee shall determine. Any contract entered into pursuant to this subdivision shall contain a provision that the requirements of sections 290.210 to 290.340, RSMo, shall apply;

(9) Purchase, sell, exchange, transmit, treat, dispose or distribute water, sewage, gas, heat or electric power and energy, or any by-product

resulting therefrom, within and outside the state, in such amounts as it shall determine to be necessary and appropriate to make the most effective use of its powers and to meet its responsibilities, and to enter into agreements with any person with respect to such purchase, sale, exchange, treatment, disposal or transmission, on such terms and for such period of time as its board of directors or executive committee shall determine. A commission may not sell or distribute water, gas, heat or power and energy, or sell sewage service at retail to ultimate customers outside the boundary limits of its contracting municipalities except pursuant to subsection 2 or 3 of this section;

(10) Acquire, own, hold, use, lease, as lessor or lessee, sell or otherwise dispose of, mortgage, pledge, or grant a security interest in any real or personal property, commodity or service or interest therein;

(11) Exercise the powers of eminent domain for public use as provided in chapter 523, RSMo, except that the power of eminent domain shall not be exercised against any electric cooperative association, municipally owned or public utility;

(12) Incur debts, liabilities or obligations including the issuance of bonds pursuant to the authority granted in section 27 of article VI of the Missouri Constitution;

(13) Sue and be sued in its own name;

(14) Have and use a corporate seal;

(15) Fix, maintain and revise fees, rates, rents and charges for functions, services, facilities or commodities provided by the commission. **The powers enumerated in this subdivision shall constitute the power to tax for purposes of article 10, section 15 of the Missouri Constitution;**

(16) Make, and from time to time, amend and repeal, bylaws, rules and regulations not inconsistent with this section to carry into effect the powers and purposes of the commission;

(17) Notwithstanding the provisions of any other law, invest any funds held in reserve or sinking funds, or any funds not required for immediate disbursement, including the proceeds from the sale of any bonds, in such obligations, securities and other investments as the commission deems proper;

(18) Join organizations, membership in which is deemed by the board of directors or its executive committee to be beneficial to accomplishment of the commission's purposes;

(19) Exercise any other powers which are deemed necessary and convenient by the commission to effectuate the purposes of the commission; and

(20) Do and perform any acts and things authorized by this section under, through or by means of an agent or by contracts with any person.

2. When a municipality purchases a privately owned water utility and a commission is created pursuant to sections 393.700 to 393.770, the commission may continue to serve those locations previously receiving water from the private utility even though the location receives such service outside the geographical area of the municipalities forming the commission. New water service may be provided in such areas if the site to receive such service is located within one-fourth of a mile from a site serviced by the privately owned water utility.

3. When a commission created by any of the contracting entities listed in subdivision (4) of section 393.705 becomes a successor to any nonprofit water corporation, nonprofit sewer corporation or other nonprofit agency or entity organized to provide water or sewer service, the commission may continue to serve, as well as provide new service to, those locations and areas previously receiving water or sewer service from such nonprofit entity, regardless of whether or not such location receives such service outside the geographical service area of the contracting entities forming such commission; provided that

such locations and areas previously receiving water and sewer service from such nonprofit entity are not located within:

(1) Any county of the first classification with a population of more than six hundred thousand and less than nine hundred thousand;

(2) The boundaries of any sewer district established pursuant to article VI, section 30(a) of the Missouri Constitution; or

(3) The certificated area of a water or sewer corporation that is subject to the jurisdiction of the public service commission.

393.720. Any commission established by joint contract under sections 393.700 to 393.770 shall constitute a body public and corporate of the state, exercising public powers for the benefit of its contracting members and in order to carry out the public purposes and the public functions of its contracting members. It shall have the duties, privileges, immunities, rights, liabilities and disabilities of its contracting members and as a public body politic and corporate, **including the power to tax**, but shall not have **any additional** taxing power separate from that of its members nor shall it have the benefit of the doctrine of sovereign immunity.

393.740. 1. All bonds issued pursuant to sections 393.700 to 393.770 and all income or interest thereon shall be exempt from all state taxes, except estate and transfer taxes.

2. All property, real and tangible personal, except for properties acquired exclusively for water supply districts **and water supply commissions**, acquired by the bonds issued pursuant to sections 393.700 and 393.770 or otherwise acquired by a commission shall be subject to taxation for state, county, and municipal and other local purposes only to the same extent as if such property was owned directly by each contracting or participating municipality in such proportion or manner as specified by contract among all contracting or participating

municipalities party to a project or if not specified in proportion to the percentage of each municipality's interest or participation in the facility or property.”; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Shoemyer moved that the above amendment be adopted, which motion prevailed.

Senator Rupp assumed the Chair.

Senator Shoemyer offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 132, Section 260.831, Line 7, by inserting after all of said line the following:

“320.097. 1. As used in this section, “fire department” means any agency or organization that provides fire suppression and related activities, including but not limited to fire prevention, rescue, emergency medical services, hazardous material response, dispatching, or special operations to a population within a fixed and legally recorded geographical area.

2. No fire department shall, as a condition of employment, require any employee to reside within a fixed and legally recorded geographical area of the fire department if the only public school district available to the employee within such fire department's geographical area is a public school district that is or has been unaccredited or provisionally accredited in the last five years of such employee's employment. No charter school shall be deemed a public school for purposes of this section.

3. No employee of a fire department who has not resided in such fire department's fixed and legally recorded geographical area, or who has changed such employee's residency because of conditions described in subsection 2 of this section, shall as a condition of employment be required to reside within the fixed and legally

recorded geographical area of the fire department if such school district subsequently becomes fully accredited.”; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Shoemyer moved that the above amendment be adopted.

Senator Smith raised the point of order that **SA 16** is out of order as it is not germane to the underlying bill.

The point of order was referred to the President Pro Tem who ruled it not well taken.

SA 16 was again taken up.

At the request of Senator Shoemyer, the above amendment was withdrawn.

Senator Graham offered **SA 17**:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 64, Section 67.2500, Line 10 of said page, by striking “or” at the end of said line; and further amend line 13 of said page, by inserting after “inhabitants” the following: “; or

(6) Any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants”; and

Further amend said bill, Page 74, Section 67.2510, Line 14 of said page, by striking “or” at the end of said line; and further amend line 17 of said page, by inserting after “inhabitants” the following: “; or

(6) Any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants”.

Senator Graham moved that the above

amendment be adopted, which motion prevailed.

Senator Bray offered **SA 18**:

SENATE AMENDMENT NO. 18

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Pages 84-86, Section 79.050, by striking all of said section and inserting in lieu thereof the following:

“79.050. 1. The following officers shall be elected by the qualified voters of the city, and shall hold office for the term of two years, except as otherwise provided in this section, and until their successors are elected and qualified, to wit: mayor and board of aldermen. The board of aldermen may provide by ordinance, after the approval of a majority of the voters voting at an election at which the issue is submitted, for the appointment of a collector and for the appointment of a chief of police, who shall perform all duties required of the marshal by law, and any other police officers found by the board of aldermen to be necessary for the good government of the city. The marshal or chief of police shall be twenty-one years of age or older. If the board of aldermen does not provide for the appointment of a chief of police and collector as provided by this section, a city marshal, who shall be twenty-one years of age or older, and collector shall be elected, and the board of aldermen may provide by ordinance that the same person may be elected marshal and collector, at the same election, and hold both offices and the board of aldermen may provide by ordinance for the election of city assessor, city attorney, city clerk and street commissioner, who shall hold their respective offices for a term of two years and until their successors shall be elected or appointed and qualified, except that the term of the city marshal shall be four years.

2. The board of aldermen may provide by ordinance that the term of [mayor and of] the collector shall be four years **and the term of the mayor shall be three or four years**. Any person elected as [mayor or] collector after the passage of

such an ordinance shall serve for a term of four years and until his successor is elected and qualified. **Any person elected as mayor after the passage of such ordinance shall serve for a term of three or four years, as provided, and until his successor is elected and qualified.**

3. The board of aldermen may provide by ordinance that the term of the board of aldermen shall be four years. Such ordinance shall be submitted by the board to the voters of the city and shall take effect only upon the approval of a majority of the voters voting at an election at which the issue is submitted. Any person elected to the board of aldermen after the passage of such an ordinance shall serve for a term of four years and until his successor is elected and qualified.”.

Senator Bray moved that the above amendment be adopted.

Senator Loudon offered **SA 1** to **SA 18**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 18

Amend Senate Amendment No. 18 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 2, Section 79.050, Line 23, by inserting all of said line the following:

“4. Notwithstanding any other provision of this section to the contrary, in any city with a population of not less than twenty thousand inhabitants located in any county with a charter form of government and with more than one million inhabitants, the term of mayor shall be four years. Any person elected shall serve a term of four years and until his or her successor is elected and qualified.”.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

SA 18, as amended, was again taken up.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 19**, which was read:

SENATE AMENDMENT NO. 19

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 140, Section 321.333, Lines 21-27, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 20**:

SENATE AMENDMENT NO. 20

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 125, Section 235.210, Line 23 of said page, by inserting immediately after said line the following:

“238.202. 1. As used in sections 238.200 to 238.275, the following terms mean:

(1) “Board”, the board of directors of a district;

(2) “Commission”, the Missouri highways and transportation commission;

(3) “District”, a transportation development district organized under sections 238.200 to 238.275;

(4) “Local transportation authority”, a county, city, town, village, county highway commission, special road district, interstate compact agency, or any local public authority or political subdivision having jurisdiction over any bridge, street, highway, dock, wharf, ferry, lake or river port, airport, railroad, light rail or other transit improvement or service;

(5) “Project” includes any bridge, street, road, highway, access road, interchange, intersection, signing, signalization, parking lot, bus stop, station, garage, terminal, hangar, shelter, rest area, dock, wharf, lake or river port, airport, railroad, light rail, or other mass transit and any similar or related improvement or infrastructure.

2. For the purposes of sections 11(c), 16 and 22 of article X of the Constitution of Missouri, section 137.073, RSMo, and as used in sections 238.200 to 238.275, the following terms shall have the meanings given:

(1) “Approval of the required majority” or “direct voter approval”, a simple majority;

(2) “Qualified electors”, “qualified voters” or “voters”, [if] **within the proposed or established district**, any persons [eligible to be registered voters reside within the proposed district, such persons] **residing therein** who have registered to vote pursuant to chapter 115, RSMo, [or if no persons eligible to be registered voters reside within the proposed district,] **and** the owners of real property [located within the proposed district], **who shall receive one vote per acre, provided that any registered voter who also owns property must elect whether to vote as an owner or a registered voter**;

(3) “Registered voters”, persons qualified and registered to vote pursuant to chapter 115, RSMo.

238.207. 1. Whenever the creation of a district is desired, not less than fifty registered voters from each county partially or totally within the proposed district may file a petition requesting the creation of a district. However, if no persons eligible to be registered voters reside within the district, the owners of record of all of the real property, except public streets, located within the proposed district may file a petition requesting the creation of a district. The petition shall be filed in the circuit court of any county partially or totally within the proposed district.

2. Alternatively, the governing body of any local transportation authority within any county in which a proposed project may be located may file a petition in the circuit court of that county, requesting the creation of a district.

3. The proposed district area shall be contiguous and may contain all or any portion of one or more municipalities and counties; provided:

(1) Property separated only by public streets, easements or rights-of-way shall be considered contiguous;

(2) In the case of a district formed pursuant to a petition filed by the owners of record of all of the real property located within the proposed district, the proposed district area need not contain contiguous properties if:

(a) The petition provides that the only funding method for project costs will be a sales tax;

(b) The court finds that all of the real property located within the proposed district will benefit by the projects to be undertaken by the district; and

(c) Each parcel within the district is within five miles of every other parcel; and

(3) In the case of a district created pursuant to subsection 5 of this section, property separated only by public streets, easements, or rights-of-way or connected by a single public street, easement, or right-of-way shall be considered contiguous.

4. The petition shall set forth:

(1) The name, voting residence and county of residence of each individual petitioner, or, if no persons eligible to be registered voters reside within the proposed district, the name and address of each owner of record of real property located within the proposed district, or shall recite that the petitioner is the governing body of a local transportation authority acting in its official capacity;

(2) The name and address of each respondent. Respondents must include the commission and each affected local transportation authority within the proposed district, except a petitioning local transportation authority;

(3) A specific description of the proposed district boundaries including a map illustrating such boundaries;

(4) A general description of each project proposed to be undertaken by that district,

including a description of the approximate location of each project;

(5) The estimated project costs and the anticipated revenues to be collected from the project;

(6) The name of the proposed district;

[(6)] (7) The number of members of the board of directors of the proposed district, which shall be not less than five or more than fifteen;

[(7)] (8) A statement that the terms of office of initial board members shall be staggered in approximately equal numbers to expire in one, two or three years;

[(8)] (9) If the petition was filed by registered voters or by a governing body, a request that the question be submitted to the qualified voters within the limits of the proposed district whether they will establish a transportation development district to develop a specified project or projects;

[(9)] (10) A proposal for funding the district initially, pursuant to the authority granted in sections 238.200 to 238.275, together with a request that the funding proposal be submitted to the qualified voters [residing] within the limits of the proposed district; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230; and

[(10)] (11) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable.

5. (1) As an alternative to the methods described in subsections 1 and 2 of this section, if two or more local transportation authorities have adopted resolutions calling for the joint establishment of a district, the governing body of any one such local transportation authority may file a petition in the circuit court of any county in which the proposed project is located requesting the creation of a district.

(2) The proposed district area shall be contiguous and may contain all or any portion of one or more municipalities and counties. Property separated only by public streets, easements, or rights-of-way or connected by a single public street, easement, or right-of-way shall be considered contiguous.

(3) The petition shall set forth:

(a) That the petitioner is the governing body of a local transportation authority acting in its official capacity;

(b) The name of each local transportation authority within the proposed district. The resolution of the governing body of each local transportation authority calling for the joint establishment of the district shall be attached to the petition;

(c) The name and address of each respondent. Respondents must include the commission and each affected local transportation authority within the proposed district, except a petitioning local transportation authority;

(d) A specific description of the proposed district boundaries including a map illustrating such boundaries;

(e) A general description of each project proposed to be undertaken by the district, including a description of the approximate location of each project;

(f) The name of the proposed district;

(g) The number of members of the board of directors of the proposed district;

(h) A request that the question be submitted to the qualified voters within the limits of the proposed district whether they will establish a transportation development district to develop the projects described in the petition;

(i) A proposal for funding the district initially, pursuant to the authority granted in sections 238.200 to 238.275, together with a request that

the imposition of the funding proposal be submitted to the qualified voters residing within the limits of the proposed district; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230; and

(j) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable.

238.208. 1. The owners of property adjacent to a transportation district formed under the Missouri transportation development district act may petition the court by unanimous petition to add their property to the district. If the property owners within the transportation development district unanimously approve of the addition of property, the adjacent properties in the petition shall be added to the district. Any property added under this section shall be subject to all projects, taxes, and special assessments in effect as of the date of the court order adding the property to the district. The owners of the added property shall be allowed to vote at the next election scheduled for the district to fill vacancies on the board and on any other question submitted to them by the board under this chapter. The owners of property added under this section shall have one vote per acre in the same manner as provided in subdivision (2) of subsection 2 of section 238.220.

2. The owners of all of the property located in a transportation development district formed under this chapter may, by unanimous petition filed with the board of directors of the district, remove any property from the district, so long as such removal will not materially affect any obligations of the district.

238.225. 1. Before construction or funding of any project, the district shall submit the proposed project, [together with the proposed plans and specifications,] to the commission for its prior approval [of the project]. If the commission by minute finds that the project will improve or is a

necessary or desirable extension of the state highways and transportation system, the commission may **preliminarily** approve the project subject to the district **providing plans and specifications for the proposed project and** making any revisions in the plans and specifications required by the commission and the district and commission entering into a mutually satisfactory agreement regarding development and future maintenance of the project. **After such preliminary approval, the district may impose and collect such taxes and assessments as may be included in the commission's preliminary approval.** After the commission approves the final construction plans and specifications, the district shall obtain prior commission approval of any modification of such plans or specifications.

2. If the proposed project is not intended to be merged into the state highways and transportation system under the commission's jurisdiction, the district shall also submit the proposed project and proposed plans and specifications to the local transportation authority that will become the owner of the project for its prior approval.

3. In those instances where a local transportation authority is required to approve a project and the commission determines that it has no direct interest in that project, the commission may decline to consider the project. Approval of the project shall then vest exclusively with the local transportation authority subject to the district making any revisions in the plans and specifications required by the local transportation authority and the district and the local transportation authority entering into a mutually satisfactory agreement regarding development and future maintenance of the project. After the local transportation authority approves the final construction plans and specifications, the district shall obtain prior approval of the local transportation authority before modifying such plans or specifications.

238.275. 1. Within six months after

development and initial maintenance costs of its completed project have been paid, the district shall pursuant to contract transfer ownership and control of the project to the commission or a local transportation authority which shall be responsible for all future maintenance costs pursuant to contract. **Such transfer may be made sooner with the consent of the recipient.**

2. At such time as a district has completed its project and has transferred ownership of the project to the commission or other local transportation authority for maintenance, or at such time as the board determines that it is unable to complete its project due to lack of funding or for any other reason, the board shall submit for a vote in an election held throughout the district the question of whether the district should be abolished. The question shall be submitted in substantially the following form:

Shall the.....Transportation Development District be abolished?

3. The district board shall not propose the question to abolish the district while there are outstanding claims or causes of action pending against the district, while the district liabilities exceed its assets, or while the district is insolvent, in receivership or under the jurisdiction of the bankruptcy court. Prior to submitting the question to abolish the district to a vote, the state auditor shall audit the district to determine the financial status of the district, and whether the district may be abolished pursuant to law.

4. While the district still exists, it shall continue to accrue all revenues to which it is entitled at law.

5. Upon receipt of certification by the appropriate election authorities that the majority of those voting within the district have voted to abolish the district, and if the state auditor has determined that the district's financial condition is such that it may be abolished pursuant to law, then the board shall:

(1) Sell any remaining district real or personal property it wishes, and then transfer the proceeds and any other real or personal property owned by the district, including revenues due and owing the district, to the commission or any appropriate local transportation authority assuming maintenance and control of the project, for its further use and disposition;

(2) Terminate the employment of any remaining district employees, and otherwise conclude its affairs;

(3) At a public meeting of the district, declare by a majority vote that the district has been abolished effective that date; and

(4) Cause copies of that resolution under seal to be filed with the secretary of state, the director of revenue, the commission, and with each local transportation authority affected by the district. Upon the completion of the final act specified in this subsection, the legal existence of the district shall cease.”; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 21**:

SENATE AMENDMENT NO. 21

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 152, Section 479.011, Line 13, by inserting after all of said line the following:

“537.610. 1. The commissioner of administration, through the purchasing division, and the governing body of each political subdivision of this state, notwithstanding any other provision of law, may purchase liability insurance for tort claims, made against the state or the political subdivision, but the maximum amount of such coverage shall not exceed two million dollars for all claims arising out of a single occurrence and shall not exceed three hundred thousand dollars for

any one person in a single accident or occurrence, except for those claims governed by the provisions of the Missouri workers' compensation law, chapter 287, RSMo, and no amount in excess of the above limits shall be awarded or settled upon. Sovereign immunity for the state of Missouri and its political subdivisions is waived only to the maximum amount of and only for the purposes covered by such policy of insurance purchased pursuant to the provisions of this section and in such amount and for such purposes provided in any self-insurance plan duly adopted by the governing body of any political subdivision of the state.

2. The liability of the state and its public entities on claims within the scope of sections 537.600 to 537.650, shall not exceed two million dollars for all claims arising out of a single accident or occurrence and shall not exceed three hundred thousand dollars for any one person in a single accident or occurrence, except for those claims governed by the provisions of the Missouri workers' compensation law, chapter 287, RSMo.

3. The liability of the state or its public entities and any officer or employee of the state or its public entities arising out of the operation of a motor vehicle being operated within the course and scope of their office, employment, or agency with the state or its public entities shall not exceed two million dollars for all claims against all such entities or individuals arising out of a single accident or occurrence, and shall not exceed three hundred thousand dollars for any one person in a single accident or occurrence, except for those claims governed by the provisions of the Missouri workers' compensation law, chapter 287, RSMo. When a claim against the state or one of its public entities arises out of the operation of a motor vehicle as described in subdivision (1) of subsection 1 of section 537.600, and a claim is also brought against an officer or employee of the state or its public entities arising out of the same accident or occurrence, the maximum allowable recovery against the state, one of its

public entities, or any officer or employee of the state or its public entities shall be reduced by any amount paid towards the claim by the state, its public entities, officers, or employees of the same, or anyone acting on their behalf.

4. The liability of the state or its public entities and any officer or employee of the state or its political entities arising out of any dangerous condition of property which the officer or employee allegedly caused or contributed to cause shall not exceed two million dollars for all claims against all such entities or individuals arising out of the single accident or occurrence, and shall not exceed three hundred thousand dollars for any one person in a single accident or occurrence, except for those claims governed by the provisions of the Missouri workers' compensation law, chapter 287, RSMo. When a claim against the state or its public entities arises out of a dangerous condition of property as described in subdivision (2) of subsection 1 of section 537.600, and the claim is also brought against an officer or employee of the state or its public entities for causing or contributing to cause the dangerous condition, then the maximum allowable recovery against the state or its public entities or any officer or employee who allegedly caused or contributed to cause the dangerous condition shall be reduced by any amount paid toward the claim made by the state, its public entities, any officer, or employee of the state or its public entities, or anyone acting on their behalf.

5. The liability of the state or its public entities for operation of a motor vehicle is vicarious to the liability of the operator of a motor vehicle that is operated as described by subsection 3 of this section. Notwithstanding the provisions of section 537.600, should the operator of the motor vehicle owned or operated on behalf of the state or its public entities be found to be immune from liability for operation of a motor vehicle because of official

immunity or otherwise, the state or its public entities shall also have no liability arising from the operation of the motor vehicle.

6. No award for damages on any claim against a public entity within the scope of sections 537.600 to 537.650, shall include punitive or exemplary damages.

[4.] 7. If the amount awarded to or settled upon multiple claimants exceeds two million dollars, any party may apply to any circuit court to apportion to each claimant his proper share of the total amount limited by subsection 1 of this section. The share apportioned each claimant shall be in the proportion that the ratio of the award or settlement made to him bears to the aggregate awards and settlements for all claims arising out of the accident or occurrence, but the share shall not exceed three hundred thousand dollars.

[5.] 8. The limitation on awards for liability provided for in this section shall be increased or decreased on an annual basis effective January first of each year in accordance with the Implicit Price Deflator for Personal Consumption Expenditures as published by the Bureau of Economic Analysis of the United States Department of Commerce. The current value of the limitation shall be calculated by the director of the department of insurance, who shall furnish that value to the secretary of state, who shall publish such value in the Missouri Register as soon after each January first as practicable, but it shall otherwise be exempt from the provisions of section 536.021, RSMo.

[6.] 9. Any claim filed against any public entity under this section shall be subject to the penalties provided by supreme court rule 55.03.”; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted.

Senator Coleman raised the point of order that SA 21 is out of order as it goes beyond the scope

of the underlying bill.

The point of order was referred to the President Pro Tem.

At the request of Senator Scott, SA 21 was withdrawn rendering the point of order moot.

Senator Bartle offered SA 22:

SENATE AMENDMENT NO. 22

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 132, Section 260.831, Line 7, by inserting immediately after said line the following:

“319.400. 1. In any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants and in areas where residential properties, schools, or churches are located, the maximum vibration at the property line of such properties shall be 0.20 inches per second or five millimeters per second peak particle velocity. To maintain a reasonable degree of compliance that all vibrations will be below this value, a minimum set back from property lines of one thousand feet shall be maintained so that unknown variables do not significantly alter the vibration level at the property line at areas not monitored. For aboveground blasting, a maximum of one hundred fifteen decibels linear peak air blast shall be allowed.

2. Monitoring of vibration levels and air blast, including control of seismograph and positioning of such, shall be conducted by an independent seismologist, and the cost of the monitoring shall be paid by the company or entity conducting the blasting. The number of seismographs shall be determined by the seismologist but shall not be fewer than one per one thousand feet of the applicable property line. Weekly reports with no more than a weeks delay of the blast levels shall be given to local government and any neighborhood organizations that have been created to deal

with the blasting issue. Any neighborhood organization shall have significant input into the selection of the independent seismologist.

3. For violations of this section, single fines shall be imposed. As used in this section, “single fine” means the gross value of half of a single day blast production based on the average production within the past thirty days. Within a one-hundred-twenty-day period, fines for violating this section shall be as follows:

(1) A first violation for vibrations between 0.20 inches per second to 0.30 inches per second shall result in a single fine. A violation for vibrations of 0.30 inches per second to 0.40 inches per second shall result in a double single fine. A violation for vibrations above 0.40 inches per second shall result in a four times single fine and a suspension of blasting for one hundred twenty days.

(2) A second violation for vibrations between 0.20 inches per second to 0.30 inches per second shall result in a double single fine. A second violation for vibrations of 0.30 inches per second to 0.40 inches per second shall result in a four times single fine and a suspension of blasting for one hundred twenty days.

(3) A third violation shall result in a four times single fine and a suspension of blasting for one hundred twenty days.

4. A portion of the fines, as determined by local government, shall go to local school districts or neighborhood organizations to provide public benefits, including but not limited to scholarships and community improvements.

5. The provisions of this section shall become effective on August 28, 2008. Any payments to entities prior to such date shall remain in effect and are not refundable.”; and

Further amend the title and enacting clause accordingly.

Senator Bartle moved that the above amendment be adopted, which motion prevailed.

Senator Shields offered **SA 23**:

SENATE AMENDMENT NO. 23

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 86, Section 79.050, Line 6, by inserting immediately following all of said line the following:

“84.830. 1. [No person shall solicit orally, or by letter or otherwise, or shall be in any manner concerned in soliciting, any assessment, contribution, or payment for any political purpose whatsoever from any officer or employee in the service of the police department for such cities or from members of the said police board. No officer, agent, or employee of the police department of such cities shall permit any such solicitation in any building or room occupied for the discharge of the official duties of the said department. No officer or employee in the service of said police department shall directly or indirectly give, pay, lend, or contribute any part of his salary or compensation or any money or other valuable thing to any person on account of, or to be applied to, the promotion of any political party, political club, or any political purpose whatever.

2.] No officer or employee of said department shall promote, remove, or reduce any other official or employee, or promise or threaten to do so, for withholding or refusing to make any contribution for any political party or purpose or club, or for refusal to render any political service, and shall not directly or indirectly attempt to coerce, command, or advise any other officer or employee to make any such contribution or render any such service. No officer or employee in the service of said department or member of the police board shall use his official authority or influence for the purpose of interfering with any election or any nomination for office, or affecting the result thereof. [No officer or employee of such department shall be a

member or official of any committee of any political party, or be a ward committeeman or committeewoman, nor shall any such officer or employee solicit any person to vote for or against any candidate for public office, or “poll precincts” or be connected with other political work of similar character on behalf of any political organization, party, or candidate.] All such persons shall, however, retain the right to vote as they may choose and to express their opinions on all political subjects and candidates.

[3.] 2. No person or officer or employee of said department shall affix any sign, bumper sticker or other device to any property or vehicle under the control of said department which either supports or opposes any ballot measure or political candidate.

[4.] 3. No question in any examination shall relate to political or religious opinions or affiliations, and no appointment, transfer, layoff, promotion, reduction, suspension, or removal shall be affected by such opinions or affiliations.

[5.] 4. No person shall make false statement, certification, mark, rating, or report with regard to any tests, certificate, or appointment made under any provision of sections 84.350 to 84.860 or in any manner commit or attempt to commit any fraud preventing the impartial execution of this section or any provision thereof.

[6.] 5. No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any appointment, proposed appointment, promotion to, or any advancement in, a position in the service of the police departments of such cities.

[7.] 6. No person shall defeat, deceive, or obstruct any person in his right to examination, eligibility, certification, appointment or promotion under sections 84.350 to 84.860, or furnish to any person any such secret information for the purpose of affecting the right or prospects of any person

with respect to employment in the police departments of such cities.

[8.] 7. Any officer or any employee of the police department of such cities who shall be found by the board to have violated any of the provisions of this section shall be discharged forthwith from said service. It shall be the duty of the chief of police to prefer charges against any such offending person at once. Any member of the board or of the common council of such cities may bring suit to restrain payment of compensation to any such offending officer or employee and, as an additional remedy, any such member of the board or of the common council of such cities may also apply to the circuit court for a writ of mandamus to compel the dismissal of such offending officer or employee. Officers or employees discharged by such mandamus shall have no right of review before the police board. Any person dismissed or convicted under this section shall, for a period of five years, be ineligible for appointment to any position in the service of the police department of such cities or the municipal government of such cities. Any persons who shall willfully or through culpable negligence violate any of the provisions of this section may, upon conviction thereof, be punished by a fine of not less than fifty dollars and not exceeding five hundred dollars, or by imprisonment for a time not exceeding six months, or by both such fine and imprisonment.”; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SA 24**:

SENATE AMENDMENT NO. 24

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 120, Section 137.040, Line 3, by inserting after all of said line the following:

163.011. As used in this chapter unless the context requires otherwise:

(1) “Adjusted operating levy”, the sum of tax rates for the current year for teachers' and incidental funds for a school district as reported to the proper officer of each county pursuant to section 164.011, RSMo;

(2) “Average daily attendance”, the quotient or the sum of the quotients obtained by dividing the total number of hours attended in a term by resident pupils between the ages of five and twenty-one by the actual number of hours school was in session in that term. To the average daily attendance of the following school term shall be added the full-time equivalent average daily attendance of summer school students. “Full-time equivalent average daily attendance of summer school students” shall be computed by dividing the total number of hours, except for physical education hours that do not count as credit toward graduation for students in grades nine, ten, eleven, and twelve, attended by all summer school pupils by the number of hours required in section 160.011, RSMo, in the school term. For purposes of determining average daily attendance under this subdivision, the term “resident pupil” shall include all children between the ages of five and twenty-one who are residents of the school district and who are attending kindergarten through grade twelve in such district. If a child is attending school in a district other than the district of residence and the child's parent is teaching in the school district or is a regular employee of the school district which the child is attending, then such child shall be considered a resident pupil of the school district which the child is attending for such period of time when the district of residence is not otherwise liable for tuition. Average daily attendance for students below the age of five years for which a school district may receive state aid based on such attendance shall be computed as regular school term attendance unless otherwise provided by law;

(3) “Current operating expenditures”:

(a) For the fiscal year 2007 calculation,

“current operating expenditures” shall be calculated using data from fiscal year 2004 and shall be calculated as all expenditures for instruction and support services except capital outlay and debt service expenditures minus the revenue from federal categorical sources; food service; student activities; categorical payments for transportation costs pursuant to section 163.161; state reimbursements for early childhood special education; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo; the vocational education entitlement for the district, as provided for in section 167.332, RSMo; and payments from other districts;

(b) In every fiscal year subsequent to fiscal year 2007, current operating expenditures shall be the amount in paragraph (a) plus any increases in state funding pursuant to sections 163.031 and 163.043 subsequent to fiscal year 2005, not to exceed five percent, per recalculation, of the state revenue received by a district in the 2004-05 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments for any district from the first preceding calculation of the state adequacy target;

(4) “District’s tax rate ceiling”, the highest tax rate ceiling in effect subsequent to the 1980 tax year or any subsequent year. Such tax rate ceiling shall not contain any tax levy for debt service;

(5) “Dollar value modifier”, an index of the relative purchasing power of a dollar, calculated as one plus fifteen percent of the difference of the regional wage ratio minus one, provided that the dollar value modifier shall not be applied at a rate less than 1.0:

(a) “County wage per job”, the total county wage and salary disbursements divided by the total county wage and salary employment for each county and the city of St. Louis as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year

preceding the payment year;

(b) “Regional wage per job”:

a. The total Missouri wage and salary disbursements of the metropolitan area as defined by the Office of Management and Budget divided by the total Missouri metropolitan wage and salary employment for the metropolitan area for the county signified in the school district number or the city of St. Louis, as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year and recalculated upon every decennial census to incorporate counties that are newly added to the description of metropolitan areas; or if no such metropolitan area is established, then:

b. The total Missouri wage and salary disbursements of the micropolitan area as defined by the Office of Management and Budget divided by the total Missouri micropolitan wage and salary employment for the micropolitan area for the county signified in the school district number, as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year, if a micropolitan area for such county has been established and recalculated upon every decennial census to incorporate counties that are newly added to the description of micropolitan areas; or

c. If a county is not part of a metropolitan or micropolitan area as established by the Office of Management and Budget, then the county wage per job, as defined in paragraph (a) of this subdivision, shall be used for the school district, as signified by the school district number;

(c) “Regional wage ratio”, the ratio of the regional wage per job divided by the state median wage per job;

(d) “State median wage per job”, the fifty-eighth highest county wage per job;

(6) “Free and reduced lunch pupil count”, the number of pupils eligible for free and reduced

lunch on the last Wednesday in January for the preceding school year who were enrolled as students of the district, as approved by the department in accordance with applicable federal regulations;

(7) “Free and reduced lunch threshold” shall be calculated by dividing the total free and reduced lunch pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(8) “Limited English proficiency pupil count”, the number in the preceding school year of pupils aged three through twenty-one enrolled or preparing to enroll in an elementary school or secondary school who were not born in the United States or whose native language is a language other than English or are Native American or Alaskan native, or a native resident of the outlying areas, and come from an environment where a language other than English has had a significant impact on such individuals' level of English language proficiency, or are migratory, whose native language is a language other than English, and who come from an environment where a language other than English is dominant; and have difficulties in speaking, reading, writing, or understanding the English language sufficient to deny such individuals the ability to meet the state's proficient level of achievement on state assessments described in Public Law 107-10, the ability to achieve successfully in classrooms where the language of instruction is English, or the opportunity to participate fully in society;

(9) “Limited English proficiency threshold” shall be calculated by dividing the total limited English proficiency pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five

percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(10) “Local effort”:

(a) For the fiscal year 2007 calculation, “local effort” shall be computed as the equalized assessed valuation of the property of a school district in calendar year 2004 divided by one hundred and multiplied by the performance levy less the percentage retained by the county assessor and collector plus one hundred percent of the amount received in fiscal year 2005 for school purposes from intangible taxes, fines, escheats, payments in lieu of taxes and receipts from state-assessed railroad and utility tax, one hundred percent of the amount received for school purposes pursuant to the merchants' and manufacturers' taxes under sections 150.010 to 150.370, RSMo, one hundred percent of the amounts received for school purposes from federal properties under sections 12.070 and 12.080, RSMo, except when such amounts are used in the calculation of federal impact aid pursuant to P.L. 81-874, fifty percent of Proposition C revenues received for school purposes from the school district trust fund under section 163.087, and one hundred percent of any local earnings or income taxes received by the district for school purposes. Under this paragraph, for a special district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, a tax levy of zero shall be utilized in lieu of the performance levy for the special school district;

(b) In every year subsequent to fiscal year 2007, “local effort” shall be the amount calculated under paragraph (a) of this subdivision plus any increase in the amount received for school purposes from fines [or less any decrease in the amount received for school purposes from fines in any school district located entirely within any

county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants that creates a county municipal court after January 1, 2006]. If a district's assessed valuation has decreased subsequent to the calculation outlined in paragraph (a) of this subdivision, the district's local effort shall be calculated using the district's current assessed valuation in lieu of the assessed valuation utilized in calculation outlined in paragraph (a) of this subdivision;

(11) "Membership" shall be the average of:

(a) The number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in September of the previous year and who were in attendance one day or more during the preceding ten school days; and

(b) The number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in January of the previous year and who were in attendance one day or more during the preceding ten school days, plus the full-time equivalent number of summer school pupils.

"Full-time equivalent number of part-time students" is determined by dividing the total number of hours for which all part-time students are enrolled by the number of hours in the school term. "Full-time equivalent number of summer school pupils" is determined by dividing the total number of hours for which all summer school pupils were enrolled by the number of hours required pursuant to section 160.011, RSMo, in the school term. Only students eligible to be counted for average daily attendance shall be counted for membership;

(12) "Operating levy for school purposes", the sum of tax rates levied for teachers' and incidental funds plus the operating levy or sales tax

equivalent pursuant to section 162.1100, RSMo, of any transitional school district containing the school district, in the payment year, not including any equalized operating levy for school purposes levied by a special school district in which the district is located;

(13) "Performance district", any district that has met all performance standards and indicators as established by the department of elementary and secondary education for purposes of accreditation under section 161.092, RSMo, and as reported on the final annual performance report for that district each year;

(14) "Performance levy", three dollars and forty-three cents;

(15) "School purposes" pertains to teachers' and incidental funds;

(16) "Special education pupil count", the number of public school students with a current individualized education program and receiving services from the resident district as of December first of the preceding school year, except for special education services provided through a school district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, in which case the sum of the students in each district within the county exceeding the special education threshold of each respective district within the county shall be counted within the special district and not in the district of residence for purposes of distributing the state aid derived from the special education pupil count;

(17) "Special education threshold" shall be calculated by dividing the total special education pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(18) “State adequacy target”, the sum of the current operating expenditures of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, divided by the total average daily attendance of all included performance districts. The department of elementary and secondary education shall first calculate the state adequacy target for fiscal year 2007 and recalculate the state adequacy target every two years using the most current available data. The recalculation shall never result in a decrease from the previous state adequacy target amount. Should a recalculation result in an increase in the state adequacy target amount, fifty percent of that increase shall be included in the state adequacy target amount in the year of recalculation, and fifty percent of that increase shall be included in the state adequacy target amount in the subsequent year. The state adequacy target may be adjusted to accommodate available appropriations;

(19) “Teacher”, any teacher, teacher-secretary, substitute teacher, supervisor, principal, supervising principal, superintendent or assistant superintendent, school nurse, social worker, counselor or librarian who shall, regularly, teach or be employed for no higher than grade twelve more than one-half time in the public schools and who is certified under the laws governing the certification of teachers in Missouri;

(20) “Weighted average daily attendance”, the average daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that exceeds the free and reduced lunch threshold, plus the product of seventy-five hundredths multiplied by the number of special education pupil count that exceeds the special education threshold, and plus the product of six-tenths multiplied by the number of limited English proficiency pupil count that exceeds the limited English proficiency threshold. For special

districts established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, weighted average daily attendance shall be the average daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that exceeds the free and reduced lunch threshold, plus the product of seventy-five hundredths multiplied by the sum of the special education pupil count that exceeds the threshold for each county district, plus the product of six-tenths multiplied by the limited English proficiency pupil count that exceeds the limited English proficiency threshold. None of the districts comprising a special district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, shall use any special education pupil count in calculating their weighted average daily attendance.

163.038. Notwithstanding any provision of law to the contrary, any school district that is located at least partially in any county that creates a county municipal court or is otherwise eligible to prosecute county ordinance violations under section 66.010, RSMo, et seq., after January 1, 2006, shall be entitled to a payment amount from the department of elementary and secondary education in addition to all other payments required under this chapter equal to the decrease, if any, in the amount of revenue a district receives from fines in the current year from the revenue the district received from fines in fiscal year 2005.”; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered **SA 25**:

SENATE AMENDMENT NO. 25

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22,

Page 22, Section 67.319, Lines 9-10 of said page, by striking the word “twenty-five” and inserting in lieu thereof the following: “**ten**”.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway offered **SA 26**:

SENATE AMENDMENT NO. 26

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 152, Section 479.011, Line 13, by inserting after all of said line the following:

“537.035. 1. As used in this section, unless the context clearly indicates otherwise, the following words and terms shall have the meanings indicated:

(1) “Health care professional”, a physician or surgeon licensed under the provisions of chapter 334, RSMo, **or a physical therapist licensed under the provisions of chapter 334, RSMo**, or a dentist licensed under the provisions of chapter 332, RSMo, or a podiatrist licensed under the provisions of chapter 330, RSMo, or an optometrist licensed under the provisions of chapter 336, RSMo, or a pharmacist licensed under the provisions of chapter 338, RSMo, or a chiropractor licensed under the provisions of chapter 331, RSMo, or a psychologist licensed under the provisions of chapter 337, RSMo, or a nurse licensed under the provisions of chapter 335, RSMo, or a social worker licensed under the provisions of chapter 337, RSMo, or a professional counselor licensed under the provisions of chapter 337, RSMo, or a mental health professional as defined in section 632.005, RSMo, **or an emergency medical technician, including an emergency medical technician-basic, emergency medical technician-intermediate, and an emergency medical technician-paramedic, and emergency medical dispatcher licensed or authorized under the provisions of chapter 190, RSMo**, while acting within their scope of practice;

(2) “Peer review committee”, a committee of

health care professionals with the responsibility to evaluate, maintain, or monitor the quality and utilization of health care services or to exercise any combination of such responsibilities.

2. A peer review committee may be constituted as follows:

(1) Comprised of, and appointed by, a state, county or local society of health care professionals;

(2) Comprised of, and appointed by, the partners, shareholders, or employed health care professionals of a partnership or professional corporation of health care professionals, or employed health care professionals of a university or an entity affiliated with a university operating under chapter 172, 174, 352, or 355, RSMo;

(3) Appointed by the board of trustees, chief executive officer, or the organized medical staff of a licensed hospital, or other health facility operating under constitutional or statutory authority, including long-term care facilities licensed under chapter 198, RSMo, or an administrative entity of the department of mental health recognized pursuant to the provisions of subdivision (3) of subsection 1 of section 630.407, RSMo;

(4) **Appointed by a board of trustees or chief executive officer of:**

(a) **A licensed ambulance service;**

(b) **A licensed emergency medical response agency; or**

(c) **Any not-for-profit organization that provides or contracts for ambulance services under authority granted to such not-for-profit organization by a city, county, town, village, or ambulance district and of which a majority of the governing body of such not-for-profit organization consists of elected officials or individuals appointed by a mayor, board of aldermen, city council, county commission, county legislature, or ambulance district;**

(5) Any other organization formed pursuant to

state or federal law authorized to exercise the responsibilities of a peer review committee and acting within the scope of such authorization;

[(5)] (6) Appointed by the board of directors, chief executive officer or the medical director of the licensed health maintenance organization;

(7) Appointed by a mayor, city council, board of aldermen, county commission, county legislature, or ambulance district.

3. Each member of a peer review committee and each person, hospital governing board, **ambulance service governing board, emergency medical response agency governing board,** health maintenance organization board of directors, and chief executive officer of a licensed hospital or other hospital operating under constitutional or statutory authority, **chief executive officer of an ambulance service or emergency medical response agency,** chief executive officer or medical director of a licensed health maintenance organization who testifies before, or provides information to, acts upon the recommendation of, or otherwise participates in the operation of, such a committee shall be immune from civil liability for such acts so long as the acts are performed in good faith, without malice and are reasonably related to the scope of inquiry of the peer review committee.

4. Except as otherwise provided in this section, the interviews, memoranda, proceedings, findings, deliberations, reports, and minutes of peer review committees, or the existence of the same, concerning the health care provided any patient are privileged and shall not be subject to discovery, subpoena, or other means of legal compulsion for their release to any person or entity or be admissible into evidence in any judicial or administrative action for failure to provide appropriate care. Except as otherwise provided in this section, no person who was in attendance at any peer review committee proceeding shall be permitted or required to disclose any information acquired in connection with or in the course of

such proceeding, or to disclose any opinion, recommendation, or evaluation of the committee or board, or any member thereof; provided, however, that information otherwise discoverable or admissible from original sources is not to be construed as immune from discovery or use in any proceeding merely because it was presented during proceedings before a peer review committee nor is a member, employee, or agent of such committee, or other person appearing before it, to be prevented from testifying as to matters within his personal knowledge and in accordance with the other provisions of this section, but such witness cannot be questioned about testimony or other proceedings before any health care review committee or board or about opinions formed as a result of such committee hearings. The disclosure of any interview, memoranda, proceedings, findings, deliberations, reports, or minutes to any person or entity, including but not limited to governmental agencies, professional accrediting agencies, or other health care providers, whether proper or improper, shall not waive or have any effect upon its confidentiality, nondiscoverability, or nonadmissibility.

5. The provisions of subsection 4 of this section limiting discovery and admissibility of testimony as well as the proceedings, findings, records, and minutes of peer review committees do not apply in any judicial or administrative action brought by a peer review committee or the legal entity which formed or within which such committee operates to deny, restrict, or revoke the hospital staff privileges or license to practice of a physician or other health care providers; or when a member, employee, or agent of the peer review committee or the legal entity which formed such committee or within which such committee operates is sued for actions taken by such committee which operate to deny, restrict or revoke the hospital staff privileges or license to practice of a physician or other health care provider.

6. Nothing in this section shall limit authority

otherwise provided by law of a health care licensing board of the state of Missouri to obtain information by subpoena or other authorized process from peer review committees or to require disclosure of otherwise confidential information relating to matters and investigations within the jurisdiction of such health care licensing boards.”; and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted.

Senator Coleman raised the point of order that **SA 26** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Goodman offered **SA 27**:

SENATE AMENDMENT NO. 27

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 53, Section 67.1360, Line 6 of said page, by striking the word “or”; and further amend line 9 of said page, by inserting after “inhabitants” the following: “; or

(32) Any city of the fourth classification with more than three thousand eight hundred but fewer than three thousand nine hundred inhabitants and located in any county of the first classification with more than thirty-nine thousand seven hundred but fewer than thirty-nine thousand eight hundred inhabitants”.

Senator Goodman moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer moved that **SS** for **SCS** for **SB 22**, as amended, be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SS** for **SCS** for **SB 22**, as amended, was declared

perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 547**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 393**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 341**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 54**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senators Bray and Gibbons, joined by the entire membership, offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 553

Whereas, the members of the Missouri Senate are inexpressibly saddened by the passing of Thomas Eagleton on Sunday, March 4, 2007, who represented the citizens of this state diligently and well in the United States Senate for three terms; and

Whereas, the margins of this meager page render impossible an adequate description of the service this towering figure of a man gave to his state and his country for over a half-century; and

Whereas, a cum laude graduate of Amherst who studied English politics at Oxford University and a veteran of the United States Navy, early in his career Thomas Eagleton was elected circuit attorney for the City of St. Louis at the age of 26, just three years after graduating from Harvard Law School, the youngest person ever elected to the office; and

Whereas, Thomas Eagleton, who never lost an election, became Missouri's youngest-ever attorney general in 1960 and youngest-ever lieutenant governor in 1964 before being elected to the United States Senate in 1968, and again in 1974 and in 1980; and

Whereas, while in the Senate, Thomas Eagleton served on the Appropriations, Governmental Affairs, Ethics and Foreign Affairs committees, and while generally considered liberal, he nevertheless criticized busing to achieve school desegregation and strongly opposed abortion; and

Whereas, Senator Eagleton was one of the principal sponsors of the Clean Air Act of 1970 and the Clean Water Act of 1972, was a vocal opponent of the war in Vietnam, and was chief author of the federal War Powers Act, yet according to a statement made by his family he was most proud of his 1973 amendment to a defense appropriations bill "that cut off funding for the bombing of Cambodia, effectively ending America's involvement in the Vietnam War"; and

Whereas, after retiring from the United States Senate, Thomas Eagleton returned to St. Louis, where he practiced law, taught at Washington University, and worked diligently for the interests of the city, state and nation, notably and conspicuously resigning from the Chicago Board of Trade in 1989 for reasons of conscience; and

Whereas, Thomas Eagleton received countless awards, honors and accolades during his lifetime, the federal courthouse in St. Louis is named after him, and Missouri Governor Matt Blunt has ordered that the flags at all state buildings be flown at half-mast in his honor; and

Whereas, Thomas Eagleton was the author or co-author of three books, most significantly 1974's "War and Presidential Power: A Chronicle of Congressional Surrender"; and

Whereas, Thomas Eagleton was respected for his high principles and universally liked for his consistently good humor, his death brings an outpouring of grief from Democrats and Republicans alike including George McGovern, who made the difficult decision during the 1972 presidential campaign to remove him from the Democratic ticket, a decision McGovern publicly regrets:

Now, Therefore, Be It Resolved that we, the members of the Missouri Senate, Ninety-fourth General Assembly, extend our deepest and sincerest condolences to the family of Thomas

Eagleton, who have suffered an incalculable personal loss, and to the citizens of this state and this nation, who have lost a great statesman, leader, and friend; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for presentation to the family of former United States Senator Thomas Eagleton.

REFERRALS

President Pro Tem Gibbons referred **HCR 25** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

THIRD READING OF SENATE BILLS

Senator Stouffer moved that **SB 103**, with **SCS**, be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **SB 103** was again taken up.

Senator Stouffer moved that **SCS** for **SB 103** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS** for **SB 103** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Lager	Loudon
Mayer	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators

Koster McKenna—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 156, with **SCS**, introduced by Senator Engler, entitled:

An Act to repeal section 414.420, RSMo, and to enact in lieu thereof one new section relating to the Missouri alternative fuels commission.

Was called from the Consent Calendar and taken up.

SCS for **SB 156**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 156

An Act to repeal section 414.420, RSMo, and to enact in lieu thereof one new section relating to the Missouri alternative fuels commission.

Was taken up.

Senator Engler moved that **SCS** for **SB 156** be adopted, which motion prevailed.

On motion of Senator Engler, **SCS** for **SB 156** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Lager	Loudon
Mayer	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators

Koster McKenna—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Gross assumed the Chair.

SB 159, with **SCS**, introduced by Senator Engler, entitled:

An Act to amend chapter 337, RSMo, by adding thereto one new section relating to licensed professional counselors.

Was called from the Consent Calendar and taken up.

SCS for **SB 159**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 159

An Act to amend chapter 337, RSMo, by adding thereto two new sections relating to licensed professional counselors.

Was taken up.

Senator Engler moved that **SCS** for **SB 159** be adopted, which motion prevailed.

On motion of Senator Engler, **SCS** for **SB 159** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields

Shoemyer Smith Stouffer Vogel
Wilson—33

NAYS—Senators—None

Absent—Senator McKenna—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 272, with **SCS**, introduced by Senator Scott, entitled:

An Act to repeal section 334.625, RSMo, and to enact in lieu thereof one new section relating to the advisory commission for physical therapists.

Was called from the Consent Calendar and taken up.

SCS for **SB 272**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 272

An Act to repeal sections 334.610 and 334.625, RSMo, and to enact in lieu thereof two new sections relating to the advisory commission for physical therapists, with penalty provisions.

Was taken up.

Senator Scott moved that **SCS** for **SB 272** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SB 272** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz Bartle Bray Callahan

Champion Clemens Coleman Crowell
Days Engler Gibbons Goodman
Graham Green Griesheimer Gross
Justus Kennedy Koster Lager
Loudon Mayer Nodler Purgason
Ridgeway Rupp Scott Shields
Shoemyer Smith Stouffer Vogel
Wilson—33

NAYS—Senators—None

Absent—Senator McKenna—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 132, introduced by Senator Rupp, entitled:

An Act to repeal section 166.021, RSMo, and to enact in lieu thereof one new section relating to the state public school fund.

Was called from the Consent Calendar and taken up.

On motion of Senator Rupp, **SB 132** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz Bartle Bray Callahan
Champion Clemens Coleman Crowell
Days Engler Gibbons Goodman
Graham Green Griesheimer Gross
Justus Kennedy Koster Lager
Loudon Mayer Nodler Purgason
Ridgeway Rupp Scott Shields
Shoemyer Smith Stouffer Vogel
Wilson—33

NAYS—Senators—None

Absent—Senator McKenna—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 171, introduced by Senator Nodler, entitled:

An Act to repeal section 621.045, RSMo, and to enact in lieu thereof one new section relating to the Missouri board for architects, professional engineers, professional land surveyors, and landscape architects.

Was called from the Consent Calendar and taken up.

On motion of Senator Nodler, **SB 171** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel—32

NAYS—Senators—None

Absent—Senators

McKenna Wilson—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

SB 269, introduced by Senator Scott, entitled:

An Act to repeal sections 44.020 and 44.024, RSMo, and to enact in lieu thereof two new sections relating to the state emergency management agency.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 269** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senator Barnitz—1

Absent—Senator McKenna—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 270, introduced by Senator Scott, entitled:

An Act to repeal section 590.190, RSMo, and to enact in lieu thereof one new section relating to the POST commission.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 270** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator McKenna—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

SB 271, introduced by Senator Scott, entitled:

An Act to repeal section 105.483, RSMo, and to enact in lieu thereof one new section relating to filing financial interest statements.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 271** was read

the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator McKenna—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

SB 158, introduced by Senator Engler, entitled:

An Act to amend chapter 337, RSMo, by adding thereto one new section relating to licensed professional counselors.

Was called from the Consent Calendar and taken up.

On motion of Senator Engler, **SB 158** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager

Loudon Mayer Nodler Purgason
 Ridgeway Rupp Scott Shields
 Shoemyer Smith Stouffer Vogel
 Wilson—33

NAYS—Senators—None

Absent—Senator McKenna—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Griesheimer moved that motion lay on the table, which motion prevailed.

SB 281, introduced by Senator Griesheimer, entitled:

An Act to repeal section 327.621, RSMo, and to enact in lieu thereof two new sections relating to landscape architect licensing.

Was called from the Consent Calendar and taken up.

On motion of Senator Griesheimer, **SB 281** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz Bartle Bray Callahan
 Champion Clemens Coleman Crowell
 Days Engler Gibbons Goodman
 Graham Green Griesheimer Gross
 Justus Kennedy Koster Lager
 Loudon Mayer Nodler Purgason
 Ridgeway Rupp Scott Shields
 Shoemyer Smith Stouffer Vogel
 Wilson—33

NAYS—Senators—None

Absent—Senator McKenna—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 237, introduced by Senators Shields and Justus, entitled:

An Act to repeal section 479.011, RSMo, and to enact in lieu thereof one new section relating to administrative adjudication of code violations, with penalty provisions.

Was called from the Consent Calendar and taken up by Senator Shields.

On motion of Senator Shields, **SB 237** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz Bartle Bray Callahan
 Champion Clemens Coleman Crowell
 Days Engler Gibbons Goodman
 Graham Green Griesheimer Gross
 Justus Kennedy Koster Lager
 Loudon Mayer Nodler Purgason
 Ridgeway Rupp Scott Shields
 Shoemyer Smith Stouffer Vogel
 Wilson—33

NAYS—Senators—None

Absent—Senator McKenna—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Rupp moved that motion lay on the table, which motion prevailed.

SB 223, introduced by Senator Rupp, entitled:

An Act to repeal section 643.079, RSMo, and to enact in lieu thereof one new section relating to air pollution emission fees.

Was called from the Consent Calendar and taken up.

On motion of Senator Rupp, **SB 223** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator McKenna—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Loudon moved that motion lay on the table, which motion prevailed.

SB 325, introduced by Senator Loudon, entitled:

An Act to repeal section 376.620, RSMo, and to enact in lieu thereof one new section relating to suicide provisions in certain life insurance contracts.

Was called from the Consent Calendar and taken up.

On motion of Senator Loudon, **SB 325** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator McKenna—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Crowell moved that motion lay on the table, which motion prevailed.

SB 308, with **SCS**, introduced by Senator Crowell, et al, entitled:

An Act to repeal sections 345.015, 345.030, 345.045, 345.055, 346.030, 346.035, and 346.055, RSMo, and to enact in lieu thereof eight new sections relating to hearing instrument dispensing.

Was called from the Consent Calendar and taken up by Senator Crowell.

SCS for **SB 308**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 308

An Act to repeal sections 345.015, 345.030, 345.045, 345.055, 346.015, 346.030, 346.035, 346.055, 346.060, and 346.110, RSMo, and to enact in lieu thereof eleven new sections relating to hearing instrument dispensing, with penalty provisions and an effective date.

Was taken up.

Senator Crowell moved that **SCS** for **SB 308** be adopted, which motion prevailed.

On motion of Senator Crowell, **SCS** for **SB 308** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator McKenna—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Graham moved that motion lay on the

table, which motion prevailed.

SB 162, introduced by Senator Vogel, entitled:

An Act to repeal section 143.782, RSMo, and to enact in lieu thereof one new section relating to income tax setoffs.

Was called from the Consent Calendar and taken up.

On motion of Senator Vogel, **SB 162** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Justus	Koster
Lager	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—30		

NAYS—Senators

Coleman Days Kennedy—3

Absent—Senator McKenna—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Vogel, title to the bill was agreed to.

Senator Vogel moved that the vote by which the bill passed be reconsidered.

Senator Graham moved that motion lay on the table, which motion prevailed.

SB 184, introduced by Senator Green, entitled:

An Act to repeal sections 320.200, 320.271, 320.300, and 320.310, RSMo, and to enact in lieu thereof five new sections relating to fire protection.

Was called from the Consent Calendar and taken up.

On motion of Senator Green, **SB 184** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator McKenna—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Green, title to the bill was agreed to.

Senator Green moved that the vote by which the bill passed be reconsidered.

Senator Graham moved that motion lay on the table, which motion prevailed.

SB 218, introduced by Senator Graham, entitled:

An Act to repeal section 67.797, RSMo, and to enact in lieu thereof one new section relating to regional recreational districts.

Was called from the Consent Calendar and taken up.

On motion of Senator Graham, **SB 218** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell

Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators

Green McKenna—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Graham, title to the bill was agreed to.

Senator Graham moved that the vote by which the bill passed be reconsidered.

Senator Crowell moved that motion lay on the table, which motion prevailed.

SB 233, introduced by Senator Crowell, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to a county sales tax to fund certain services.

Was called from the Consent Calendar and taken up.

On motion of Senator Crowell, **SB 233** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields

Shoemyer Smith Stouffer Vogel
Wilson—33

NAYS—Senators—None

Absent—Senator McKenna—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Griesheimer moved that motion lay on the table, which motion prevailed.

SB 376, introduced by Senator Griesheimer, entitled:

An Act to repeal section 620.467, RSMo, and to enact in lieu thereof one new section relating to the tourism supplemental revenue fund, with an expiration date.

Was called from the Consent Calendar and taken up.

On motion of Senator Griesheimer, **SB 376** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senator McKenna—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Stouffer moved that motion lay on the table, which motion prevailed.

SB 397, with **SCS**, introduced by Senator Stouffer, entitled:

An Act to repeal section 198.018, RSMo, and to enact in lieu thereof one new section relating to applications for long-term care facilities.

Was called from the Consent Calendar and taken up.

SCS for **SB 397**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 397

An Act to repeal section 198.018, RSMo, and to enact in lieu thereof one new section relating to applications for long-term care facilities.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 397** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS** for **SB 397** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senator McKenna—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Rupp moved that motion lay on the table, which motion prevailed.

SB 67, with **SCS**, introduced by Senator Rupp, entitled:

An Act to amend chapter 650, RSMo, by adding thereto one new section relating to missing endangered person advisories.

Was called from the Consent Calendar and taken up.

SCS for **SB 67**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 67

An Act to repeal section 210.1012, RSMo, and to enact in lieu thereof two new sections relating to missing and endangered persons, with penalty provisions.

Was taken up.

Senator Rupp moved that **SCS** for **SB 67** be adopted, which motion prevailed.

On motion of Senator Rupp, **SCS** for **SB 67** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus

Kennedy	Koster	Lager	Loudon
Mayer	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators

Green McKenna—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 236, introduced by Senator Shields, entitled:

An Act to amend chapter 168, RSMo, by adding thereto one new section relating to mentoring standards for education personnel.

Was called from the Consent Calendar and taken up.

On motion of Senator Shields, **SB 236** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators

Green McKenna—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Ridgeway moved that motion lay on the table, which motion prevailed.

SB 172, introduced by Senator Ridgeway, entitled:

An Act to repeal sections 86.1230 and 86.1600, RSMo, and to enact in lieu thereof two new sections relating to the police retirement system and the civilian employees' retirement system of the police department of Kansas City.

Was called from the Consent Calendar and taken up.

On motion of Senator Ridgeway, **SB 172** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators

Green McKenna—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Ridgeway, title to the bill was agreed to.

Senator Ridgeway moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

SB 135, introduced by Senator Nodler, entitled:

An Act to repeal sections 173.355 and 173.385, RSMo, and to enact in lieu thereof two new sections relating to the Missouri higher education loan authority.

Was called from the Consent Calendar and taken up.

On motion of Senator Nodler, **SB 135** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators

Green McKenna—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

INTRODUCTIONS OF GUESTS

On behalf of Senators McKenna, Engler and himself, Senator Kennedy introduced to the Senate, John Scullin, Jim Gross, Norman Corley, Craig Calvert and Jeff Hutchinson, representatives of the North Jefferson County Ambulance District.

Senator Shields introduced to the Senate, representatives of Emergency Medical Services Day.

Senator Gibbons introduced to the Senate, representatives of Hispanic Day.

Senator Griesheimer introduced to the Senate, eighth grade students from Holy Rosary Catholic School, Warrenton.

Senator Coleman introduced to the Senate, Mike Seppi, Beth Growe, Gloria McCarter, Christopher Tabourne and Andrew Polin, St. Louis.

Senator Shoemyer introduced to the Senate, Kristina Armstrong, Rolla.

Senator Barnitz introduced to the Senate, Kim Martin, Rolla; Carolyn Beal and Ralf Trusty, Iberia; Dianne Pankau, Maggie Stiegman, Eva Erickson, Kendra Brune and Angie Walter, Hermann; and Anna Maria Kulback, Waynesville.

Senator Smith introduced to the Senate, Sheila Fazio, Charles Fischer and three hundred social work students from St. Louis University, University of Missouri-St. Louis and Washington University.

Senator Days introduced to the Senate, students from the University of Missouri-St. Louis School of Social Work.

On behalf of Senator Gibbons and herself, Senator Bray introduced to the Senate, Mrs.

Gibson, Mr. Melanson and forty-three fourth and fifth grade students from Webster Groves Computer School.

Senator Barnitz introduced to the Senate, Valerie Moats and Julie Weems, Waynesville.

Senator Justus introduced to the Senate, Jackson County Legislator Teresa Garza and Genaro Ruiz, Kansas City.

Senator Shields introduced to the Senate, Dr. Monica Nandan and Barbara Martin, Alison Cornell, Megan Mooney, Katie Palmer, Brandi Stuart, Jesse Campbell and John Hede, students from the Social Work Policy Class at Missouri Western State University, St. Joseph.

On behalf of Senator Griesheimer, the President introduced to the Senate, Bill Gegg and members of the Pro-Life Club from St. Francis Borgia High School, Washington.

Senator Kennedy introduced to the Senate, Greg Meyer and his son, Nick, St. Louis; and Nick was made an honorary page.

Senator Kennedy introduced to the Senate, Donna Abernathy Schuman and forty members of the South St. Louis County Chamber of Commerce.

Senator Loudon introduced to the Senate, students from Westridge School, Ballwin; and Maria Rondinaro, Hazelwood.

Senator Barnitz introduced to the Senate, Cathy Griesbauer and her daughter, Eli, Montgomery City; and Eli was made an honorary page.

Senator Scott introduced to the Senate, Mitchell Mills, Clinton; Teresa Bollenbach, Lebanon; Jeannine Stuart and Carol Basler, St. Louis County; Peggy McDaniel, Fair Grove; Devona Allen, Buffalo; and Doug Clift, St. Louis.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-SEVENTH DAY–THURSDAY, MARCH 8, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 690-Smith, et al	SB 703-Bray
SB 691-Gross	SB 704-Bray
SB 692-Ridgeway	SB 705-Mayer
SB 693-Ridgeway	SB 706-Mayer
SB 694-Shields	SB 707-Gibbons
SB 695-Kennedy and Smith	SB 708-Shoemyer
SB 696-Wilson and Coleman	SB 709-Shoemyer
SB 697-Ridgeway, et al	SB 710-Coleman
SB 698-Ridgeway, et al	SJR 25-Loudon
SB 699-Lager	SJR 26-Bray
SB 700-Purgason	SJR 27-Ridgeway and Loudon
SB 701-Goodman	SJR 28-Scott
SB 702-Bray and Smith	

HOUSE BILLS ON SECOND READING

HB 269-Nolte	HB 69-Day
HCS for HB 678	HCS for HB 16
HB 70-Day, et al	

THIRD READING OF SENATE BILLS

SB 164-Scott (In Fiscal Oversight)	SB 268-Coleman
SCS for SB 64-Goodman and Koster	SCS for SB 16-Scott (In Fiscal Oversight)
SCS for SB 456-Gross (In Fiscal Oversight)	SCS for SB 54-Koster

SENATE BILLS FOR PERFECTION

- | | |
|---|---------------------------------|
| 1. SBs 239, 24 & 445-Stouffer, with SCS | 13. SB 320-Clemens, with SCS |
| 2. SB 215-Loudon, with SCS | 14. SB 492-Crowell |
| 3. SB 297-Loudon, with SCS | 15. SB 476-Crowell |
| 4. SB 40-Ridgeway | 16. SB 303-Loudon, et al |
| 5. SB 47-Engler, with SCS | 17. SB 363-Bartle |
| 6. SB 418-Champion, with SCS | 18. SB 82-Griesheimer, with SCS |
| 7. SBs 260 & 71-Koster, et al, with SCS | 19. SB 112-Rupp |
| 8. SBs 370, 375 & 432-Scott and Koster,
with SCS | 20. SB 131-Rupp |
| 9. SB 257-Engler, et al | 21. SB 31-Nodler |
| 10. SJRs 9 & 17-Crowell and Bartle,
with SCS | 22. SB 250-Ridgeway and Vogel |
| 11. SB 242-Nodler, with SCS | 23. SB 570-Clemens |
| 12. SB 160-Rupp, with SCS | 24. SB 444-Goodman |
| | 25. SB 364-Koster, with SCS |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|--|
| SB 2-Gibbons, with SCS | SB 274-Shields |
| SB 3-Gibbons, with SCS | SB 282-Griesheimer, with SCS & SS
for SCS (pending) |
| SB 21-Griesheimer, with SCS | SB 287-Crowell and Vogel |
| SB 27-Bartle and Koster | SB 292-Mayer |
| SB 75-Coleman, et al, with SCS | SB 300-Bartle |
| SB 101-Mayer | SB 389-Nodler, et al, with SCS & SS#2
for SCS (pending) |
| SB 155-Engler, with SCS | SB 430-Shields, et al, with SCS |
| SB 169-Rupp, with SCS, SS for SCS & SA 1
(pending) | |
| SB 204-Stouffer, with SCS & SS for SCS
(pending) | |

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Reported 2/15

SB 8-Kennedy

Reported 2/22

SB 395-McKenna

Reported 3/1

SB 166-Griesheimer

SB 299-Purgason, with SCS

SB 323-Graham

SB 334-Griesheimer

SB 345-Shoemyer

SB 360-Goodman, with SCS

SB 352-Clemens

SB 139-Bray

SB 200-Stouffer

SB 543-Stouffer

SB 549-Scott

SB 416-Goodman

SB 328-Engler

SB 407-Shoemyer

SB 309-Stouffer, with SCS

SB 332-Stouffer

SB 498-Scott

SB 440-Days and Gibbons

**BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES**

In Conference

HCS for HB 14, with SCS (Gross)

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Journal of the Senate

FIRST REGULAR SESSION

THIRTY-SEVENTH DAY—THURSDAY, MARCH 8, 2007

The Senate met pursuant to adjournment.

Shoemyer Smith Stouffer Vogel
Wilson—33

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

Absent—Senators—None

Gracious God, we thank You for Your great love of us and allowing us to have a taste of heaven here on earth within godly, loving families. So we pray that You'll be with us this day as we complete those things that must be done so that we may be free to travel home ready for a weekend with those who love us. In Your Holy Name we pray. Amen.

Absent with leave—Senator McKenna—1

Vacancies—None

The Lieutenant Governor was present.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 554, regarding the death of Reverend W.A. "Bill" Harris, which was adopted.

Senator Stouffer offered Senate Resolution No. 555, regarding Aaron Senzee, which was adopted.

Senator Stouffer offered Senate Resolution No. 556, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Bennie Slaughter, La Plata, which was adopted.

Senator Shields offered Senate Resolution No. 557, regarding Goldberg, Sullivan and McCrerey, Saint Joseph, which was adopted.

Senator Barnitz offered Senate Resolution No. 558, regarding George Berry, Laquey, which was adopted.

Senator Griesheimer offered Senate Resolution No. 559, regarding Joseph Alexander Ferguson, which was adopted.

Senator Scott offered Senate Resolution No. 560, regarding the Empire District Electric Company, Bolivar, which was adopted.

Senator Scott offered Senate Resolution No. 561, regarding the Southwest Electric Cooperatives, Bolivar, which was adopted.

Senator Goodman offered Senate Resolution No. 562, regarding Steve S. Shepherd, Branson, which was adopted.

Senator Graham offered Senate Resolution No. 563, regarding Melvin C. Platt, Columbia, which was adopted.

Senator Bray offered Senate Resolution No. 564, regarding Kayla Vaughan, Kirkwood, which was adopted.

Senators Shoemyer and Graham offered Senate Resolution No. 565, regarding the Eightieth Birthday of Bea Goodin, Louisiana, which was adopted.

Senator Kennedy offered Senate Resolution No. 566, regarding Dean Odegard, St. Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 567, regarding Dr. Ronald C. Helms, Chesterfield, which was adopted.

Senator Lager offered Senate Resolution No. 568, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Kenneth Chitwood, Clearmont, which was adopted.

CONCURRENT RESOLUTIONS

Senator Bray offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 24

WHEREAS, every person in Missouri and in the United States deserves access to affordable, quality health care; and

WHEREAS, there is a growing crisis in health care in the United States of America, manifested in rising health care costs, increased premiums, out-of-pocket spending, decreased

international business competitiveness, and massive layoffs; and

WHEREAS, approximately 635,000 to 707,000 Missourians lacked health insurance in 2005; and

WHEREAS, those insured now often experience unacceptable medical debt and sometimes life-threatening delays in obtaining health care; and

WHEREAS, one-half of all personal bankruptcies are due to illnesses or medical bills; and

WHEREAS, the termination of Medicaid in 2008 and the rising cost of insuring state employees and teachers can best be met not by limiting benefits, but by expanding them under a national, publicly-funded health insurance program; and

WHEREAS, the complex bureaucracy arising from our system of fragmented, for-profit, multi-payer system of health care financing consumes approximately 30% of United States health care spending; and

WHEREAS, independent research by Kenneth E. Thorpe, PhD. found in 2003 that if Missouri adopted a single-payer, universal health program with benefits more generous than 75% of all private insurance benefits in the state, Missouri health care spending would decline by a savings of \$1.3 billion in administrative costs alone under a streamlined administrative structure; and

WHEREAS, United States Representative John Conyers has introduced H.R. 676, the United States National Health Insurance Act, in the United States House of Representatives, and this act would provide a universal, comprehensive, single-payer system of high quality national health insurance:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby respectfully urge the United States Congress to enact the United States National Health Insurance Act sponsored by Representative Conyers; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for President George W. Bush and each member of the Missouri Congressional delegation.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has

considered the same and recommends that the Senate do give its advice and consent to the following:

Ronnie D. Dittimore, Ed.D., as a member of the Mental Health Commission;

Also,

Peter D. Kinder, as a member of the Missouri Community Service Commission;

Also,

Robert W. Cary, Democrat, as a member of the State Milk Board;

Also,

Gerald F. Engemann, Republican, as a member of the Dam and Reservoir Safety Council;

Also,

Kevin C. Sprouse, as a member of the Life Sciences Research Board;

Also,

James Buford, Republican, as a member of the Missouri State University Board of Governors;

Also,

Fred R. Schoen, as a member of the Well Installation Board.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial

and Governmental Organizations and Elections, to which was referred **SB 482**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 150**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 591**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 138**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 369**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be place on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 509**, begs leave to report

that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 510**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 525**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 526**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 550**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 593**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 594**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 400**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 478**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 86**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 559**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to

which was referred **SB 497**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be place on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 671**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 365**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 502**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 469**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 213**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 20**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Champion, Chairman of the Committee on Seniors, Families and Public Health, submitted the following reports:

Mr. President: Your Committee on Seniors, Families and Public Health, to which was referred **SB 85**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Seniors, Families and Public Health, to which was referred **SB 333**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 429**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 5**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the

Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 368**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 516**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 426**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 488**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 417**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 534**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Nodler, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 254**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SJR 8**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 133**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 140**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 137**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which were referred **SB 45** and **SB 39**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 185**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 17**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 385**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SB 164**; **SCS** for **SB 16**; and **SCS** for **SB 456**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 66**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 304**, begs leave to report

that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Engler, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 419**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 313**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce, Energy and Environment, to which was referred **SB 453**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 391**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 18**, begs leave to report that it has considered the same and recommends that the

concurrent resolution do pass.

SENATE BILLS FOR PERFECTION

Senator Rupp moved that **SB 169**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Purgason, the above amendment was withdrawn.

President Kinder assumed the Chair.

Senator Kennedy offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 169, Page 1, Section A, Line 3 of said page, by inserting after all of said line the following:

“135.535. 1. A corporation, limited liability corporation, partnership or sole proprietorship, which moves its operations from outside Missouri or outside a distressed community into a distressed community, or which commences operations in a distressed community on or after January 1, 1999, and in either case has more than seventy-five percent of its employees at the facility in the distressed community, and which has fewer than one hundred employees for whom payroll taxes are paid, and which is a manufacturing, biomedical, medical devices, scientific research, animal research, computer software design or development, computer programming, including Internet, web hosting, and other information technology, wireless or wired or other telecommunications or a professional firm shall receive a forty percent credit against income taxes owed pursuant to chapter 143, 147 or 148, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo, for each of the three years after such move, if approved by the department of economic development, which shall issue a certificate of eligibility if the department determines that the taxpayer is eligible for such

credit. The maximum amount of credits per taxpayer set forth in this subsection shall not exceed one hundred twenty-five thousand dollars for each of the three years for which the credit is claimed. The department of economic development, by means of rule or regulation promulgated pursuant to the provisions of chapter 536, RSMo, shall assign appropriate North American Industry Classification System numbers to the companies which are eligible for the tax credits provided for in this section. Such three-year credits shall be awarded only one time to any company which moves its operations from outside of Missouri or outside of a distressed community into a distressed community or to a company which commences operations within a distressed community. A taxpayer shall file an application for certification of the tax credits for the first year in which credits are claimed and for each of the two succeeding taxable years for which credits are claimed.

2. Employees of such facilities physically working and earning wages for that work within a distressed community whose employers have been approved for tax credits pursuant to subsection 1 of this section by the department of economic development for whom payroll taxes are paid shall also be eligible to receive a tax credit against individual income tax, imposed pursuant to chapter 143, RSMo, equal to one and one-half percent of their gross salary paid at such facility earned for each of the three years that the facility receives the tax credit provided by this section, so long as they were qualified employees of such entity. The employer shall calculate the amount of such credit and shall report the amount to the employee and the department of revenue.

3. A tax credit against income taxes owed pursuant to chapter 143, 147 or 148, RSMo, other than the taxes withheld pursuant to sections 143.191 to 143.265, RSMo, in lieu of the credit against income taxes as provided in subsection 1 of this section, may be taken by such an entity in a distressed community in an amount of forty

percent of the amount of funds expended for computer equipment and its maintenance, medical laboratories and equipment, research laboratory equipment, manufacturing equipment, fiber optic equipment, high speed telecommunications, wiring or software development expense up to a maximum of seventy-five thousand dollars in tax credits for such equipment or expense per year per entity and for each of three years after commencement in or moving operations into a distressed community.

4. A corporation, partnership or sole partnership, which has no more than one hundred employees for whom payroll taxes are paid, which is already located in a distressed community and which expends funds for such equipment pursuant to subsection 3 of this section in an amount exceeding its average of the prior two years for such equipment, shall be eligible to receive a tax credit against income taxes owed pursuant to chapters 143, 147 and 148, RSMo, in an amount equal to the lesser of seventy-five thousand dollars or twenty-five percent of the funds expended for such additional equipment per such entity. Tax credits allowed pursuant to this subsection or subsection 1 of this section may be carried back to any of the three prior tax years and carried forward to any of the five tax years.

5. An existing corporation, partnership or sole proprietorship that is located within a distressed community and that relocates employees from another facility outside of the distressed community to its facility within the distressed community, and an existing business located within a distressed community that hires new employees for that facility may both be eligible for the tax credits allowed by subsections 1 and 3 of this section. To be eligible for such tax credits, such a business, during one of its tax years, shall employ within a distressed community at least twice as many employees as were employed at the beginning of that tax year. A business hiring employees shall have no more than one hundred employees before the addition of the new

employees. This subsection shall only apply to a business which is a manufacturing, biomedical, medical devices, scientific research, animal research, computer software design or development, computer programming or telecommunications business, or a professional firm.

6. Tax credits shall be approved for applicants meeting the requirements of this section in the order that such applications are received. Certificates of tax credits issued in accordance with this section may be transferred, sold or assigned by notarized endorsement which names the transferee.

7. The tax credits allowed pursuant to subsections 1, 2, 3, 4 and 5 of this section shall be for an amount of no more than ten million dollars for each year beginning in 1999. **To the extent there are available tax credits remaining under the ten million dollar cap provided in this section, up to one hundred thousand dollars in the remaining credits shall first be used for tax credits authorized under section 135.562.** The total maximum credit for all entities already located in distressed communities and claiming credits pursuant to subsection 4 of this section shall be seven hundred and fifty thousand dollars. The department of economic development in approving taxpayers for the credit as provided for in subsection 6 of this section shall use information provided by the department of revenue regarding taxes paid in the previous year, or projected taxes for those entities newly established in the state, as the method of determining when this maximum will be reached and shall maintain a record of the order of approval. Any tax credit not used in the period for which the credit was approved may be carried over until the full credit has been allowed.

8. A Missouri employer relocating into a distressed community and having employees covered by a collective bargaining agreement at the facility from which it is relocating shall not be eligible for the credits in subsection 1, 3, 4 or 5 of

this section, and its employees shall not be eligible for the credit in subsection 2 of this section if the relocation violates or terminates a collective bargaining agreement covering employees at the facility, unless the affected collective bargaining unit concurs with the move.

9. Notwithstanding any provision of law to the contrary, no taxpayer shall earn the tax credits allowed in this section and the tax credits otherwise allowed in section 135.110, or the tax credits, exemptions, and refund otherwise allowed in sections 135.200, 135.220, 135.225 and 135.245, respectively, for the same business for the same tax period.

135.562. 1. If any taxpayer with a federal adjusted gross income of thirty thousand dollars or less incurs costs for the purpose of making all or any portion of such taxpayer's principal dwelling accessible to an individual with a disability who permanently resides with the taxpayer, such taxpayer shall receive a tax credit against such taxpayer's Missouri income tax liability in an amount equal to the lesser of one hundred percent of such costs or two thousand five hundred dollars per taxpayer, per tax year.

2. Any taxpayer with a federal adjusted gross income greater than thirty thousand dollars but less than sixty thousand dollars who incurs costs for the purpose of making all or any portion of such taxpayer's principal dwelling accessible to an individual with a disability who permanently resides with the taxpayer, shall receive a tax credit against such taxpayer's Missouri income tax liability in an amount equal to the lesser of fifty percent of such costs or two thousand five hundred dollars per taxpayer, per tax year. No taxpayer shall be eligible to receive tax credits under this section in any tax year immediately following a tax year in which such taxpayer received tax credits under the provisions of this section.

3. Tax credits issued pursuant to this

section may be refundable in an amount not to exceed two thousand five hundred dollars per tax year.

4. Eligible costs for which the credit may be claimed include:

- (1) Constructing entrance or exit ramps;**
- (2) Widening exterior or interior doorways;**
- (3) Widening hallways;**
- (4) Installing handrails or grab bars;**
- (5) Moving electrical outlets and switches;**
- (6) Installing stairway lifts;**
- (7) Installing or modifying fire alarms, smoke detectors, and other alerting systems;**
- (8) Modifying hardware of doors; or**
- (9) Modifying bathrooms.**

5. The tax credits allowed, including the maximum amount that may be claimed, pursuant to this section shall be reduced by an amount sufficient to offset any amount of such costs a taxpayer has already deducted from such taxpayer's federal adjusted gross income or to the extent such taxpayer has applied any other state or federal income tax credit to such costs.

6. A taxpayer shall claim a credit allowed by this section in the same taxable year as the credit is issued, and at the time such taxpayer files his or her Missouri income tax return; provided that, such return is timely filed.

7. The department may, in consultation with the department of social services, promulgate such rules or regulations as are necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section

536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

8. The provisions of this section shall apply to all tax years beginning on or after January 1, 2008.

9. The provisions of this section shall expire December 31, 2013.

10. In no event shall the aggregate amount of all tax credits allowed pursuant to this section exceed one hundred thousand dollars in any given fiscal year. The tax credits issued pursuant to this section shall be on a first-come, first-served filing basis.”; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway assumed the Chair.

Senator Crowell offered **SA 3:**

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 169, Page 1, In the Title, Lines 2-3, by striking all of said lines and inserting in lieu thereof the following: “To repeal section 135.750, RSMo, and to enact in lieu thereof two new sections relating to certain tax credit programs.”; and

Further amend page 8, section 135.662, line 19 by inserting after all of said line the following:

“135.750. 1. As used in this section, the following terms mean:

(1) “Highly compensated individual”, any

individual who receives compensation in excess of one million dollars in connection with a single qualified film production project;

(2) “Qualified film production project”, any film, video, commercial, or television production, as approved by the department of economic development and the office of the Missouri film commission, that is under thirty minutes in length with an expected in-state expenditure budget in excess of fifty thousand dollars, or that is over thirty minutes in length with an expected in-state expenditure budget in excess of one hundred thousand dollars. Regardless of the production costs, “qualified film production project” shall not include any:

(a) News or current events programming;

(b) Talk show;

(c) Production produced primarily for industrial, corporate, or institutional purposes, and for internal use;

(d) Sports event or sports program;

(e) Gala presentation or awards show;

(f) Infomercial or any production that directly solicits funds;

(g) Political ad;

(h) Production that is considered obscene, as defined in section 573.010, RSMo;

(3) “Qualifying expenses”, the sum of the total amount spent in this state for the following by a production company in connection with a qualified film production project:

(a) Goods and services leased or purchased by the production company. For goods with a purchase price of twenty-five thousand dollars or more, the amount included in qualifying expenses shall be the purchase price less the fair market value of the goods at the time the production is completed;

(b) Compensation and wages paid by the production company on which the production

company remitted withholding payments to the department of revenue under chapter 143, RSMo. For purposes of this section, compensation and wages shall not include any amounts paid to a highly compensated individual;

(4) “Tax credit”, a credit against the tax otherwise due under chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, or otherwise due under chapter 148, RSMo;

(5) “Taxpayer”, any individual, partnership, or corporation as described in section 143.441, 143.471, RSMo, or section 148.370, RSMo, that is subject to the tax imposed in chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, or the tax imposed in chapter 148, RSMo.

2. For all taxable years beginning on or after January 1, 1999, but ending on or before December 31, 2007, a taxpayer shall be granted a tax credit [against the tax otherwise due pursuant to chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.261, RSMo, or chapter 148, RSMo,] for up to fifty percent of the amount of investment in production or production-related activities in [a qualified film production project. As used in this section, the term “taxpayer” means an individual, a partnership, or a corporation as described in section 143.441, 143.471, RSMo, or section 148.370, RSMo, and the term “qualified film production project” means] any film production project with an expected in-state expenditure budget in excess of three hundred thousand dollars. **For all taxable years beginning on or after January 1, 2008, a taxpayer shall be allowed a tax credit for up to fifty percent of the amount of qualifying expenses in a qualified film production project.** Each film production company shall be limited to one qualified film production project per year. Activities qualifying

a taxpayer for the tax credit pursuant to this subsection shall be approved by the office of the Missouri film commission and the department of economic development.

[2.] **3.** Taxpayers shall apply for the film production tax credit by submitting an application to the department of economic development, on a form provided by the department. As part of the application, the expected in-state expenditures of the qualified film production project shall be documented. In addition, the application shall include an economic impact statement, showing the economic impact from the activities of the film production project. Such economic impact statement shall indicate the impact on the region of the state in which the film production or production-related activities are located and on the state as a whole.

[3.] **4. For all taxable years ending on or before December 31, 2007,** tax credits certified pursuant to subsection 1 of this section shall not exceed one million dollars per taxpayer per year, and shall not exceed a total for all tax credits certified of one million five hundred thousand dollars per year. **For all taxable years beginning on or after January 1, 2008, tax credits certified under subsection 1 of this section shall not exceed a total for all tax credits certified of ten million five hundred thousand dollars per year.** Taxpayers may carry forward unused credits for up to five tax periods, provided all such credits shall be claimed within ten tax periods following the tax period in which the film production or production-related activities for which the credits are certified by the department occurred.

[4.] **5.** Notwithstanding any provision of law to the contrary, any taxpayer may sell, assign, exchange, convey or otherwise transfer tax credits allowed in subsection 1 of this section. The taxpayer acquiring the tax credits may use the acquired credits to offset the tax liabilities otherwise imposed by chapter 143, RSMo, excluding withholding tax imposed by sections

143.191 to [143.261] **143.265**, RSMo, or chapter 148, RSMo. Unused acquired credits may be carried forward for up to five tax periods, provided all such credits shall be claimed within ten tax periods following the tax period in which the film production or production-related activities for which the credits are certified by the department occurred.

6. Under section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

Further amend the enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted.

At the request of Senator Rupp, **SB 169**, with **SCS**, **SS** for **SCS** and **SA 3** (pending) was placed on the Informal Calendar.

Senator Shields moved that **SB 430**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 430**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 430**

An Act to repeal sections 160.534, 313.805, and 313.812, RSMo, and to enact in lieu thereof

five new sections relating to the smart start scholarship program, with penalty provisions and an effective date.

Was taken up.

Senator Shields moved that **SCS** for **SB 430** be adopted.

Senator Shields offered **SS** for **SCS** for **SB 430**, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 430**

An Act to repeal sections 160.534, 313.805, and 313.812, RSMo, and to enact in lieu thereof five new sections relating to the smart start scholarship program, with penalty provisions.

Senator Shields moved that **SS** for **SCS** for **SB 430** be adopted.

Senator Green offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 430, Page 9, Section 313.805, Line 8 of said page, by inserting after all of said line the following:

“313.806. Other provisions of law to the contrary notwithstanding, the Missouri gaming commission or any member thereof shall have no authority to, and be strictly prohibited from, operating or being an employee of an excursion gambling boat located within this state.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

Senator Bartle offered **SA 1** to **SA 1**, which was read:

**SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1**

Amend Senate Amendment No. 1 to Senate

Substitute for Senate Committee Substitute for Senate Bill No. 430, Page 1, Section 313.806, Line 6, by inserting immediately after the word “from,” the following: “**having an ownership interest in, or**”.

Senator Bartle moved that the above amendment be adopted, which motion prevailed.

SA 1, as amended, was again taken up.

Senator Green moved that **SA 1**, as amended, be adopted, which motion prevailed.

Senator Purgason offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 430, Pages 4-9, Section 313.805, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Purgason moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Callahan, Coleman, Days and Green.

Senator Shields announced that photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

SA 2 failed of adoption by the following vote:

YEAS—Senators

Bartle	Crowell	Gibbons	Green
Griesheimer	Gross	Kennedy	Lager
Loudon	Mayer	Purgason	Ridgeway
Scott	Stouffer—14		

NAYS—Senators

Barnitz	Bray	Callahan	Clemens
Coleman	Days	Engler	Goodman
Graham	Justus	Koster	Nodler
Rupp	Shields	Shoemyer	Smith
Vogel	Wilson—18		

Absent—Senator Champion—1

Absent with leave—Senator McKenna—1

Vacancies—None

Senator Smith offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 430, Page 2, Section 160.534, Line 12, by inserting immediately after all of said line the following:

"168.700. 1. This act shall be known, and may be cited, as the "Missouri Teaching Fellows Program".

2. As used in this section, the following terms shall mean:

(1) "Department", the Missouri department of elementary and secondary education;

(2) "Eligible applicant": a high school senior who:

(a) Is a United States citizen;

(b) Has a cumulative grade point average ranking in the top ten percentile in their graduating class and scores in the top twenty percentile on either the ACT or SAT assessment; or has a cumulative grade point average ranking in the top twenty percentile in their graduating class and scores in the top ten percentile of the ACT or SAT assessment;

(c) Upon graduation from high school, attends a Missouri higher education institution and attains a teaching certificate and either a bachelors or graduate degree with a cumulative grade point average of at least 3.0 on a 4 point scale or equivalent;

(d) Signs an agreement with the department in which the applicant agrees to engage in qualified employment upon graduation from a higher education institution

for five years; and

(e) Upon graduation from the higher education institution, engages in qualified employment;

(3) "Qualified employment", employment as a teacher, as such term is defined in section 168.104, in a school located in a school district that is not classified as accredited by the department at the time the eligible applicant signs their first contract to teach in such district. Preference shall be given to a school in such a school district with a higher than the state average of students eligible to receive a reduced lunch price under the National School Act, 42 U.S.C. Section 1751 et seq., as amended.

3. Within the limits of amounts appropriated therefor, the department shall, upon proper verification to the department by an eligible applicant and the school district in which the applicant is engaged in qualified employment, enter into a one-year contract with eligible applicants to repay the interest and principal on the educational loans of the applicants or provide a stipend to the applicant as provided in subsection 4 of this section. The department may enter into subsequent one-year contracts with eligible applicants, not to total more than five such contracts. The fifth one-year contract shall provide for a stipend to such applicants as provided in subsection 4 of this section. If the school district becomes accredited at any time during which the eligible applicant is teaching at a school under a contract entered into pursuant to this section, nothing in this section shall preclude the department and the eligible applicant from entering into subsequent contracts to teach within the school district. An eligible applicant who does not enter into a contract with the department under the provisions of this subsection shall not be eligible for repayment of educational loans or a stipend under the provisions of subsection 4 of this section.

4. At the conclusion of each of the first four academic years that an eligible applicant engages in qualified employment, one-fourth of the eligible applicant's educational loans, not to exceed five thousand dollars per year, shall be repaid under terms provided in the contract. For applicants without any educational loans, the applicant may receive a stipend of up to five thousand dollars at the conclusion of each of the first four academic years that the eligible applicant engages in qualified employment. At the conclusion of the fifth academic year that an eligible applicant engages in qualified employment, a stipend in an amount equal to one thousand dollars shall be granted to the eligible applicant. The maximum of five thousand dollars per year and the stipend of one thousand dollars shall be adjusted annually by the same percentage as the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor or its successor agency. The amount of any repayment of educational loans or the issuance of a stipend under this subsection shall not exceed the actual cost of tuition, required fees, and room and board for the eligible applicant at the institution of higher education from which the eligible applicant graduated.

5. The department shall create and maintain a "Teach for Missouri" coordinator position, the main responsibility of which shall be the identification, recruitment, and selection of potential students meeting the requirements of paragraph (b) of subdivision (2) of subsection 2 of this section. In selecting potential students, the coordinator shall give preference to applicants that represent a variety of racial backgrounds in order to ensure a diverse group of eligible applicants.

6. The department shall promulgate rules to enforce the provisions of this section,

including, but not be limited to: applicant eligibility, selection criteria, and the content of loan repayment contracts. If the number of applicants exceeds the number of scholarships or revenues available, priority shall be to those applicants with the highest high school grade point average and highest scores on the ACT or SAT assessments.

7. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

8. There is hereby created in the state treasury the "Missouri Teaching Fellows Program Fund". The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Private donations, federal grants, and other funds provided for the implementation of this section shall be placed in the Missouri teaching fellows program fund. Upon appropriation, money in the fund shall be used solely for the repayment of loans and the payment of stipends under the provisions of this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

168.702. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:

(1) Any new program authorized under section 168.700 shall automatically sunset six years after the effective date of this act unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under section 168.700 shall automatically sunset twelve years after the effective date of the reauthorization of this act; and

(3) Section 168.700 shall terminate on September first of the calendar year immediately following the calendar year in which a program authorized under section 168.700 is sunset."; and

Further amend said bill, page 17, section 313.823, line 22, by striking the word "All"; and

Further amend lines 23-25, by striking all of said lines and inserting in lieu thereof the following: "The proceeds obtained from the education allowance shall be distributed in the following manner: one million dollars in every fiscal year shall be transferred to the Missouri Teaching Fellows Program Fund created in section 168.700, RSMo, and such transfer shall be adjusted annually by the same percentage as the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor or its successor agency; and the remainder shall be transferred to the credit of the smart start scholarship fund in section 173.950."; and

Further amend the title and enacting clause accordingly.

Senator Loudon raised the point of order that SA 3 is out of order as it goes beyond the scope of the underlying bill.

The point of order was referred to the President Pro Tem who ruled it not well taken.

Senator Crowell assumed the Chair.

SA 3 was again taken up.

Senator Bartle offered **SA 1** to **SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 430, Page 5, Section 313.823, Line 28, by striking the word “one” and inserting in lieu thereof the following: “**ten**”.

Senator Bartle moved that the above amendment be adopted.

At the request of Senator Shields, **SB 430**, with **SCS, SS** for **SCS, SA 3** and **SA 1** to **SA 3** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 620**, entitled:

An Act to repeal section 168.021, RSMo, and to enact in lieu thereof two new sections relating solely to teacher certification.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 40, 116** and **367**, entitled:

An Act to repeal sections 135.096, 660.546,

660.547, 660.549, 660.551, 660.553, 660.555, and 660.557, RSMo, and to enact in lieu thereof seven new sections relating to long-term care insurance.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 636, 308** and **173**, entitled:

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for military retirement benefits.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 488**, entitled:

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for the use of idle reduction technology.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 46**, entitled:

An Act to repeal section 578.018, RSMo, and to enact in lieu thereof one new section relating to impoundment of animals.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 346**, entitled:

An Act to repeal section 348.434, RSMo, and to enact in lieu thereof three new sections relating to the Missouri agriculture and small business development authority.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 220**, entitled:

An Act to repeal section 456.5-501, RSMo, and to enact in lieu thereof one new section relating to the Missouri uniform trust code.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 166**, entitled:

An Act to repeal section 115.453, RSMo, and to enact in lieu thereof one new section relating to write-in candidates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 255**, entitled:

An Act to repeal sections 8.294, 37.005, 37.452, and 253.510, RSMo, and to enact in lieu

thereof five new sections relating to the office of administration, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 221**, entitled:

An Act to repeal sections 407.1200, 407.1203, 407.1206, 407.1209, 407.1212, 407.1215, 407.1218, 407.1221, 407.1224, 407.1225, and 407.1227, RSMo, and to enact in lieu thereof twenty-two new sections relating to service contracts, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 205**, entitled:

An Act to repeal section 620.467, RSMo, and to enact in lieu thereof one new section relating to the tourism supplemental revenue fund.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 272**, entitled:

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the designation of the official state reptile.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 319**, entitled:

An Act to repeal sections 87.120, 87.140, 87.160, 87.182, 87.205, 87.325, 87.330, 87.335, 87.340, and 87.345, RSMo, and to enact in lieu thereof ten new sections relating to firefighter retirement.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 344**, entitled:

An Act to repeal section 537.353, RSMo, and to enact in lieu thereof one new section relating to field crop damage.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 351**, entitled:

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the designation of the official state invertebrate.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the House has taken up and passed **HB 576**, entitled:

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to designation of the official state game bird.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 264**, entitled:

An Act to repeal section 166.021, RSMo, and to enact in lieu thereof one new section relating to the state public school fund.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 459**, entitled:

An Act to repeal sections 71.011 and 71.012, RSMo, and to enact in lieu thereof two new sections relating to municipal land transfers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 135**, entitled:

An Act to repeal sections 41.655 and 168.021, RSMo, and to enact in lieu thereof two new sections relating to the members of the military and their families.

In which the concurrence of the Senate is

respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 405**, entitled:

An Act to repeal sections 43.010, 43.030, 43.090, 43.110, 43.120, and 43.140, RSMo, and to enact in lieu thereof six new sections relating to the highway patrol, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 608**, entitled:

An Act to repeal sections 137.100 and 137.101, RSMo, and to enact in lieu thereof two new sections relating to property exempt from taxation.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 732**, entitled:

An Act to repeal section 227.299, RSMo, and to enact in lieu thereof one new section relating to memorial highway designations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 7, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Katherine Suzanne Bradley, Republican, 4006 Miller Road, Saint Joseph, Buchanan County, Missouri 64505, as a member of the Missouri Gaming Commission for a term ending April 29, 2007, and until her successor is duly appointed and qualified; vice, Ralph Biele, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 7, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Edward L. Baker, Republican, 1804 Kathy Lane, Columbia, Boone County, Missouri 65203, as a member of the University of Central Missouri Board of Governors, for a term ending January 1, 2013, and until his successor is duly appointed and qualified; vice, Palmer Nichols, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 7, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Joshua D. Linville, Republican, 602 Harrington Street, Dearborn, Platte County, Missouri 64439, as a member of the Platte County Board of Election Commissioners for a term ending January

11, 2011, and until his successor is duly appointed and qualified; vice, George Rose, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 8, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michael Meierhoffer, Republican, 3000 Frederick Avenue, Saint Joseph, Buchanan County, Missouri 64506, as a member of the Missouri Health Facilities Review Committee for a term ending January 1, 2009, and until his successor is duly appointed and qualified; vice, Milamari Cunningham, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 8, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Raynel G. Schallert, Republican, 446 Farm Road 1090, Monett, Barry County, Missouri 65708, as a member of the Missouri Community Service Commission for a term ending December 12, 2008, and until her successor is duly appointed and qualified; vice, Joan L. Berkman, resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 8, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Eugene J. Hites, Democrat, 15 Hawn Court, Leadington, Saint

Francois County, Missouri 63601, as a member of the Dam and Reservoir Safety Council for a term ending April 3, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 690—Education.

SB 691—Ways and Means.

SB 692—Education.

SB 693—Ways and Means.

SB 694—Pensions, Veterans' Affairs and General Laws.

SB 695—Ways and Means.

SB 696—Seniors, Families and Public Health.

SB 697—Seniors, Families and Public Health.

SB 698—Pensions, Veterans' Affairs and General Laws.

SB 699—Commerce, Energy and the Environment.

SB 700—Ways and Means.

SB 701—Financial and Governmental Organizations and Elections.

SB 702—Financial and Governmental Organizations and Elections.

SB 703—Financial and Governmental Organizations and Elections.

SB 704—Health and Mental Health.

SB 705—Health and Mental Health.

SB 706—Economic Development, Tourism and Local Government.

SB 707—Small Business, Insurance and Industrial Relations.

SB 708—Education.

SB 709—Small Business, Insurance and Industrial Relations.

SB 710—Financial and Governmental Organizations and Elections.

SJR 25—Pensions, Veterans' Affairs and General Laws.

SJR 26—Financial and Governmental Organizations and Elections.

SJR 27—Ways and Means.

SJR 28—Financial and Governmental Organizations and Elections.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for HB 16—Appropriations.

HB 269—Pensions, Veterans' Affairs and General Laws.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following report:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 53**, begs leave to report that it has considered the same and recommends that

the Senate Committee Substitute, hereto attached, do pass.

COMMUNICATIONS

Senator Stouffer submitted the following:

March 7, 2007

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol Building

Jefferson City, Missouri 65101

Dear Mrs. Spieler:

Pursuant to Senate Rule 45, I hereby request that SB 469 be removed from the consent calendar and returned to the Economic Development, Tourism, and Local Government Committee.

Please do not hesitate to contact me if you have any questions.

Sincerely,

/s/ Bill Stouffer

Senator Bill Stouffer

INTRODUCTIONS OF GUESTS

On behalf of Senators Justus, Bray and himself, Senator Gibbons introduced to the Senate, Rebecca Gilmore, Claire Pohle, Hannah Thames and Kathy Williams.

Senator Crowell introduced to the Senate, fourth through eighth grade students from Concordia-Trinity Lutheran School.

The President introduced to the Senate, Jon Rust, Gary Rust, II and Mark Kneer, Cape Girardeau.

The President introduced to the Senate, Mary Wilson.

Senator Crowell introduced to the Senate, fourth grade students from Cape Christian School.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Michael Nogalski, M.D., Frontenac.

Senator Mayer introduced to the Senate, fourth grade students Melinda Mower, Michelle McMillin, Kim Lowery, Glenda Jane, Bethany Britt, Donna Padrones, Charlene Hillburn, Mindy

Brown and Charlie Brown, Kennett.

Senator Bray introduced to the Senate, Jack Fox; parents and teachers and sixty-eight fourth grade students from Old Bonhomme School, Ladue.

Senator Engler introduced to the Senate,

Richard Herbel, Richard Greminger, Robert Walker, Eva Daly, Sandy Koller and Mickey Koetting, Ste. Genevieve.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, March 12, 2007.

SENATE CALENDAR

THIRTY-EIGHTH DAY—MONDAY, MARCH 12, 2007

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 678

HB 70-Day, et al

HB 69-Day

HCS for HB 620

HCS for HBs 40, 116 & 367

HCS for HBs 636, 308 & 173

HB 488-Wasson

HB 46-Viebrock and Stevenson

HCS for HB 346

HB 220-Stevenson

HB 166-Hoskins

HB 255-Bruns

HCS for HB 221

HB 205-Marsh, et al

HCS for HB 272

HB 319-Villa

HB 344-Munzlinger, et al

HB 351-Wood, et al

HB 576-Cooper (120), et al

HB 264-Cunningham (86)

HCS for HB 459

HCS for HB 135

HCS for HB 405

HCS for HB 608

HB 732-Parson, et al

THIRD READING OF SENATE BILLS

SB 164-Scott

SCS for SB 64-Goodman and Koster

SCS for SB 456-Gross

SB 268-Coleman

SCS for SB 16-Scott

SCS for SB 54-Koster

SENATE BILLS FOR PERFECTION

1. SBs 239, 24 & 445-Stouffer, with SCS

2. SB 215-Loudon, with SCS

3. SB 297-Loudon, with SCS

4. SB 40-Ridgeway

- | | |
|---|---|
| 5. SB 47-Engler, with SCS | 25. SB 364-Koster, with SCS |
| 6. SB 418-Champion, with SCS | 26. SB 591-Scott and Gibbons, with SCS |
| 7. SBs 260 & 71-Koster, et al, with SCS | 27. SB 400-Crowell, et al |
| 8. SBs 370, 375 & 432-Scott and Koster,
with SCS | 28. SB 213-McKenna |
| 9. SB 257-Engler, et al | 29. SB 20-Griesheimer, with SCS |
| 10. SJRs 9 & 17-Crowell and Bartle, with SCS | 30. SB 85-Champion and Koster, with SCS |
| 11. SB 242-Nodler, with SCS | 31. SB 429-Gibbons, with SCS |
| 12. SB 160-Rupp, with SCS | 32. SB 5-Loudon, with SCS |
| 13. SB 320-Clemens, with SCS | 33. SB 368-Barnitz, et al, with SCS |
| 14. SB 492-Crowell | 34. SB 417-Goodman |
| 15. SB 476-Crowell | 35. SB 534-Nodler |
| 16. SB 303-Loudon, et al | 36. SB 254-Nodler, et al, with SCS |
| 17. SB 363-Bartle | 37. SJR 8-Ridgeway |
| 18. SB 82-Griesheimer, with SCS | 38. SBs 45 & 39-Mayer, with SCS |
| 19. SB 112-Rupp | 39. SB 17-Shields, with SCS |
| 20. SB 131-Rupp | 40. SB 385-Gibbons, with SCS |
| 21. SB 31-Nodler | 41. SB 66-Rupp, with SCS |
| 22. SB 250-Ridgeway and Vogel | 42. SB 313-Scott, with SCS |
| 23. SB 570-Clemens | 43. SB 453-Scott, with SCS |
| 24. SB 444-Goodman | 44. SB 391-Days, with SCS |
| | 45. SB 53-Koster and Engler, with SCS |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| SB 2-Gibbons, with SCS | SB 274-Shields |
| SB 3-Gibbons, with SCS | SB 282-Griesheimer, with SCS & SS
for SCS (pending) |
| SB 21-Griesheimer, with SCS | SB 287-Crowell and Vogel |
| SB 27-Bartle and Koster | SB 292-Mayer |
| SB 75-Coleman, et al, with SCS | SB 300-Bartle |
| SB 101-Mayer | SB 389-Nodler, et al, with SCS & SS#2
for SCS (pending) |
| SB 155-Engler, with SCS | SB 430-Shields, et al, with SCS, SS
for SCS, SA 3 & SA 1 to SA 3 (pending) |
| SB 169-Rupp, with SCS, SS for SCS & SA 3
(pending) | |
| SB 204-Stouffer, with SCS & SS for SCS
(pending) | |

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Reported 2/15

SB 8-Kennedy

Reported 2/22

SB 395-McKenna

Reported 3/1

SB 166-Griesheimer

SB 299-Purgason, with SCS

SB 323-Graham

SB 334-Griesheimer

SB 345-Shoemyer

SB 360-Goodman, with SCS

SB 352-Clemens

SB 139-Bray

SB 200-Stouffer

SB 543-Stouffer

SB 549-Scott

SB 416-Goodman

SB 328-Engler

SB 407-Shoemyer

SB 309-Stouffer, with SCS

SB 332-Stouffer

SB 498-Scott

SB 440-Days and Gibbons

Reported 3/8

SB 482-Gibbons, et al, with SCS

SB 150-Mayer, with SCS

SB 138-Bray

SB 369-Scott, with SCS

SB 509-Scott

SB 510-Scott

SB 525-Scott, with SCS

SB 526-Scott, with SCS

SB 550-Scott

SB 593-Scott

SB 594-Scott, with SCS

SB 478-Gross

SB 86-Champion, with SCS

SB 559-Shields

SB 497-Scott, with SCS

SB 671-Justus

SB 365-Koster, with SCS

SB 502-Koster

SB 333-Stouffer, with SCS

SB 516-Goodman

SB 426-Justus

SB 488-Clemens

SB 133-Rupp
SB 140-Rupp
SB 137-Bray, with SCS

SB 185-Green
SB 304-Loudon
SB 419-Kennedy

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 14, with SCS (Gross)

RESOLUTIONS

Reported from Committee

SCR 18-Gibbons

To be Referred

SCR 24-Bray

T

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-EIGHTH DAY—MONDAY, MARCH 12, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The earth is the Lord’s and all that is in it, the world, and those who live in it.” (Psalm 24:1)

Almighty Creator, on such a wondrous sunny day we give You thanks and praise for the beauty of it, the warmth in it and the hope of Spring that is coming. We delight in what each day holds and we are eager to do the work You have given us to do. Guide and direct us this week and may our efforts truly produce good works. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, March 8, 2007 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager

Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Vogel offered Senate Resolution No. 569, regarding the Missourians in Jefferson City, which was adopted.

Senator Barnitz offered Senate Resolution No. 570, regarding Dylan G. Ottofy, which was adopted.

Senator Graham offered Senate Resolution No. 571, regarding the 2006-2007 Rock Bridge High School Bruins dance squad, Columbia, which was adopted.

Senator Engler offered Senate Resolution No. 572, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Gerald Angel, Ellington, which was adopted.

Senator Lager offered Senate Resolution No. 573, regarding Nathanael Micah Galbraith, which was adopted.

Senator Lager offered Senate Resolution No. 574, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Lee Schumacher, Rock Port, which was adopted.

Senator Lager offered Senate Resolution No. 575, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Jack Tuttle, Chillicothe, which was adopted.

Senator Lager offered Senate Resolution No. 576, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. John Lewis, Ludlow, which was adopted.

Senator Lager offered Senate Resolution No. 577, regarding the Ninetieth Birthday of Alois Huiatt Wilkinson, Mound City, which was adopted.

Senator Lager offered Senate Resolution No. 578, regarding the Ninety-fifth Birthday of Mamie Lee Litton, Chillicothe, which was adopted.

Senator Kennedy offered Senate Resolution No. 579, regarding Todd Miller, St. Louis, which was adopted.

Senator Griesheimer offered Senate Resolution No. 580, regarding Rebecca Stuart, Wildwood, which was adopted.

Senator Engler offered Senate Resolution No. 581, regarding Russell R. Straughan, Farmington, which was adopted.

Senator Coleman offered Senate Resolution No. 582, regarding the Eightieth Birthday of Myrtle Beatrice Wells, St. Louis, which was adopted.

Senator Lager offered Senate Resolution No. 583, regarding the One Hundredth Birthday of Orlena Bever, Nodaway, which was adopted.

Senator Shoemyer offered Senate Resolution

No. 584, regarding Karen Stoeckley, Louisiana, which was adopted.

Senator Griesheimer offered Senate Resolution No. 585, regarding Lakebrink Heating and Air Conditioning, Union, which was adopted.

Senator Griesheimer offered Senate Resolution No. 586, regarding Mitchell Hults, Beaufort, which was adopted.

Senator Griesheimer offered Senate Resolution No. 587, regarding the Franklin County Sheriff's Department, which was adopted.

Senator Coleman offered Senate Resolution No. 588, regarding Dr. David M. Kipnis, which was adopted.

Senator Scott offered Senate Resolution No. 589, regarding PFC Michael Joshua McCarthy, Lowry City, which was adopted.

Senator Shields requested unanimous consent of the Senate to allow members of the law enforcement community to enter the Chamber with side arms, which request was granted.

Senator Shields announced that photographers from KOMU-TV and KMIZ-TV were given permission to take pictures in the Senate Chamber today.

CONCURRENT RESOLUTIONS

Senator Gibbons moved that **SCR 18** be taken up for adoption, which motion prevailed.

On motion of Senator Gibbons, **SCR 18** was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields

Shoemyer Smith Stouffer Vogel
Wilson—33

NAYS—Senators—None

Absent—Senator Barnitz—1

Absent with leave—Senators—None

Vacancies—None

THIRD READING OF SENATE BILLS

SB 164, introduced by Senator Scott, entitled:

An Act to repeal sections 27.040, 44.237, 91.250, 103.008, 103.178, 104.220, 104.510, 105.711, 105.1075, 108.290, 135.508, 135.520, 135.815, 143.999, 148.330, 148.380, 148.410, 191.671, 191.828, 191.831, 191.853, 192.068, 208.178, 208.437, 209.285, 209.319, 214.270, 219.091, 227.100, 256.453, 256.459, 256.465, 285.230, 287.035, 287.037, 287.123, 287.129, 287.135, 287.241, 287.280, 287.282, 287.335, 287.690, 287.710, 287.715, 287.717, 287.730, 287.892, 287.894, 287.896, 287.902, 287.920, 287.930, 287.945, 287.975, 303.025, 303.026, 303.406, 303.412, 319.131, 320.082, 324.050, 324.065, 324.128, 324.159, 324.177, 324.200, 324.203, 324.240, 324.243, 324.400, 324.406, 324.475, 324.478, 324.526, 325.010, 326.265, 326.268, 327.011, 327.051, 329.015, 329.025, 329.028, 329.210, 329.240, 330.110, 330.190, 331.100, 332.041, 332.327, 333.221, 334.123, 334.240, 334.400, 334.430, 334.625, 334.702, 334.720, 334.735, 334.749, 334.800, 334.840, 335.026, 335.036, 336.140, 336.160, 337.010, 337.050, 337.085, 337.090, 337.500, 337.535, 337.600, 337.622, 337.650, 337.700, 337.712, 337.739, 338.130, 339.120, 339.507, 340.208, 340.212, 345.035, 345.080, 346.010, 346.120, 352.505, 352.520, 353.120, 354.010, 354.050, 354.055, 354.060, 354.065, 354.085, 354.152, 354.165, 354.205, 354.240, 354.275, 354.285, 354.305, 354.325, 354.340, 354.345, 354.355, 354.400, 354.405, 354.430, 354.442, 354.443,

354.444, 354.551, 354.558, 354.560, 354.562, 354.563, 354.565, 354.600, 354.603, 354.627, 354.700, 354.703, 361.010, 361.092, 361.140, 361.160, 362.109, 362.332, 362.910, 365.080, 367.500, 370.005, 370.366, 374.010, 374.020, 374.040, 374.045, 374.070, 374.075, 374.085, 374.110, 374.115, 374.120, 374.130, 374.150, 374.160, 374.180, 374.184, 374.194, 374.202, 374.216, 374.217, 374.220, 374.245, 374.250, 374.261, 374.263, 374.267, 374.270, 374.284, 374.310, 374.400, 374.410, 374.415, 374.420, 374.426, 374.450, 374.455, 374.456, 374.500, 374.503, 374.505, 374.507, 374.700, 374.740, 374.764, 374.790, 374.800, 375.001, 375.006, 375.018, 375.031, 375.033, 375.037, 375.039, 375.041, 375.146, 375.147, 375.164, 375.176, 375.198, 375.206, 375.221, 375.231, 375.246, 375.256, 375.251, 375.261, 375.271, 375.330, 375.345, 375.350, 375.355, 375.400, 375.422, 375.430, 375.440, 375.460, 375.500, 375.510, 375.537, 375.740, 375.772, 375.788, 375.789, 375.790, 375.791, 375.811, 375.892, 375.906, 375.908, 375.911, 375.916, 375.918, 375.920, 375.922, 375.923, 375.932, 375.950, 375.954, 375.958, 375.991, 375.992, 375.993, 375.1002, 375.1025, 375.1032, 375.1035, 375.1050, 375.1080, 375.1112, 375.1152, 375.1158, 375.1160, 375.1172, 375.1176, 375.1184, 375.1186, 375.1250, 375.1269, 375.1287, 375.1300, 375.1506, 375.1524, 375.1730, 376.020, 376.050, 376.070, 376.090, 376.130, 376.142, 376.143, 376.144, 376.170, 376.210, 376.220, 376.230, 376.240, 376.290, 376.300, 376.305, 376.307, 376.311, 376.320, 376.330, 376.350, 376.360, 376.370, 376.384, 376.390, 376.397, 376.405, 376.410, 376.423, 376.426, 376.442, 376.480, 376.510, 376.600, 376.670, 376.672, 376.675, 376.679, 376.693, 376.697, 376.704, 376.718, 376.756, 376.773, 376.775, 376.777, 376.779, 376.811, 376.826, 376.836, 376.854, 376.960, 376.964, 376.1002, 376.1005, 376.1012, 376.1020, 376.1075, 376.1092, 376.1100, 376.1199, 376.1219, 376.1220, 376.1253, 376.1275, 376.1305, 376.1315, 376.1322,

376.1350, 376.1361, 376.1550, 377.020, 377.030, 377.170, 377.220, 377.230, 377.260, 377.400, 377.420, 377.430, 378.604, 379.080, 379.083, 379.160, 379.343, 379.440, 379.445, 379.450, 379.475, 379.670, 379.680, 379.690, 379.720, 379.730, 379.750, 379.770, 379.800, 379.815, 379.882, 379.888, 379.930, 380.011, 380.021, 380.051, 380.061, 380.071, 380.081, 380.091, 380.201, 380.221, 380.521, 380.611, 382.010, 383.015, 383.020, 383.025, 383.030, 383.060, 383.075, 383.100, 383.110, 384.015, 385.020, 400.008.117, 407.020, 407.1085, 407.1200, 408.233, 408.280, 427.140, 427.145, 436.005, 443.803, 447.572, 525.050, 537.740, 537.756, 620.010, 620.105, 620.106, 620.111, 620.120, 620.125, 620.127, 620.130, 620.132, 620.135, 620.140, 620.145, 620.146, 620.148, 620.149, 620.150, 620.151, 620.153, 620.154, 621.045, 660.551, 660.553, and 660.555, RSMo, and to enact in lieu thereof four hundred sixty-two new sections relating to reorganization of the department of insurance, financial and professional regulation, with penalty provisions.

Was taken up.

Senator Shields assumed the Chair.

On motion of Senator Scott, **SB 164** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senator Graham—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Crowell assumed the Chair.

SCS for **SB 64**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 64

An Act to repeal section 171.031, RSMo, and to enact in lieu thereof one new section relating to the opening date for all public schools.

Was taken up by Senator Goodman.

On motion of Senator Goodman, **SCS** for **SB 64** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Coleman	Engler	Gibbons
Goodman	Graham	Green	Griesheimer
Gross	Justus	Kennedy	Koster
Lager	Loudon	Mayer	McKenna
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—31	

NAYS—Senators

Bray Crowell Days—3

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the

bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for **SB 456**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 456

An Act to repeal section 163.011, RSMo, and to enact in lieu thereof two new sections relating to fine revenue for school district funding.

Was taken up by Senator Gross.

On motion of Senator Gross, **SCS** for **SB 456** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 268, introduced by Senator Coleman, entitled:

An Act to repeal sections 86.254, 86.330, 86.333, and 86.337, RSMo, and to enact in lieu thereof four new sections relating to police retirement.

Was taken up.

Under the provisions of Senate Rule 91, Senator Wilson was excused from voting.

On motion of Senator Coleman, **SB 268** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Excused from voting—Senator Wilson—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Coleman, title to the bill was agreed to.

Senator Coleman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for **SB 16**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 16

An Act to repeal section 192.935, RSMo, and

to enact in lieu thereof three new sections relating to vision examinations for school children.

Was taken up by Senator Scott.

President Kinder assumed the Chair.

On motion of Senator Scott, **SCS for SB 16** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for SB 54, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 54**

An Act to amend chapter 393, RSMo, by adding thereto five new sections relating to the green power initiative, with an effective date.

Was taken up by Senator Koster.

President Pro Tem Gibbons assumed the

Chair.

Senator Koster moved that **SCS for SB 54** be read the 3rd time and finally passed.

At the request of Senator Koster, **SCS for SB 54** was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS for SCS for SB 22**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

On motion of Senator Shields, the Senate recessed until 7:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Rupp.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for HB 678—Education.

HB 70—Education.

HB 69—Economic Development, Tourism and Local Government.

HCS for HB 620—Education.

HCS for HBs 40, 116 and 367—Health and Mental Health.

HCS for HBs 636, 308 and 173—Ways and Means.

HB 488—Ways and Means.

HB 46—Agriculture, Conservation, Parks and Natural Resources.

HCS for HB 346—Agriculture, Conservation,

Parks and Natural Resources.

HB 220—Judiciary and Civil and Criminal Jurisprudence.

HB 166—Financial and Governmental Organizations and Elections.

HB 255—Financial and Governmental Organizations and Elections.

HCS for HB 221—Small Business, Insurance and Industrial Relations.

HB 205—Economic Development, Tourism and Local Government.

HCS for HB 272—Agriculture, Conservation, Parks and Natural Resources.

HB 319—Pensions, Veterans' Affairs and General Laws.

HB 344—Agriculture, Conservation, Parks and Natural Resources.

HB 351—Agriculture, Conservation, Parks and Natural Resources.

HB 576—Agriculture, Conservation, Parks and Natural Resources.

HB 264—Education.

HCS for HB 459—Economic Development, Tourism and Local Government.

HCS for HB 135—Pensions, Veterans' Affairs and General Laws.

HCS for HB 405—Financial and Governmental Organizations and Elections.

HCS for HB 608—Ways and Means.

HB 732—Transportation.

President Kinder assumed the Chair.

REFERRALS

President Pro Tem Gibbons referred **SCR 24** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Gibbons referred **SS** for

SCS for SB 22 to the Committee on Governmental Accountability and Fiscal Oversight.

SENATE BILLS FOR PERFECTION

Senator Nodler moved that **SB 389**, with **SCS** and **SS No. 2** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Nodler, **SS No. 2** for **SCS for SB 389** was withdrawn.

Senator Nodler offered **SS No. 3** for **SCS for SB 389**, entitled:

SENATE SUBSTITUTE NO. 3 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 389

An Act to repeal sections 160.254, 173.005, 173.200, 173.203, 173.205, 173.210, 173.215, 173.220, 173.225, 173.230, 173.355, 173.360, 173.385, 173.425, 173.616, 173.810, 173.813, 173.816, 173.820, 173.825, 173.827, 173.830, and 313.835, RSMo, and to enact in lieu thereof twenty-five new sections relating to higher education, with penalty provisions and an emergency clause.

Senator Nodler moved that **SS No. 3** for **SCS for SB 389** be adopted.

Senator Graham offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 3 for Senate Committee Substitute for Senate Bill No. 389, Page 26, Section 173.1003, Line 11 of said page, by striking the word "consumer" and inserting in lieu thereof the following: "**higher education**"; and further amend line 15 of said page, by striking the word "consumer" and inserting in lieu thereof the following: "**higher education**"; and

Further amend said bill and section, Page 27, Line 4 of said page, by striking the word "consumer" and inserting in lieu thereof the following: "**higher education**"; and further amend lines 25 to 28 of said page, by striking all of said

lines; and

Further amend said bill and section, Page 28, Lines 1 and 2 of said page, by striking all of said lines and inserting in lieu thereof the following: **“institutions. The term “higher education price index” shall mean the higher education price index, as published annually by the Research Associates of Washington, D.C., or any successor organization. The term “state”.**

Senator Graham moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Kennedy, McKenna and Shoemyer.

Senator Rupp assumed the Chair.

Senator Crowell assumed the Chair.

Senator Graham requested a roll call vote be taken on the perfection of **SS No. 3** for **SCS** for **SB 389**. He was joined in his request by Senators Bray, Kennedy, McKenna and Shoemyer.

Senator Shoemyer offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO.1

Amend Senate Substitute No. 3 for Senate Committee Substitute for Senate Bill No. 389, Pages 1-4, Section 160.254, by striking all of said section from the bill; and

Further amend said bill, pages 4-13, section 173.005, by striking all of said section from the bill; and

Further amend said bill, page 13, section 173.093, by striking all of said section from the bill; and

Further amend said bill, pages 13-14, section 173.125, by striking all of said section from the bill; and

Further amend said bill, pages 14-15, section 173.355, by striking all of said section from the bill; and

Further amend said bill, pages 15-17, section

173.360, by striking all of said section from the bill; and

Further amend said bill, pages 17-20, section 173.385, by striking all of said section from the bill; and

Further amend said bill, pages 20-21, section 173.386, by striking all of said section from the bill; and

Further amend said bill, pages 21-22, section 173.392, by striking all of said section from the bill; and

Further amend said bill, page 22, section 173.393, by striking all of said section from the bill; and

Further amend said bill, pages 22-23, section 173.425, by striking all of said section from the bill; and

Further amend said bill, pages 23-25, section 173.616, by striking all of said section from the bill; and

Further amend said bill, pages 25-26, section 173.1000, by striking all of said section from the bill; and

Further amend said bill, pages 26-28, section 173.1003, by striking all of said section from the bill; and

Further amend said bill, page 28, section 173.1004, by striking all of said section from the bill; and

Further amend said bill, pages 28-29, section 173.1006, by striking all of said section from the bill; and

Further amend said bill, page 29, section 173.1101, by striking all of said section from the bill; and

Further amend said bill, pages 29-32, section 173.1102, by striking all of said section from the bill; and

Further amend said bill, pages 32-34, section

173.1103, by striking all of said section from the bill; and

Further amend said bill, pages 34-35, section 173.1104, by striking all of said section from the bill; and

Further amend said bill, pages 35-36, section 173.1105, by striking all of said section from the bill; and

Further amend said bill, pages 36-37, section 173.1106, by striking all of said section from the bill; and

Further amend said bill, page 37, section 173.1107, by striking all of said section from the bill; and

Further amend said bill, pages 37-38, section 173.1108, by striking all of said section from the bill; and

Further amend said bill, pages 38-48, section 313.835, by striking all of said section from the bill; and

Further amend said bill, pages 48-49, section 173.200, by striking all of said section from the bill; and

Further amend said bill, page 49, section 173.203, by striking all of said section from the bill; and

Further amend said bill, pages 49-51, section 173.205, by striking all of said section from the bill; and

Further amend said bill, page 51, section 173.210, by striking all of said section from the bill; and

Further amend said bill, pages 51-52, section 173.215, by striking all of said section from the bill; and

Further amend said bill, page 52, section 173.220, by striking all of said section from the bill; and

Further amend said bill, page 53, section

173.225, by striking all of said section from the bill; and

Further amend said bill, page 53, section 173.230, by striking all of said section from the bill; and

Further amend said bill, page 53, section 173.810, by striking all of said section from the bill; and

Further amend said bill, pages 53-54, section 173.813, by striking all of said section from the bill; and

Further amend said bill, page 54, section 173.816, by striking all of said section from the bill; and

Further amend said bill, pages 54-56, section 173.820, by striking all of said section from the bill; and

Further amend said bill, pages 56-57, section 173.825, by striking all of said section from the bill; and

Further amend said bill, page 57, section 173.827, by striking all of said section from the bill; and

Further amend said bill, pages 57-58, section 173.830, by striking all of said section from the bill; and

Further amend said bill, page 58, section B, by striking all of said section from the bill and inserting in lieu thereof the following:

“8.420. 1. Bonds issued under and pursuant to the provisions of sections 8.370 to 8.450 shall be of such denomination or denominations, shall bear such rate or rates of interest not to exceed fifteen percent per annum, and shall mature at such time or times within forty years from the date thereof, as the board determines. The bonds may be either serial bonds or term bonds.

2. Serial bonds may be issued with or without the reservation of the right to call them for payment and redemption in advance of their

maturity, upon the giving of such notice, and with or without a covenant requiring the payment of a premium in the event of such payment and redemption prior to maturity, as the board determines.

3. Term bonds shall contain a reservation of the right to call them for payment and redemption prior to maturity at such time or times and upon the giving of such notice, and upon the payment of such premium, if any, as the board determines.

4. The bonds, when issued, shall be sold at public sale for the best price obtainable after giving such reasonable notice of such sale as may be determined by the board, but in no event shall such bonds be sold for less than ninety-eight percent of the par value thereof, and accrued interest. Any such bonds may be sold to the United States of America or to any agency or instrumentality thereof, at a price not less than par and accrued interest, without public sale and without the giving of notice as herein provided.

5. The bonds, when issued and sold, shall be negotiable instruments within the meaning of the law merchant and the negotiable instruments law, and the interest thereon shall be exempt from income taxes under the laws of the state of Missouri.

6. The board shall not issue revenue bonds pursuant to the provisions of sections 8.370 to 8.450 for one or more projects, as defined in section 8.370, in excess of a total par value of [seven hundred seventy-five] **one billion one hundred twenty-six** million dollars.

7. Any bonds which may be issued pursuant to the provisions of sections 8.370 to 8.450 shall be issued only for projects which have been approved by a majority of the house members and a majority of the senate members of the committee on legislative research of the general assembly, and the approval by the committee on legislative research required by the provisions of section 8.380 shall be given only in accordance with this

provision. For the purposes of approval of a project, the total amount of bonds issued for purposes of energy retrofitting in state-owned facilities shall be treated as a single project.

173.360. In order to assure that all eligible postsecondary education students have access to **low cost** student loans that are guaranteed or insured, or both, **and to have access to grants and scholarships to the extent practicable** there is hereby created a body politic and corporate to be known as the "Higher Education Loan Authority of the State of Missouri". **Ensuring that all eligible postsecondary education students have access to low cost student loans that are guaranteed or insured, or both, and to have access to grants, scholarships, and loan forgiveness programs to the extent practicable shall be the priority of the authority.** The authority is hereby constituted a public instrumentality and body corporate, and the exercise by the authority of the powers conferred by sections 173.350 to 173.450 shall be deemed to be the performance of an essential public function. The authority shall consist of seven members, five of whom shall be appointed by the governor by and with the advice and consent of the senate, each of whom shall be a resident of the state; and a member of the coordinating board; and the commissioner of higher education. In making appointments to the authority, the governor shall take into consideration nominees recommended to him for appointment by the chairman of the coordinating board. Two of the appointed members shall be representatives of higher education institutions, one public and one private, in Missouri, two of the appointed members shall be representatives of lending institutions in Missouri, and one of the appointed members shall be representative of the public. The members of the authority first appointed by the governor shall be appointed to serve for terms of one, two, three, four and five years, respectively, from the date of appointment, or until their successors shall have been appointed and shall have qualified. The initial term of each member is to be designated by the

governor at the time of making the appointment. Upon the expiration of the initial terms of office, successor members shall be appointed for terms of five years and shall serve until their successors shall have been appointed and shall have qualified. Any member shall be eligible for reappointment. The governor shall fill any vacancy in the authority for the members he appoints for the remainder of the unexpired term. Any member of the authority may be removed by the governor for misfeasance, malfeasance, willful neglect of duty, or other cause after notice and a public hearing unless the notice or hearing shall be expressly waived in writing.

173.377. The board and its members owe a fiduciary duty to postsecondary students to ensure that all eligible postsecondary education students have access to low cost student loans that are guaranteed or insured, or both, and to have access to grants, scholarships, and loan forgiveness programs to the extent practicable. In determining whether the board and its members have exercised the judgment required of them as board members and have exercised due diligence in their duties as board members, this fiduciary duty shall be the sole criterion.

173.385. The authority shall have the following powers, together with all powers incidental thereto or necessary for the performance thereof:

- (1) To have perpetual succession as a body politic and corporate;
- (2) To adopt bylaws for the regulation of its affairs and the conduct of its business;
- (3) To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;
- (4) To have and to use a corporate seal and to alter the same at pleasure;
- (5) To maintain an office at such place or places in the state of Missouri as it may designate;
- (6) To issue bonds or other forms of

indebtedness to obtain funds to purchase student loan notes or finance student loans, or both, including those which are guaranteed under the provisions of sections 173.095 to 173.187, or under the provisions of the federal Higher Education Act of 1965, as amended, or secondary education loans, or scholarships which have been converted to loans under the Missouri teacher education scholarship program provided for in sections 160.276 to 160.283, RSMo. Such bonds or other forms of indebtedness shall be payable from and secured by a pledge of revenues derived from or by reason of the ownership of student loan notes or financing of student loans, or both, and investment income or shall be payable from and secured as may be designated in a bond resolution authorized by the authority. Such bonds or other forms of indebtedness shall not constitute a debt or liability of the state of Missouri or of any political subdivision thereof;

(7) To cause proceeds of any bond or any other form of indebtedness to be used to purchase student loan notes or finance student loans, or both, including those which are guaranteed under section 173.110, or guaranteed under the federal Higher Education Act of 1965, as amended, or secondary education loans, or scholarships which have been converted to loans under the Missouri teacher education scholarship program provided for in sections 160.276 to 160.283, RSMo;

(8) To sell or enter into agreements to sell student loan notes acquired pursuant to subdivision (7) of this section, and any agreement to sell student loan notes guaranteed under section 173.110 shall be subject to prior approval of the department. [Such agreements to sell student loan notes shall be limited only by the terms of the bond resolution authorizing the issue of the bonds or other forms of indebtedness, but shall not be limited by any other provision of law limiting the sale of such student loan notes] **Any sale under this subdivision shall be solely limited to furthering the fiduciary duty placed upon the board by section 173.377 and by the terms of**

the bond resolution authorizing the issue of bonds or other forms of indebtedness;

(9) To accept appropriations, gifts, grants, bequests, and devises and to utilize or dispose of the same to carry out its purpose;

(10) To make and execute contracts, releases, compromises, and other instruments necessary or convenient for the exercise of its powers, or to carry out its purpose;

(11) To collect reasonable fees and charges in connection with making and servicing its loans, notes, bonds, obligations, commitments, and other evidences of indebtedness, and in connection with providing technical, consultative and project assistant services. Such fees and charges shall be used to pay the costs of the authority;

(12) To invest any funds not required for immediate disbursement in obligations of the state of Missouri or of the United States government or any instrumentality thereof, the principal and interest of which are guaranteed by the state of Missouri, or the United States government or any instrumentality thereof, or certificates of deposit or time deposits of federally insured banks, or federally insured savings and loan associations or of insured credit unions, or, with respect to moneys pledged or held under a trust estate or otherwise available for the owners of bonds or other forms of indebtedness, any investment authorized under the bond resolution governing the security and payment of such obligations or repurchase agreements for the specified investments;

(13) To acquire, hold and dispose of personal property for its purposes;

(14) To enter into agreements or other transactions with any federal or state agency, any person and any domestic or foreign partnership, corporation, association or organization;

(15) To take any necessary actions to be qualified to issue tax-exempt bonds or other forms of tax-exempt indebtedness pursuant to the applicable provisions of the Internal Revenue Code

of 1986, as amended;

(16) To take any necessary actions to be qualified to issue bonds or other forms of indebtedness, the interest on which is not exempt from federal income taxation;

(17) To service student loans for any owner thereof, regardless of whether such student loans are originated in this state or out of this state.

173.406. 1. The authority shall, no later than August 28, 2007, transfer an amount equal to two hundred ten million dollars to the MOHELA Scholarship Fund, created under this section.

2. The authority shall, no later than the first Wednesday after the first Monday in January of each year, annually transfer an amount to the fund that is not less than twenty million dollars but does not exceed one and one half percent of the assets of the authority. The amount to be transferred shall be annually determined by the board after careful examination of all pertinent financial data relating to the future viability of the authority. Notwithstanding any other provision of this section to the contrary, the board shall not transfer any amount to the fund that the board determines may jeopardize the future viability of the authority. For purposes of this section, "assets of the authority" shall mean any asset or investment of any kind owned by the authority, including, but not limited to, any student loan, any income or revenues derived from any asset or investment owned by the authority, any funds, income, fees, revenues, proceeds of all bonds, or other forms of indebtedness.

3. There is hereby created in the state treasury the "MOHELA Scholarship Fund". The state treasurer shall be custodian of the fund and shall disburse moneys from the fund in accordance with this section. Upon appropriation, moneys in the fund shall be used solely for the purpose of funding higher

education scholarships and grants, as determined by the general assembly each fiscal year. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. Moneys from the general revenue fund shall annually be used to pay debt service on bonds issued by the state under the provisions of section 360.200, RSMo, for capital projects at institutions of higher education in an amount not to exceed the amount of general revenue appropriated to fund higher education scholarships in fiscal year 2007.

173.425. The proceeds of all bonds or other forms of indebtedness issued by the authority and of all fees permitted to be charged by the authority and of other revenues derived shall not be considered to be part of the revenue of the state within the meaning of article III, section 36, of the Constitution of Missouri, shall not be required to be deposited into the state treasury, and shall not be subject to appropriation by the general assembly. **All proceeds, fees, and revenues shall be used only for administering student loans, lowering student loan rates, forgiving student loans, funding scholarships and grants, and for the proper administration of the authority.** The proceeds, fees, and revenue shall remain under the exclusive control and management of the authority to be used as required pursuant to sections 173.350 to 173.450. Student loan notes purchased or financed shall not be considered to be public property.

360.200. 1. The general assembly approves, pursuant to section 21.527, RSMo, the following projects for research, academic and related facilities to be funded in part by revenue bonds

to be paid out of future appropriations to be made by the general assembly. The projects, the amount for each project to be paid from the revenue bonds and the total project cost, including furnishings and equipment, are to be as follows:

(1) The Morrow/Garrison project at Central Missouri State University in an amount equal to thirteen million two hundred twenty-nine thousand dollars;

(2) The CORTEX Accelerator Facility at Harris-Stowe State University in an amount equal to five million five hundred thousand dollars;

(3) The Early Childhood and Parent Education Center at Harris-Stowe State University in an amount equal to ten million two hundred twenty-six thousand dollars;

(4) The Jason Hall project at Lincoln University in an amount equal to two million nine hundred seventy-four thousand dollars;

(5) The Health Sciences Building at Missouri Southern State University in an amount equal to eighteen million nine hundred seventy-six thousand dollars;

(6) The Facilities Reutilization Plan at Missouri State University in an amount equal to twenty-nine million seven hundred four thousand dollars;

(7) The Business Incubator at Missouri State University in an amount equal to five million dollars;

(8) The Agenstein Science and Math, Phase I project at Missouri Western State University in an amount equal to thirty million one hundred fifteen thousand dollars;

(9) The Center for Plant Biologics at Northwest Missouri State University in an amount equal to eleven million four hundred thousand dollars;

(10) The Business Incubator at Southeast Missouri State University in an amount equal to four million five hundred thousand dollars;

(11) The River Campus at Southeast Missouri State University in an amount equal to seventeen million two hundred thousand dollars;

(12) The Pershing Building at Truman State University in an amount equal to twenty-one million five hundred fifty-eight thousand dollars;

(13) The Health Sciences Research and Education Center at the University of Missouri-Columbia in an amount equal to eighty-five million twenty-nine thousand dollars;

(14) The Business Incubator at the University of Missouri-Columbia in an amount equal to two million dollars;

(15) The Plant Science Research Center at the University of Missouri-Columbia in an amount equal to three million dollars;

(16) The Greenley Learning and Discovery Park at the University of Missouri-Columbia in an amount equal to two million dollars;

(17) The Delta Research Center and Plant Science Greenhouse at the University of Missouri-Columbia in an amount equal to two million dollars;

(18) The Business Incubator at the University of Missouri-Kansas City in an amount equal to twelve million dollars;

(19) The Health Sciences Center at the University of Missouri-Kansas City in an amount equal to three million dollars;

(20) The School of Dentistry at the University of Missouri-Kansas City in an amount equal to three million four hundred thousand dollars;

(21) The Toomey Hall project at the University of Missouri-Rolla in an amount

equal to eleven million dollars;

(22) The Center for Emerging Technologies II at the University of Missouri-St. Louis in an amount equal to five million five hundred thousand dollars;

(23) The Benton/Stadler Halls project at the University of Missouri-St. Louis in an amount equal to eighteen million dollars;

(24) The satellite building at the Moberly Area Community College in an amount equal to four million dollars;

(25) The Hannibal Area Higher Education Center in an amount equal to four million dollars;

(26) To the twelve public community colleges of this state in amount equal to twelve million dollars to be divided equally among the twelve public community colleges of this state and an amount equal to six million dollars for maintenance and repair at the twelve public community colleges in the following amounts:

(a) Crowder College in an amount equal to two hundred one thousand five hundred eighteen dollars;

(b) East Central College in an amount equal to two hundred thirty-three thousand nine hundred seven dollars;

(c) Jefferson College in an amount equal to three hundred forty-three thousand two hundred five dollars;

(d) Metropolitan Community College in an amount equal to one million four hundred twenty-five thousand eight hundred forty dollars;

(e) Mineral Area College in an amount equal to two hundred twenty-four thousand eight hundred sixty one dollars;

(f) Moberly Area Community College in an amount equal to two hundred twenty-one thousand two hundred forty-three dollars;

(g) North Central Missouri College in an amount equal to one hundred eleven thousand three dollars;

(h) Ozarks Technical Community College in an amount equal to four hundred thirty thousand six hundred fifty-eight dollars;

(i) St. Charles Community College in an amount equal to three hundred twenty-four thousand seven hundred twenty-six dollars;

(j) St. Louis Community College in an amount equal to two million fifty thousand two hundred thirty-three dollars;

(k) State Fair Community College in an amount equal to two hundred thirty-eight thousand four hundred fourteen dollars;

(l) Three Rivers Community College in an amount equal to one hundred ninety-four thousand three hundred ninety-two dollars.

2. In addition to the powers granted the authority pursuant to the provisions of sections 360.010 to 360.140, the health and educational facilities authority of the state of Missouri may issue bonds not to exceed three hundred fifty-six million dollars in principal amount to fund a portion of the cost of such projects and related facilities. The bonds required pursuant to this section shall be subject to the provisions of sections 360.010 to 360.140 as if they were issued pursuant to the authority's bonding power pursuant to section 360.047.

3. It is the present intent of the general assembly to appropriate funds sufficient to pay debt service on such revenue bonds beginning in fiscal year 2011 of the state of Missouri. The general assembly is not bound to make any such appropriations and the general assembly could by further legislative action authorize such payments prior to such fiscal year.

Section B. Because of the need to provide affordable higher education funding for the students of this state, section A of this act is

deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Shoemyer moved that the above substitute amendment be adopted.

Senator Shields raised the point of order that SSA 1 for SA 1 is out of order as it is not a true substitute amendment. He further stated that the substance of SSA 1 for SA 1 could be offered as a stand alone amendment.

The point of order was referred to the President Pro Tem who ruled it well taken.

SA 1 was again taken up.

Senator Rupp assumed the Chair.

Senator Green offered SSA 2 for SA 1, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 2
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 3 for Senate Committee Substitute for Senate Bill No. 389, Page 26, Section 173.1003, Lines 9-16, by striking all of said lines and inserting in lieu thereof the following: “**2. The percentage change in the amount of tuition shall not exceed one percent.**”; and

Further amend said page and section, line 18 by striking the words “subsections 2 or 3” and inserting in lieu thereof the following: “**subsection 2**”; and further amend line 19 by striking “5” and inserting in lieu thereof “**4**”; and further amend line 21 by striking the words “subsections 2 or 3” and inserting in lieu thereof the following: “**subsection 2**”; and further amend lines 24-28 of said by striking all of said lines and inserting in lieu thereof the following: “**revenue fund.**”; and

Further amend said bill and section, page 27,

lines 1-13 by striking all of said lines from the bill; and further amend line 14 of said page by striking the number “5” and inserting in lieu thereof the number “4”; and further amend line 18 by striking the number “5” and inserting in lieu thereof the number “4”; and further amend line 19 by striking the number “5” and inserting in lieu thereof the number “4”; and further amend lines 21-28 of said page by striking all of said lines from the bill; and

Further amend said bill and section, page 28, lines 1-13 by striking all of said lines from the bill; and

Further renumber the remaining subsections accordingly.

Senator Green moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Callahan, Coleman, McKenna and Nodler.

SSA 2 for **SA 1** failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Coleman	Days
Green	Justus	Kennedy	McKenna
Shoemyer	Smith	Wilson—11	

NAYS—Senators

Bartle	Champion	Crowell	Engler
Gibbons	Goodman	Graham	Griesheimer
Gross	Koster	Lager	Loudon
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel—20

Absent—Senators

Barnitz	Clemens	Mayer—3
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Absent with leave—Senators—None

Vacancies—None

SA 1 was again taken up.

Senator Gross assumed the Chair.

Senator Koster assumed the Chair.

At the request of Senator Nodler, **SB 389**, with **SCS, SS No. 3** for **SCS**, and **SA 1** (pending), was placed on the Informal Calendar.

THIRD READING OF SENATE BILLS

SB 166, introduced by Senator Griesheimer, entitled:

An Act to repeal section 407.610, RSMo, and to enact in lieu thereof one new section relating to time-shares.

Was called from the Consent Calendar and taken up.

On motion of Senator Griesheimer, **SB 166** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators

Green	Purgason—2
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Nodler moved that **SB 389**, with **SCS**, **SS No. 3** for **SCS**, and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Nodler, **SB 389**, with **SCS**, **SS No. 3** for **SCS**, and **SA 1** (pending), was placed on the Informal Calendar.

THIRD READING OF SENATE BILLS

SB 323, introduced by Senator Graham, entitled:

An Act to repeal section 210.861, RSMo, and to enact in lieu thereof one new section relating to the community children's services fund.

Was called from the Consent Calendar and taken up.

On motion of Senator Graham, **SB 323** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Graham, title to the bill was agreed to.

Senator Graham moved that the vote by which the bill passed be reconsidered.

Senator Griesheimer moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Nodler moved that **SB 389**, with **SCS**, **SS No. 3** for **SCS**, and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

Senator Crowell assumed the Chair.

Senator Rupp assumed the Chair.

Senator Scott assumed the Chair.

Senator Coleman offered **SSA 3** for **SA 1**, which was read:

**SENATE SUBSTITUTE AMENDMENT NO. 3
FOR SENATE AMENDMENT NO. 1**

Amend Senate Substitute No. 3 for Senate Committee Substitute for Senate Bill No. 389, Page 27, Section 173.1003, Line 26, by inserting immediately after the word “(CPI-U),” the following: “**Midwest urban**,”.

Senator Coleman moved that the above substitute amendment be adopted.

Senator Shields announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

Senator Crowell assumed the Chair.

President Kinder assumed the Chair.

At the request of Senator Nodler, **SB 389**, with **SCS**, **SS No. 3** for **SCS**, **SA 1**, and **SSA 3** for **SA 1** (pending), was placed on the Informal Calendar.

RESOLUTIONS

Senator Purgason offered Senate Resolution No. 590, regarding the Fifty-fifth Wedding

Anniversary of Mr. and Mrs. James Addison, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 591, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Delbert Richards, Houston, which was adopted.

Senator McKenna offered Senate Resolution No. 592, regarding Michael Frame, Eureka, which was adopted.

Senator Gross offered Senate Resolution No. 593, regarding James C. Frahm, St. Charles, which was adopted.

Senator Scott offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 594

Whereas, the members of the Missouri Senate feel it is altogether fitting and proper to pause from time to time to recognize individuals and organizations that have contributed to the welfare of this great state and its citizens; and

Whereas, Private First Class Michael Joshua McCarthy was injured in combat on February 1, 2007, as a result of 120mm rockets being fired into his camp in Iraq, Camp Corregidor, in Ar Ramadi; and

Whereas, PFC Michael Joshua McCarthy was awarded the Purple Heart for the injuries he sustained during the attack; and

Whereas, PFC Michael Joshua McCarthy joined the United States Army in September of 2005 and received his basic training in Fort Benning, Georgia; and

Whereas, PFC Michael Joshua McCarthy was stationed in

Fort Carson, Colorado, prior to being deployed to Iraq in October of 2006 as part of the 2nd Infantry Division 1-9, Dog Company; and

Whereas, PFC Michael Joshua McCarthy is the beloved son of Michael and Marsha McCarthy and brother of Chelcie McCarthy, of Lowry City, Missouri:

Now, Therefore, Be It Resolved that we, the members of the Missouri Senate, Ninety-fourth General Assembly, extend our heartfelt gratitude to PFC Michael Joshua McCarthy for his service, his courage and his sacrifice in this terrible conflict; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for presentation to PFC Michael Joshua McCarthy.

INTRODUCTIONS OF GUESTS

Senator Scott introduced to the Senate, Morgan Hadsall, Osceola.

On behalf of Senator Griesheimer and himself, Senator Loudon introduced to the Senate, Bill Placke and his son, Caspar, Eureka; and Caspar was made an honorary page.

Senator Engler introduced to the Senate, Duane Giesselmann, Farmington.

Senator Scott introduced to the Senate, Amy Sharp, Carrel Ash, Angel Law, Chase Barfield, Roxy Hudson, Kelly Parson, Scott Crouch, Joyce Richardson, Chris McClay, Amy Cahow and George Colsect, members of Leadership Bolivar.

On motion of Senator Shields, the Senate adjourned until 2:00 p.m., Tuesday, March 13, 2007.

SENATE CALENDAR

THIRTY-NINTH DAY—TUESDAY, MARCH 13, 2007

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 22-Griesheimer
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

- | | |
|--|---|
| 1. SBs 239, 24 & 445-Stouffer, with SCS | 23. SB 570-Clemens |
| 2. SB 215-Loudon, with SCS | 24. SB 444-Goodman |
| 3. SB 297-Loudon, with SCS | 25. SB 364-Koster, with SCS |
| 4. SB 40-Ridgeway | 26. SB 591-Scott and Gibbons, with SCS |
| 5. SB 47-Engler, with SCS | 27. SB 400-Crowell, et al |
| 6. SB 418-Champion, with SCS | 28. SB 213-McKenna |
| 7. SBs 260 & 71-Koster, et al, with SCS | 29. SB 20-Griesheimer, with SCS |
| 8. SBs 370, 375 & 432-Scott and Koster, with SCS | 30. SB 85-Champion and Koster, with SCS |
| 9. SB 257-Engler, et al | 31. SB 429-Gibbons, with SCS |
| 10. SJRs 9 & 17-Crowell and Bartle, with SCS | 32. SB 5-Loudon, with SCS |
| 11. SB 242-Nodler, with SCS | 33. SB 368-Barnitz, et al, with SCS |
| 12. SB 160-Rupp, with SCS | 34. SB 417-Goodman |
| 13. SB 320-Clemens, with SCS | 35. SB 534-Nodler |
| 14. SB 492-Crowell | 36. SB 254-Nodler, et al, with SCS |
| 15. SB 476-Crowell | 37. SJR 8-Ridgeway |
| 16. SB 303-Loudon, et al | 38. SBs 45 & 39-Mayer, with SCS |
| 17. SB 363-Bartle | 39. SB 17-Shields, with SCS |
| 18. SB 82-Griesheimer, with SCS | 40. SB 385-Gibbons, with SCS |
| 19. SB 112-Rupp | 41. SB 66-Rupp, with SCS |
| 20. SB 131-Rupp | 42. SB 313-Scott, with SCS |
| 21. SB 31-Nodler | 43. SB 453-Scott, with SCS |
| 22. SB 250-Ridgeway and Vogel | 44. SB 391-Days, with SCS |
| | 45. SB 53-Koster and Engler, with SCS |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 54-Koster

SENATE BILLS FOR PERFECTION

- | | |
|--|--|
| SB 2-Gibbons, with SCS | SB 204-Stouffer, with SCS & SS for SCS |
| SB 3-Gibbons, with SCS | (pending) |
| SB 21-Griesheimer, with SCS | SB 274-Shields |
| SB 27-Bartle and Koster | SB 282-Griesheimer, with SCS & SS for |
| SB 75-Coleman, et al, with SCS | SCS (pending) |
| SB 101-Mayer | SB 287-Crowell and Vogel |
| SB 155-Engler, with SCS | SB 292-Mayer |
| SB 169-Rupp, with SCS, SS for SCS & SA 3 | SB 300-Bartle |
| (pending) | |

SB 389-Nodler, et al, with SCS, SS#3 for
SCS, SA 1 & SSA 3 for SA 1 (pending)

SB 430-Shields, et al, with SCS, SS for
SCS, SA 3 & SA 1 to SA 3 (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Reported 2/15

SB 8-Kennedy

Reported 2/22

SB 395-McKenna

Reported 3/1

SB 299-Purgason, with SCS
SB 334-Griesheimer
SB 345-Shoemyer
SB 360-Goodman, with SCS
SB 352-Clemens
SB 139-Bray
SB 200-Stouffer
SB 543-Stouffer

SB 549-Scott
SB 416-Goodman
SB 328-Engler
SB 407-Shoemyer
SB 309-Stouffer, with SCS
SB 332-Stouffer
SB 498-Scott
SB 440-Days and Gibbons

Reported 3/8

SB 482-Gibbons, et al, with SCS
SB 150-Mayer, with SCS
SB 138-Bray
SB 369-Scott, with SCS
SB 509-Scott
SB 510-Scott
SB 525-Scott, with SCS
SB 526-Scott, with SCS
SB 550-Scott
SB 593-Scott

SB 594-Scott, with SCS
SB 478-Gross
SB 86-Champion, with SCS
SB 559-Shields
SB 497-Scott, with SCS
SB 671-Justus
SB 365-Koster, with SCS
SB 502-Koster
SB 333-Stouffer, with SCS
SB 516-Goodman

SB 426-Justus
SB 488-Clemens
SB 133-Rupp
SB 140-Rupp

SB 137-Bray, with SCS
SB 185-Green
SB 304-Loudon
SB 419-Kennedy

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 14, with SCS (Gross)

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Journal of the Senate

FIRST REGULAR SESSION

THIRTY-NINTH DAY—TUESDAY, MARCH 13, 2007

The Senate met pursuant to adjournment.

Shields
Vogel

Shoemyer
Wilson—34

Smith

Stouffer

Senator Rupp in the Chair.

Reverend Carl Gauck offered the following prayer:

“And now, O Lord, what do I wait for? My hope is in you.”
(Psalm 39:7)

O God, our lives are short when compared to the infinite horizons in Your measure of time and our term here even shorter. So teach us to value the precious gift of time we have each been given and to make effective and efficient use of it. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

Senator Shields announced that photographers from KMIZ-TV and KOMU-TV were given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 595, regarding the One Hundredth Birthday of Fayette Fern Muncy, Macon, which was adopted.

Senator Stouffer offered Senate Resolution No. 596, regarding Steve Wilson Smith, Fayette, which was adopted.

Senator Crowell offered Senate Resolution No. 597, regarding Bob Cox of Buzzi Unicem, USA, which was adopted.

Senator Gibbons offered Senate Resolution No. 598, regarding Officer Gary Wagster, which was adopted.

Senator Gibbons offered Senate Resolution No. 599, regarding Officer Chris Nelson, which was adopted.

Senator Kennedy offered Senate Resolution No. 600, regarding Officer of the Year Eric V. Bartlett, which was adopted.

THIRD READING OF SENATE BILLS

SB 395, introduced by Senator McKenna, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to a memorial highway designation.

Was called from the Consent Calendar and taken up.

On motion of Senator McKenna, **SB 395** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 299, with **SCS**, introduced by Senator Purgason, entitled:

An Act to repeal section 311.178, RSMo, and to enact in lieu thereof one new section relating to special liquor permits for resorts.

Was called from the Consent Calendar and taken up.

SCS for **SB 299**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 299

An Act to repeal section 311.178, RSMo, and to enact in lieu thereof one new section relating to special liquor permits for resorts.

Was taken up.

Senator Purgason moved that **SCS** for **SB 299** be adopted, which motion prevailed.

Senator Shields assumed the Chair.

On motion of Senator Purgason, **SCS** for **SB 299** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Justus	Kennedy
Koster	Lager	Mayer	McKenna
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators

Green Gross Loudon—3

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Purgason, title to the bill was agreed to.

Senator Purgason moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

SB 334, introduced by Senator Griesheimer, entitled:

An Act to repeal section 407.400, RSMo, and to enact in lieu thereof two new sections relating to brand extensions for beer products.

Was called from the Consent Calendar and taken up.

Senator Ridgeway assumed the Chair.

President Kinder assumed the Chair.

On motion of Senator Griesheimer, **SB 334** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators

Green	Gross	Scott—3
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by

which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 345, introduced by Senator Shoemyer, entitled:

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to a county property tax for cemetery maintenance.

Was called from the Consent Calendar and taken up.

On motion of Senator Shoemyer, **SB 345** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators

Green	Gross	Scott—3
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Shoemyer, title to the bill was agreed to.

Senator Shoemyer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 360, with **SCS**, introduced by Senator Goodman, entitled:

An Act to repeal section 78.610, RSMo, and

to enact in lieu thereof one new section relating to city managers.

Was called from the Consent Calendar and taken up.

SCS for SB 360, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 360**

An Act to repeal section 78.610, RSMo, and to enact in lieu thereof one new section relating to city managers, with an emergency clause.

Was taken up.

Senator Goodman moved that **SCS for SB 360** be adopted, which motion prevailed.

On motion of Senator Goodman, **SCS for SB 360** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators

Green Kennedy Scott—3

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell

Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators

Green Scott—2

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 352, introduced by Senator Clemens, entitled:

An Act to repeal section 304.022, RSMo, and to enact in lieu thereof one new section relating to emergency vehicles, with penalty provisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Clemens, **SB 352** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators

Green Scott—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 14** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 14**.

CONFERENCE COMMITTEE REPORTS

Senator Gross on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 14** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 14

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 14, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 14.
2. That the House recede from its position on House Committee Substitute for House Bill No. 14.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 14, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Charles R. Gross

/s/ Gary Nodler

/s/ Robert N. Mayer

/s/ Joan Bray

/s/ Timothy P. Green

FOR THE HOUSE:

/s/ Allen Icet

/s/ Bryan P. Stevenson

/s/ Mike Cunningham

/s/ Margaret Donnelly

/s/ Ed Wildberger

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators

Green Scott—2

Absent with leave—Senators—None

Vacancies—None

Senator Ridgeway assumed the Chair.

On motion of Senator Gross, **CCS** for **SCS** for

HCS for HB 14, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR HOUSE BILL NO. 14

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for purchase of equipment, and for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2007.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators

Clemens	Green	Scott—3
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

THIRD READING OF SENATE BILLS

SB 139, introduced by Senator Bray, entitled:

An Act to repeal section 226.030, RSMo, and to enact in lieu thereof one new section relating to eliminating the annual state of the state transportation address.

Was called from the Consent Calendar and taken up.

On motion of Senator Bray, **SB 139** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators

Green	Scott—2
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Bray, title to the bill was agreed to.

Senator Bray moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 200, introduced by Senator Stouffer, entitled:

An Act to repeal sections 390.071 and 622.095, RSMo, and to enact in lieu thereof one new section relating to implementing the unified carrier registration plan and agreement to conform with the Unified Carrier Registration Act of 2005.

Was called from the Consent Calendar and taken up.

On motion of Senator Stouffer, **SB 200** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators

Green Scott—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 543, introduced by Senator Stouffer, entitled:

An Act to repeal section 301.130, RSMo, and to enact in lieu thereof one new section relating to the reissuance of license plates.

Was called from the Consent Calendar and taken up.

On motion of Senator Stouffer, **SB 543** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Shields
Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 416, introduced by Senator Goodman, entitled:

An Act to repeal section 516.090, RSMo, and to enact in lieu thereof one new section relating to the statute of limitations for actions involving certain lands.

Was called from the Consent Calendar and taken up.

On motion of Senator Goodman, **SB 416** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman

Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 328, introduced by Senator Engler, entitled:

An Act to repeal section 260.200, RSMo, and to enact in lieu thereof two new sections relating to bio reactor landfills.

Was called from the Consent Calendar and taken up.

Senator Engler moved that **SB 328** be 3rd read and finally passed.

At the request of Senator Engler, the motion for 3rd reading was withdrawn, which placed the bill back on the Calendar.

SB 407, introduced by Senator Shoemyer, entitled:

An Act to repeal section 247.050, RSMo, and to enact in lieu thereof one new section relating to public water supply districts.

Was called from the Consent Calendar and taken up.

On motion of Senator Shoemyer, **SB 407** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators
Coleman Scott—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Shoemyer, title to the bill was agreed to.

Senator Shoemyer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 309, with **SCS**, introduced by Senator Stouffer, entitled:

An Act to repeal sections 384.051 and 384.062, RSMo, and to enact in lieu thereof two new sections relating to the collection of surplus lines tax.

Was called from the Consent Calendar and taken up.

SCS for **SB 309**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 309

An Act to repeal sections 384.025, 384.031, 384.051, 384.057, and 384.062, RSMo, and to enact in lieu thereof four new sections relating to surplus lines insurance.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 309** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS** for **SB 309** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Shields
Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Engler requested unanimous consent of the Senate to have **SB 328** removed from the Consent Calendar and returned to the Committee on Commerce, Energy and the Environment in order to correctly reflect the adoption of a Senate Committee Substitute, which request was granted.

SB 332, introduced by Senator Stouffer, entitled:

An Act to repeal sections 595.010, 595.015, 595.020, 595.025, 595.027, 595.030, 595.035, 595.036, 595.037, 595.040, 595.045, and 595.060,

RSMo, and to enact in lieu thereof thirteen new sections relating to the crime victims' compensation fund, with penalty provisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Stouffer, **SB 332** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Shields
Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 440, introduced by Senators Days and Gibbons, entitled:

An Act to repeal sections 33.752, 33.753, and 536.305, RSMo, and to enact in lieu thereof three new sections relating to the minority and women business advocacy commission.

Was called from the Consent Calendar and taken up by Senator Days.

On motion of Senator Days, **SB 440** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Shields
Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Days, title to the bill was agreed to.

Senator Days moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Koster moved that **SCS** for **SB 54** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Koster, **SCS** for **SB 54** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Shields	Shoemyer	Smith

Stouffer

Vogel

Wilson—31

NAYS—Senators

Bray Kennedy—2

Absent—Senator Scott—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Koster, title to the bill was agreed to.

Senator Koster moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

On motion of Senator Shields, the Senate recessed until 7:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Crowell.

RESOLUTIONS

Senator Engler offered Senate Resolution No. 601, regarding the Shawn Hornbeck Foundation, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Nodler moved that **SB 389**, with **SCS**, **SS No. 3** for **SCS**, **SA 1** and **SSA 3** for **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Nodler, **SS No. 3** for **SCS** for **SB 389** was withdrawn.

Senator Nodler offered **SS No. 4** for **SCS** for **SB 389**, entitled:

SENATE SUBSTITUTE NO. 4 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 389

An Act to repeal sections 160.254, 173.005, 173.200, 173.203, 173.205, 173.210, 173.215, 173.220, 173.225, 173.230, 173.355, 173.360, 173.385, 173.425, 173.616, 173.810, 173.813, 173.816, 173.820, 173.825, 173.827, 173.830, and 313.835, RSMo, and to enact in lieu thereof twenty-five new sections relating to higher education, with penalty provisions and an emergency clause.

Senator Nodler moved that **SS No. 4** for **SCS** for **SB 389** be adopted.

At the request of Senator Nodler, **SB 389**, with **SCS** and **SS No. 4** for **SCS** (pending) was placed on the Informal Calendar.

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Michele and Karysa Walker, Kelvyn Castorina and Oma Jean Powell, Joplin; and Kelvyn was made an honorary page.

Senator Kennedy introduced to the Senate, former State Senator Anita Yeckel, Sunset Hills.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FORTIETH DAY—WEDNESDAY, MARCH 14, 2007

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 22-Griesheimer
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

- | | |
|--|---------------------------------|
| 1. SBs 239, 24 & 445-Stouffer, with SCS | 11. SB 242-Nodler, with SCS |
| 2. SB 215-Loudon, with SCS | 12. SB 160-Rupp, with SCS |
| 3. SB 297-Loudon, with SCS | 13. SB 320-Clemens, with SCS |
| 4. SB 40-Ridgeway | 14. SB 492-Crowell |
| 5. SB 47-Engler, with SCS | 15. SB 476-Crowell |
| 6. SB 418-Champion, with SCS | 16. SB 303-Loudon, et al |
| 7. SBs 260 & 71-Koster, et al, with SCS | 17. SB 363-Bartle |
| 8. SBs 370, 375 & 432-Scott and Koster, with SCS | 18. SB 82-Griesheimer, with SCS |
| 9. SB 257-Engler, et al | 19. SB 112-Rupp |
| 10. SJRs 9 & 17-Crowell and Bartle, with SCS | 20. SB 131-Rupp |
| | 21. SB 31-Nodler |
| | 22. SB 250-Ridgeway and Vogel |

- | | |
|---|---------------------------------------|
| 23. SB 570-Clemens | 35. SB 534-Nodler |
| 24. SB 444-Goodman | 36. SB 254-Nodler, et al, with SCS |
| 25. SB 364-Koster, with SCS | 37. SJR 8-Ridgeway |
| 26. SB 591-Scott and Gibbons, with SCS | 38. SBs 45 & 39-Mayer, with SCS |
| 27. SB 400-Crowell, et al | 39. SB 17-Shields, with SCS |
| 28. SB 213-McKenna | 40. SB 385-Gibbons, with SCS |
| 29. SB 20-Griesheimer, with SCS | 41. SB 66-Rupp, with SCS |
| 30. SB 85-Champion and Koster, with SCS | 42. SB 313-Scott, with SCS |
| 31. SB 429-Gibbons, with SCS | 43. SB 453-Scott, with SCS |
| 32. SB 5-Loudon, with SCS | 44. SB 391-Days, with SCS |
| 33. SB 368-Barnitz, et al, with SCS | 45. SB 53-Koster and Engler, with SCS |
| 34. SB 417-Goodman | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|--|--|
| SB 2-Gibbons, with SCS | SB 274-Shields |
| SB 3-Gibbons, with SCS | SB 282-Griesheimer, with SCS & SS for SCS (pending) |
| SB 21-Griesheimer, with SCS | SB 287-Crowell and Vogel |
| SB 27-Bartle and Koster | SB 292-Mayer |
| SB 75-Coleman, et al, with SCS | SB 300-Bartle |
| SB 101-Mayer | SB 389-Nodler, et al, with SCS & SS#4 for SCS (pending) |
| SB 155-Engler, with SCS | SB 430-Shields, et al, with SCS, SS for SCS, SA 3 & SA 1 to SA 3 (pending) |
| SB 169-Rupp, with SCS, SS for SCS & SA 3 (pending) | |
| SB 204-Stouffer, with SCS & SS for SCS (pending) | |

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Reported 2/15

SB 8-Kennedy

Reported 3/1

SB 549-Scott

SB 498-Scott

Reported 3/8

SB 482-Gibbons, et al, with SCS

SB 150-Mayer, with SCS

SB 138-Bray

SB 369-Scott, with SCS

SB 509-Scott

SB 510-Scott

SB 525-Scott, with SCS

SB 526-Scott, with SCS

SB 550-Scott

SB 593-Scott

SB 594-Scott, with SCS

SB 478-Gross

SB 86-Champion, with SCS

SB 559-Shields

SB 497-Scott, with SCS

SB 671-Justus

SB 365-Koster, with SCS

SB 502-Koster

SB 333-Stouffer, with SCS

SB 516-Goodman

SB 426-Justus

SB 488-Clemens

SB 133-Rupp

SB 140-Rupp

SB 137-Bray, with SCS

SB 185-Green

SB 304-Loudon

SB 419-Kennedy

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Journal of the Senate

FIRST REGULAR SESSION

FORTIETH DAY—WEDNESDAY, MARCH 14, 2007

The Senate met pursuant to adjournment.

Senator Griesheimer in the Chair.

Reverend Carl Gauck offered the following prayer:

“I call upon you, for you will answer me, O God; incline your ear to me, hear my voice.” (Psalm 17:6)

Heavenly Father, it is good to know that You hear our prayers for which we give You thanks and praise. We thank You that we can call upon You at all times and know that You will answer us according to Your wisdom and guide us along the paths You would want us to walk and vote. Shelter us in Your love and let Your peace abide in us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from KMIZ-TV, KSDK-TV and KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell

Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

RESOLUTIONS

Senator Coleman offered Senate Resolution No. 602, regarding Gabriella Callahan, Glendale, which was adopted.

Senator Coleman offered Senate Resolution No. 603, regarding Brittany Oluwaseyi Daniel, Florissant, which was adopted.

Senator Coleman offered Senate Resolution No. 604, regarding Heather Davis, Washington, which was adopted.

Senator Coleman offered Senate Resolution No. 605, regarding Sarah Baucom, Florissant, which was adopted.

Senator Coleman offered Senate Resolution No. 606, regarding Ashley Brooks, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 607, regarding Amanda Elizabeth Cone, Ballwin, which was adopted.

Senator Coleman offered Senate Resolution No. 608, regarding Brittany Cozart, Wentzville, which was adopted.

Senator Coleman offered Senate Resolution No. 609, regarding Colleen Dillon, Pacific, which was adopted.

Senator Coleman offered Senate Resolution No. 610, regarding Mollie Frazier, Wentzville, which was adopted.

Senator Coleman offered Senate Resolution No. 611, regarding Emily Heitmeyer, Maryland Heights, which was adopted.

Senator Coleman offered Senate Resolution No. 612, regarding Stephanie C. Holland, Ste. Genevieve, which was adopted.

Senator Coleman offered Senate Resolution No. 613, regarding Sabrina E. Jones, Florissant, which was adopted.

Senator Coleman offered Senate Resolution No. 614, regarding Erin Kaye Callaway, Florissant, which was adopted.

Senator Coleman offered Senate Resolution No. 615, regarding Jessica Alvey, St. Charles, which was adopted.

Senator Coleman offered Senate Resolution No. 616, regarding Juliane Whithaus, Ballwin, which was adopted.

Senator Coleman offered Senate Resolution No. 617, regarding Kelly Striker, Wildwood, which was adopted.

Senator Coleman offered Senate Resolution No. 618, regarding Elizabeth Conte, Wildwood, which was adopted.

Senator Coleman offered Senate Resolution No. 619, regarding Lisa Schmitt, Fenton, which was adopted.

Senator Coleman offered Senate Resolution No. 620, regarding Candace Rebecca Koenig, St. Charles, which was adopted.

Senator Green offered Senate Resolution No. 621, regarding Larry V. Schisler, Jennings, which was adopted.

Senator Lager offered Senate Resolution No. 622, regarding Cody Morrison, Savannah, which was adopted.

Senator Lager offered Senate Resolution No. 623, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Don Coleman, Bethany, which was adopted.

Senator Wilson offered Senate Resolution No. 624, regarding Vivian Simmons Hardiman, which was adopted.

Senator Wilson offered Senate Resolution No. 625, regarding the One Hundred Sixth Birthday of Erna Mae Parker Harper, Mexico, which was adopted.

Senator Wilson offered Senate Resolution No. 626, regarding the Spelling Bee participants from J.S. Chick Elementary School, Kansas City, which was adopted.

Senator Goodman offered Senate Resolution No. 627, regarding the Taneyville R-II School District, which was adopted.

Senator Gibbons offered Senate Resolution No. 628, regarding Marjorie Powers, Saint Louis, which was adopted.

CONCURRENT RESOLUTIONS

Senator Scott offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 25

WHEREAS, voting is a fundamental part of a democracy; and

WHEREAS, facilitating the dissemination of information and education on the voting process to Missouri citizens promotes a healthy democracy; and

WHEREAS, the Department of Conservation's hunting and fishing licensing program serves as an established point of contact between many citizens and state government:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby encourage the Conservation Commission to develop a partnership with the Secretary of State's office to implement a streamlined process for electronically transmitting the contact information for individuals who apply for a hunting or fishing license who are not registered to vote. Upon receipt of the

information, the Secretary of State is encouraged to send voter registration information to such individuals; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the Conservation Commission and the Secretary of State.

Senator Shields requested unanimous consent of the Senate to allow members of the law enforcement community to enter the Chamber with side arms, which request was granted.

Senator Gross assumed the Chair.

SENATE BILLS FOR PERFECTION

At the request of Senator Stouffer, **SBs 239, 24 and 445**, with **SCS**, were placed on the Informal Calendar.

At the request of Senator Loudon, **SB 215**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Loudon, **SB 297**, with **SCS**, was placed on the Informal Calendar.

SB 40 was placed on the Informal Calendar.

Senator Engler moved that **SB 47**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 47**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 47

An Act to repeal sections 320.200, 320.271, 320.300, and 320.310, RSMo, and to enact in lieu thereof eight new sections relating to fire protection.

Was taken up.

Senator Engler moved that **SCS** for **SB 47** be adopted, which motion prevailed.

On motion of Senator Engler, **SCS** for **SB 47** was declared perfected and ordered printed.

Senator Champion moved that **SB 418**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 418**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 418

An Act to repeal section 208.030, RSMo, and to enact in lieu thereof one new section relating to the supplemental nursing care program.

Was taken up.

Senator Champion moved that **SCS** for **SB 418** be adopted.

Senator Champion offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 418, Page 1, Section 208.030, Line 1, by striking “division of family services” and inserting in lieu thereof the following: “**family support division**”; and further amend line 10, by striking “division of family services” and inserting in lieu thereof the following: “**family support division**”; and

Further amend said bill and section, page 2, lines 26-27, by striking “division of family services” and inserting in lieu thereof the following: “**family support division**”; and further amend lines 27-28, by striking “division of family services” and inserting in lieu thereof the following: “**family support division**”; and further amend line 37, by striking “division of family services” and inserting in lieu thereof the following: “**family support division**”; and further amend line 42, by striking “division of family services” and inserting in lieu thereof the following: “**family support division**”; and further amend line 45, by striking “division of family services” and inserting in lieu thereof the following: “**family support division**”; and

Further amend said bill and section, page 3, line 59, by striking “division of family services” and inserting in lieu thereof the following: “**family support division**”; and further amend line 84, by striking “division of family services” and inserting in lieu thereof the following: “**family support division**”.

Senator Champion moved that the above amendment be adopted, which motion prevailed.

Senator Champion moved that **SCS** for **SB 418**, as amended, be adopted, which motion prevailed.

On motion of Senator Champion, **SCS** for **SB 418**, as amended, was declared perfected and ordered printed.

Senator Loudon moved that **SB 215**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 215**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 215

An Act to amend chapter 379, RSMo, by adding thereto forty-nine new sections relating to the regulation of captive insurance companies.

Was taken up.

Senator Loudon moved that **SCS** for **SB 215** be adopted.

Senator Loudon offered **SS** for **SCS** for **SB 215**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 215

An Act to amend chapter 379, RSMo, by adding thereto forty-nine new sections relating to the regulation of captive insurance companies.

Senator Loudon moved that **SS** for **SCS** for **SB 215** be adopted.

Senator Shoemyer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 215, Page 1, Section A, Line 12, by inserting after all of said line the following:

"379.109. 1. An insurer may refer the vehicle owner to a list of shops if they are

specifically asked for a referral.

2. All claims paid by an insurer, a holding company of an insurer, or a wholly owned subsidiary of an insurer for any loss to motor vehicles or any claim for damages to motor vehicles shall be paid to the claimant by check, electronic transfer to the claimant, or other means that provides the claimant immediate access to the funds.

3. The labor rate for the repair of damages to motor vehicles that is paid by an insurer, a holding company of an insurer, or a wholly owned subsidiary of an insurer to the claimant shall be based on the usual and customary rate for such repairs. For the purposes of this subsection, "usual and customary rate" means the labor rate that the general public commonly pays for similar repairs on similar motor vehicles in the same geographic area of the state.

4. Any violation of the provisions of this section by an insurer shall be deemed an unfair or deceptive insurance practice under sections 375.930 to 375.948, RSMo.

5. No automobile physical damage appraiser shall request or require that appraisals or repairs should or should not be made in a specified facility or repair shop or shops. Such appraiser shall include on the heading of such appraisal the following notice, printed in not less than ten point boldface type:

"NOTICE

UNDER MISSOURI LAW, THE CONSUMER HAS THE RIGHT TO CHOOSE THE REPAIR FACILITY TO MAKE REPAIRS TO A MOTOR VEHICLE AND AN INSURANCE COMPANY SHALL NOT INTERFERE IN ANY MANNER WITH THE CONSUMER'S CHOICE OF REPAIR FACILITY."

6. No insurance company doing business in this state, or agent or adjuster for such company, shall request or require any insured

to use a specific person or business for the provision of automobile physical damage repairs, automobile glass replacement, glass repair service, or glass products unless otherwise agreed to in writing by the insured.

7. For the purposes of this section, “request or require” includes any act to influence a consumer's decision, including but not limited to:

(1) Reducing the amount of the deductible or premium, or offering additional warranties if the consumer chooses a preferred repair facility; or

(2) Suggesting that choosing a facility other than a preferred repair facility will result in delays in repairing the motor vehicle, a lack of guaranty for repair work or additional cost to the insured.

8. Any physical damage appraiser preparing an estimate of damage on a motor vehicle or altering any previously prepared estimate of damage on a motor vehicle shall have made a physical inspection of the damage to the vehicle. After such inspection is made, negotiations, if needed, may proceed in a reasonable manner.”; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Shoemyer moved that the above amendment be adopted.

Senator Engler raised the point of order that **SA 1** is out of order as it exceeds the title and subject matter of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Rupp assumed the Chair.

Senator Bray offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 215,

Page 16, Section 379.1314, Lines 10-11, by striking the phrase "and are not subject to subpoena".

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Green, Days, Justus and Smith.

SA 2 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman
Days	Graham	Green	Justus
McKenna	Shoemyer	Smith	Wilson—12

NAYS—Senators

Bartle	Champion	Clemens	Crowell
Engler	Gibbons	Goodman	Griesheimer
Gross	Kennedy	Lager	Loudon
Mayer	Nodler	Purgason	Ridgeway
Rupp	Shields	Stouffer	Vogel—20

Absent—Senators

Koster	Scott—2
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Absent with leave—Senators—None

Vacancies—None

Senator Loudon moved that **SS** for **SCS** for **SB 215** be adopted, which motion prevailed.

On motion of Senator Loudon, **SS** for **SCS** for **SB 215** was declared perfected and ordered printed.

On motion of Senator Shields, the Senate recessed until 4:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Rupp.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 339**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 284**, entitled:

An Act to amend chapter 67, RSMo, by adding thereto twenty new sections relating to the provision of video services, with an emergency clause.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 284, Section 67.2692, Page 11, Line 53 by inserting after all of said line the following:

“(d) A video service provider shall not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment;” and

Further amend said section, Page 11, Line 54 by deleting from said line the subdivision indicator **“(d)”** and inserting in lieu thereof the indicator **“(e)”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

SENATE BILLS FOR PERFECTION

SBs 260 and **71**, with **SCS**, was placed on the Informal Calendar.

SBs 370, 375 and **432**, with **SCS**, was placed

on the Informal Calendar.

Senator Engler moved that **SB 257** be taken up for perfection, which motion prevailed.

Senator Bray offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 257, Page 1, Section 44.101, Line 4, by inserting immediately after all of said line the following: **“Nothing in this section shall be interpreted to preclude a business or public facility from prohibiting the possession of concealed weapons on its premises.”**

Senator Bray moved that the above amendment be adopted.

Senator Crowell requested a roll vote be taken and was joined in his request by Senators Callahan, Clemens, Engler and Stouffer.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Bray	Coleman	Days	Graham
Justus	Smith	Wilson—7	

NAYS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Green	Griesheimer	Gross
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Stouffer	Vogel—27	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Bray offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 257, Page 1, Section 44.101, Line 4, by inserting immediately after said line the following:

“571.023. 1. A person commits the crime of criminally negligent storage of a firearm if:

(1) Such person stores or keeps any loaded firearm or unloaded firearm and ammunition for that firearm on any premises under his or her custody and control;

(2) Such person knows or reasonably should know that a minor is capable of gaining access to the loaded firearm or unloaded firearm and ammunition; and

(3) A minor obtains the loaded firearm or unloaded firearm and ammunition and uses it to cause the death or injury of any person or exhibits the firearm in a public place or uses it to threaten injury or death to any person.

2. The provisions of subsection 1 of this section shall not apply if, at the time the minor obtains the firearm:

(1) Such person is keeping:

(a) The loaded firearm or unloaded firearm and ammunition in a securely locked box or other locked container;

(b) The loaded or unloaded firearm secured by a locking mechanism that renders the firearm inoperable;

(c) The loaded or unloaded firearm in a dismantled state that renders the firearm inoperable and stores at least one part which is essential to the operation of the firearm in a securely locked box or other locked container; or

(d) The ammunition for an unloaded firearm stored separate from that unloaded firearm in a securely locked box or other locked container;

(2) The person is a peace officer, an active member of the armed forces, or its reserves, or a member of the national guard and the minor obtains the firearm during, or incidental to, that person performing his or her official duties;

(3) The minor obtains and discharges the firearm in a lawful act of self-defense or defense of one or more persons;

(4) The minor obtains the firearm as the result of an unlawful entry onto the premises where the firearm is located;

(5) The minor is supervised by a person twenty-one years of age or older and is engaging in hunting, sporting, or another lawful purpose; or

(6) The minor is engaged in an agricultural enterprise.

3. As used in this section the term “minor” means any person eighteen years of age or younger.

4. Firearms dealers shall be required to provide purchasers with a written warning about the provisions of this section and to place a conspicuous warning sign at the place where their firearms are sold. The warning shall read as follows: “It is unlawful and a violation of section 571.023, RSMo, to store, transport, or abandon a loaded firearm or an unloaded firearm and ammunition for that firearm in a place where minors are likely to be and can obtain access to the loaded firearm or unloaded firearm and ammunition.”

5. Criminally negligent storage of a firearm is a class A misdemeanor.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Engler, Green, Justus and Stouffer.

SA 2 failed of adoption by the following vote:

YEAS—Senators

Bray	Coleman	Days	Graham
Justus	Smith	Wilson—7	

NAYS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Green	Griesheimer	Gross
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Stouffer	Vogel—27	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Bray offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 257, Page 1, Section 44.101, Line 4, by inserting immediately after said line the following:

“565.142. 1. When responding to the scene of an alleged act of domestic assault, a law enforcement officer may remove a firearm from the scene if:

(1) The law enforcement officer has probable cause to believe that an act of domestic assault has occurred; and

(2) The law enforcement officer has observed the firearm on the scene during the response.

2. If a firearm is removed from the scene under subsection 1 of this section, the law enforcement officer shall:

(1) Provide to the owner of the firearm information on the process for retaking possession of the firearm; and

(2) Provide for the safe storage of the firearm during the pendency of any proceeding related to the alleged act of domestic assault.

3. Within fourteen days of the conclusion of a proceeding on the alleged act of domestic

assault, the owner of the firearm may retake possession of the firearm unless ordered to surrender the firearm under section 571.095, RSMo.

565.143. A sheriff shall deny an application for or revoke a permit issued or registration filed pursuant to section 571.090, RSMo, if the sheriff finds that the applicant, or a person who was issued a permit or has registered a firearm:

(1) Is subject to an existing order of protection prohibiting him or her from possessing a firearm;

(2) Has been convicted of, pleaded guilty or nolo contendere to, or has been found guilty of domestic assault as defined in sections 565.072 to 565.074; or

(3) Has been convicted of, pleaded guilty or nolo contendere to, or has been found guilty of a violation of an order of protection issued in response to a domestic assault situation.

565.144. 1. It shall be unlawful to possess a firearm for a person who:

(1) Is subject to a court order that:

(a) Was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

(b) Restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(c) Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or a child; or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

(2) Has been found guilty of or pleaded guilty to a misdemeanor crime of domestic assault in a court of competent jurisdiction.

2. It shall be a class D felony to violate the provisions of this section.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Engler raised the point of order that **SA 3** is out of order as it exceeds the scope of the underlying legislation.

The point of order was referred to the President Pro Tem who ruled it well taken.

On motion of Senator Engler, **SB 257** was declared perfected and ordered printed.

Senator Crowell moved that **SJR 9** and **SJR 17**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SJR 9** and **17**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE JOINT RESOLUTIONS NOS. 9 and 17

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 13 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to laws that are retrospective in operation.

Was taken up.

Senator Crowell moved that **SCS** for **SJR 9** and **17** be adopted, which motion prevailed.

On motion of Senator Crowell, **SCS** for **SJR 9** and **17** was declared perfected and ordered printed.

Senator Nodler moved that **SB 242**, with **SCS**, be taken up for perfection, which motion prevailed.

Senator Bartle assumed the Chair.

At the request of Senator Nodler, **SB 242**,

with **SCS**, was placed on the Informal Calendar.

On motion of Senator Shields, the Senate recessed until 7:15 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Griesheimer.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 629, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Ralph Wibbenmeyer, Old Appleton, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 257**; **SCS** for **SJR 9** and **17**; **SCS** for **SB 418**; **SCS** for **SB 47**; and **SS** for **SCS** for **SB 215**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 86**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 365**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

REFERRALS

President Pro Tem Gibbons referred **SS** for **SCS** for **SB 215** and **SCS** for **SB 418** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Gibbons re-referred **SB 611** to the Committee on Governmental Accountability and Fiscal Oversight.

SENATE BILLS FOR PERFECTION

Senator Stouffer moved that **SB 239**, **SB 24** and **SB 445**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 239, 24** and **445**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 239, 24 and 445

An Act to repeal sections 301.010, 301.130, 301.144, 301.218, 301.221, 301.225, 301.229, 301.550, 301.560, 302.272, 302.275, 302.321, 302.545, 302.700, 302.755, 302.775, 304.070, 304.170, 306.015, 306.016, 306.535, 307.179, and 311.326, RSMo, and to enact in lieu thereof twenty-five new sections relating to the regulation of motor vehicles, with penalty provisions, an effective date for certain sections, and an emergency clause for a certain section.

Was taken up.

Senator Stouffer moved that **SCS** for **SBs 239, 24** and **445** be adopted.

Senator Shields assumed the Chair.

Senator Stouffer offered **SS** for **SCS** for **SBs 239, 24** and **445**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 239, 24 and 445

An Act to repeal sections 43.010, 43.030, 43.090, 43.110, 43.120, 43.140, 43.210, 43.220, 301.010, 301.130, 301.144, 301.218, 301.221, 301.225, 301.229, 301.444, 301.550, 301.560,

302.010, 302.178, 302.272, 302.275, 302.321, 302.545, 302.700, 302.755, 302.775, 304.022, 304.070, 304.170, 304.281, 306.015, 306.016, 306.535, 307.100, 307.179, and 311.326, RSMo, and to enact in lieu thereof forty-one new sections relating to the regulation of motor vehicles, with penalty provisions, an effective date for certain sections, and an emergency clause for a certain section.

Senator Stouffer moved that **SS** for **SCS** for **SBs 239, 24** and **445** be adopted.

Senator Koster assumed the Chair.

Senator Green offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 239, 24 and 445, Page 7, Section 43.220, Line 1, by inserting after all of said line the following:

“227.295. 1. The department of transportation shall establish and administer a drunk driving victim memorial sign program. The signs shall be placed upon the state highways in accordance with this section, placement guidelines adopted by the department, and any applicable federal limitations or conditions on highway signage, including location and spacing.

2. The department shall adopt, by rules and regulations, program guidelines for the application for and placement of signs authorized by this section, including, but not limited to, the sign application and qualification process, the procedure for the dedication of signs, and procedures for the replacement or restoration of any signs that are damaged or stolen. The department shall also establish by rule, application procedures and methods for proving eligibility for the program.

3. Any person may apply to the department of transportation to sponsor a drunk driving victim memorial sign in memory of an

immediate family member who died as a result of a motor vehicle accident caused by a person who was shown to have been operating a motor vehicle in violation of section 577.010 or 577.012, RSMo, or was committing an intoxication-related traffic offense at the time of the accident. Upon the request of an immediate family member of the deceased victim involved in a drunk driving accident, the department shall place a sign in accordance with this section. A person who is not a member of the immediate family may also submit a request to have a sign placed under this section if that person also submits the written consent of an immediate family member. The department shall charge the sponsoring party a fee to cover the department's cost in designing, constructing, placing, and maintaining that sign, and the department's costs in administering this section. Signs erected under this section shall remain in place for a period of ten years. After the expiration of the ten-year period, the department shall remove the sign unless the sponsoring party remits to the department of transportation a ten-year renewable fee to cover maintenance costs associated with the sign.

4. The signs shall feature the words “Drunk Driving Victim!”, the initials of the victim, and the month and year in which the victim of the drunk driving accident was killed. The overall design of the sign, including size, color, and lettering, shall conform to the guidelines and regulations established by the department. The signs shall be placed near the scene of the accident.

5. All roadside memorials or markers commemorating the death of a drunk driving victim not meeting the provisions of this section are prohibited. No person, other than a department of transportation employee or the department's designee, may erect a drunk driving victim memorial sign.

6. As used in this section, the term “immediate family member” shall mean spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, or stepfather.

7. The department shall adopt rules and regulations to implement and administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Green offered SA 2, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 239, 24 and 445, Page 22, Section 301.029, Line 15 of said page, by inserting after all of said line the following:

“301.040. The director of revenue shall notify each registered motor vehicle owner by mail, at the last known address, within an appropriate period prior to the beginning of the registration period to which he has been assigned, of the date for reregistration. Such notice shall include an application blank for registration and shall specify the amount of license fees due and the registration

period covered by such license. **No commercial inserts or other forms of advertising shall accompany the notice.** Application blanks shall also be furnished all branch offices of the department of revenue and license fee offices designated by the director of revenue under the provisions of section 136.055, RSMo, where they shall be made available to any person upon request. Failure of the owner to receive such notice shall not relieve the owner of the requirement to register pursuant to this chapter.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

Senator Purgason offered **SA 1 to SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 239, 24 and 445, Page 1, Section 301.040, Line 11, by inserting after the word “notice.” the following: **“For every form of public assistance that is mailed by the state, the agency responsible for mailing such public assistance shall insert a brochure describing how to fill out a job application.”.**

Senator Purgason moved that the above amendment be adopted, which motion failed.

SA 2 was again taken up.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Shields offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 239, 24 and 445, Pages 59-64, Section 302.178, by striking all of said section from the bill; and

Further amend the title and enacting clause

accordingly.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Rupp assumed the Chair.

Senator Griesheimer offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 239, 24 and 445, Page 51, Section 301.560, Line 19 of said page, by inserting after all of said line the following:

“New and used recreational motor vehicle dealers RV-0 through RV-9999”; and

Further amend said bill and section, Page 52, Lines 6 to 23 of said page, by striking all of said lines inserting in lieu thereof the following:

“6. In the case of **new motor vehicle manufacturers [and], motor vehicle dealers, powersport dealers, recreational motor vehicle dealers, and trailer dealers,** the department shall [also] issue one number plate bearing the distinctive dealer license number **and two additional number plates** to the applicant upon payment by the manufacturer or dealer of a fifty dollar fee **for the number plate bearing the distinctive dealer license number and twenty-one dollar fee for the additional number plates.** Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Boat dealers and boat manufacturers shall be entitled to one certificate of number bearing such number upon the payment of a fifty dollar fee. [As many] Additional number plates [as may be desired by manufacturers and motor vehicle dealers] and as many additional certificates of number [as may be desired by boat dealers and boat manufacturers] may be obtained upon payment of a fee of ten dollars and fifty cents

for each additional plate or certificate. **New motor vehicle manufacturers shall not be issued or possess more than three hundred forty-seven additional number plates or certificates of number annually. New and used motor vehicle dealers, powersport dealers, wholesale motor vehicle dealers, boat dealers, and trailer dealers are limited to one additional plate or certificate of number per ten-unit qualified transactions annually. New and used recreational motor vehicle dealers are limited to two additional plates or certificate of number per ten-unit qualified transactions annually for their first fifty transactions and one additional plate or certificate of number per ten-unit qualified transactions thereafter. An applicant seeking the issuance of an initial license shall indicate on his or her initial application the applicant's proposed annual number of sales in order for the director to issue the appropriate number of additional plates or certificates of number. A motor vehicle dealer, trailer dealer, boat dealer, powersport dealer, recreational motor vehicle dealer, motor vehicle manufacturer, boat manufacturer, [public motor vehicle auction,] or wholesale motor vehicle dealer [or wholesale motor vehicle auction] obtaining a distinctive dealer license plate or certificate";** and

Further amend said bill and section, Page 53, Line 5 of said page, by inserting after "prorated." the following: **"Wholesale and public auctions shall be issued a certificate of dealer registration in lieu of a dealer number plate. In order for dealers to obtain number plates or certificates under this section, dealers shall submit to the department of revenue on August first of each year a statement certifying, under penalty of perjury, the dealer's number of sales during the reporting period of July first of the immediately preceding year to July thirtieth of the present year."**; and further amend lines 6 to 28 of said page, by striking all of said lines; and

Further amend said bill and section, Page 54, Lines 1 to 12 of said page, by striking all of said

lines and inserting in lieu thereof the following:

"7. The plates issued pursuant to subsection 3 or 6 of this section may be displayed on any motor vehicle owned by a new motor vehicle manufacturer. The plates issued pursuant to subsection 3 or 6 of this section may be displayed on any motor vehicle or trailer owned and held for resale by [the] a motor vehicle dealer [or manufacturer, and used] for use by a customer who is test driving the motor vehicle, [or is used] for use and display purposes during, but not limited to, parades, private events, charitable events, or for use by an employee or officer, but shall not be displayed on any motor vehicle or trailer hired or loaned to others or upon any regularly used service or wrecker vehicle. Motor vehicle dealers may display their dealer plates on a tractor, truck or trailer to demonstrate a vehicle under a loaded condition. Trailer dealers may display their dealer license plates in like manner, except such plates may only be displayed on trailers owned and held for resale by the trailer dealer.

8. The certificates of number issued pursuant to subsection 3 or 6 of this section may be displayed on any vessel or vessel trailer owned and held for resale by a boat manufacturer or a boat dealer, and used by a customer who is test driving the vessel or vessel trailer, or is used by an employee or officer **on a vessel or vessel trailer only**, but shall not be displayed on any **motor vehicle owned by a boat manufacturer, boat dealer, or trailer dealer, or** vessel or vessel trailer hired or loaned to others or upon any regularly used service vessel or vessel trailer. Boat dealers and **boat** manufacturers may display their certificate of number on a vessel or vessel trailer [which is being transported] **when transporting a vessel or vessels** to an exhibit or show.

9. (1) [Beginning August 28, 2006,] Every application for the issuance of a used motor vehicle dealer's license shall be accompanied by proof that the applicant, within the last twelve months, has

completed an educational seminar course approved by the department as prescribed by subdivision (2) of this subsection. Wholesale and [retail] **public auto auctions and applicants currently holding a new or used license for a separate dealership** shall be exempt from the requirements of this subsection. The provisions of this subsection shall not apply to **current new motor vehicle franchise dealers or motor vehicle leasing agencies or applicants for a new motor vehicle franchise [dealers]** or a motor vehicle leasing agency. The provisions of this subsection shall not apply to used motor vehicle dealers who were licensed prior to August 28, 2006.

(2) The educational seminar shall include, but is not limited to, the dealer requirements of sections 301.550 to 301.573, the rules promulgated to implement, enforce, and administer sections 301.550 to 301.570, and any other rules and regulations promulgated by the department.”.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered **SA 5:**

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 239, 24 and 445, Page 54, Section 301.560, Line 12 of said page, by inserting after all of said line the following:

“301.640. 1. [Upon] **Within five business days after** the satisfaction of any lien or encumbrance of a motor vehicle or trailer, the lienholder shall[, within ten business days] release the lien or encumbrance on the certificate or a separate document, and mail or deliver the certificate or a separate document to the owner or any person who delivers to the lienholder an authorization from the owner to receive the certificate or such documentation. The release on the certificate or separate document shall be notarized. Each perfected subordinate lienholder, if any, shall release such lien or encumbrance as

provided in this section for the first lienholder. The owner may cause the certificate to be mailed or delivered to the director of revenue, who shall issue a new certificate of ownership upon application and payment of the required fee. A lien or encumbrance shall be satisfied for the purposes of this section when a lienholder receives payment in full in the form of certified funds, as defined in section 381.410, RSMo, **or when the lienholder receives payment in full electronically or by way of electronic funds transfer, whichever first occurs.**

2. If the electronic certificate of ownership is in the possession of the director of revenue, the lienholder shall notify the director within [ten] **five** business days [of] **after** any release of a lien and provide the director with the most current address of the owner **or any person who delivers to the lienholder an authorization from the owner to receive the certificate or such documentation.** The director shall note such release on the electronic certificate and if no other lien exists the director shall mail or deliver the certificate free of any lien to the owner **or any person who has delivered to the lienholder an authorization from the owner to receive the certificate or such documentation from the director.**

3. If the purchase price of a motor vehicle or trailer did not exceed six thousand dollars at the time of purchase, a lien or encumbrance which was not perfected by a motor vehicle financing corporation whose net worth exceeds one hundred million dollars, or a depository institution, shall be considered satisfied within six years from the date the lien or encumbrance was originally perfected unless a new lien or encumbrance has been perfected as provided in section 301.600. This subsection does not apply to motor vehicles or trailers for which the certificate of ownership has recorded in the second lienholder portion the words “subject to future advances”.

4. Any lienholder who fails to **timely** comply with subsection 1 or 2 of this section shall pay to

the person or persons satisfying the lien or encumbrance [twenty-five dollars for the first ten business days after expiration of the time period prescribed in subsection 1 or 2 of this section, and such payment shall double for each ten days thereafter in which there is continued noncompliance, up to a maximum of five hundred dollars for each lien] **liquidated damages up to a maximum of two thousand five hundred dollars for each lien. Liquidated damages shall be five hundred dollars if the lienholder does not comply within five business days after satisfaction of the lien or encumbrance. Liquidated damages shall be one thousand dollars if the lienholder does not comply within ten business days after satisfaction of the lien or encumbrance. Liquidated damages shall be two thousand dollars if the lienholder does not comply within fifteen business days after satisfaction of the lien or encumbrance. Liquidated damages shall be two thousand five hundred dollars if the lienholder does not comply within twenty business days after satisfaction of the lien or encumbrance.** If delivery of the certificate or other lien release is made by mail, the delivery date is the date of the postmark for purposes of this subsection. **In computing any period of time prescribed or allowed by this section, the day of the act or event after which the designated period of time begins to run is not to be counted. However, the last day of the period so computed is to be included, unless it is a Saturday, Sunday, or a legal holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday.**

5. Any person who knowingly and intentionally sends in a separate document releasing a lien of another without authority to do so shall be guilty of a class C felony.”; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above

amendment be adopted, which motion prevailed.

Senator Gross offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 239, 24 and 445, Page 111, Section 390.372, Line 9, by inserting after all of said line the following:

“Section 1. All fines that are generated from municipal red light violations that are detected and enforced through automated photo red light enforcement systems shall be deposited in the state school moneys fund. As used in this section, the term “automated photo red light enforcement system” shall mean a device, consisting of a camera or cameras and a vehicle sensor or sensors, installed to work in conjunction with a traffic control signal, which is used to produce recorded images of motor vehicles entering an intersection against a red signal indication.”; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Shoemyer offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 239, 24 and 445, Page 87, Section 304.022, Line 26, by inserting after all of said line the following:

“304.032. 1. For purposes of this section, “Utility vehicle” means any motorized vehicle manufactured and used exclusively for off-highway use which is sixty-three inches or less in width, with an unladen dry weight of one thousand nine hundred pounds or less, traveling on four or six wheels, excluding all-terrain vehicles, to be used primarily for agricultural, landscaping, lawn care, or maintenance purposes.

2. No person shall operate a utility vehicle, as defined in this section upon the highways of this state, except as follows:

(1) Utility vehicles owned and operated by a governmental entity for official use;

(2) Utility vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation;

(3) Utility vehicles operated by handicapped persons for short distances occasionally only on the state's secondary roads when operated between the hours of sunrise and sunset;

(4) Governing bodies of cities may issue special permits for utility vehicles to be used on highways within the city limits by licensed drivers. Fees of fifteen dollars may be collected and retained by cities for such permits;

(5) Governing bodies of counties may issue special permits for utility vehicles to be used on county roads within the county by licensed drivers. Fees of fifteen dollars may be collected and retained by the counties for such permits.

3. No person shall operate a utility vehicle within any stream or river in this state, except that utility vehicles may be operated within waterways which flow within the boundaries of land which a utility vehicle operator owns, or for agricultural purposes within the boundaries of land which a utility vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this state at such road crossings as are customary or part of the highway system. All law enforcement officials or peace officers of this state and its political subdivisions or department of conservation agents or department of natural resources park rangers shall enforce the provisions of this subsection within the geographic area of their jurisdiction.

4. A person operating a utility vehicle on a

public road pursuant to an exception covered in this section, or otherwise, shall exercise the highest degree of care as required by this chapter and shall have a valid operator's or chauffeur's license, except that a handicapped person operating such vehicle pursuant to subdivision (3) of subsection 2 of this section, but shall not be required to have passed an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than thirty miles per hour.

5. No persons shall operate a utility vehicle:

(1) In any careless way so as to endanger the person or property of another;

(2) While under the influence of alcohol or any controlled substance.

6. No operator of a utility vehicle shall carry a passenger, except for agricultural purposes. The provisions of this subsection shall not apply to any utility vehicle in which the seat of such vehicle is designed to carry more than one person.

7. Utility vehicles shall be exempt from the titling and registration provisions of chapter 301, RSMo.

8. A violation of this section shall be a class C misdemeanor.”; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Shoemyer moved that the above amendment be adopted, which motion prevailed.

Senator Purgason offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 239, 24 and 445, Page 98, Section 306.015, Lines 2-28, by striking all of said section from the bill; and

Further amend said bill, pages 99-104, Section 306.016, by striking all of said section from the bill; and

Further amend said bill, pages 104-105, Section 306.535, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Purgason moved that the above amendment be adopted, and requested a roll call vote be taken. He was joined in his request by Senators Crowell, Gross, Kennedy and Mayer.

Senator Gross assumed the Chair.

SA 8 was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Coleman	Crowell	Engler	Gibbons
Goodman	Griesheimer	Gross	Kennedy
Lager	Loudon	Mayer	Nodler
Purgason	Rupp	Scott	Shoemyer—20

NAYS—Senators

Days	Graham	Koster	McKenna
Ridgeway	Shields	Smith	Stouffer
Wilson—9			

Absent—Senators

Champion	Clemens	Green	Justus—4
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Absent with leave—Senator Vogel—1

Vacancies—None

Senator Graham offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 239, 24 and 445, Page 24, Section 301.130, Line 13 of said page, by inserting after “impaired.” the following: **“Each such plate may be encased in a transparent cover so long as the plate is plainly visible and its reflective qualities are not impaired.”.**

Senator Graham moved that the above amendment be adopted, which motion prevailed.

Senator Barnitz offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 239, 24 and 445, Page 111, Section 390.372, Line 9, by inserting after all of said line the following:

“Section 1. Notwithstanding section 304.180, RSMo, or any other provision of the law to the contrary, any commercial motor vehicle originating within this state traversing to a neighboring state may operate or move such motor vehicle on a state highway within this state with a weight limit that meets but does not exceed the weight limits of the destination state. If the weight limits of the destination state are less than the weight limits of this state, then the weight limits of this state shall apply.”; and

Further amend the title and enacting clause accordingly.

Senator Barnitz moved that the above amendment be adopted, which motion prevailed.

Senator Mayer offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 239, 24 and 445, Page 110, Section 311.326, Line 4, by inserting after all of said line the following:

“387.075. 1. Notwithstanding any provision of chapter 390, RSMo, chapter 622, RSMo, or this chapter to the contrary, any common carrier that is authorized to transport household goods by a certificate issued under section 390.051, RSMo, may file one or more applications to the state highways and transportation commission for approval of rate schedules, applicable to that carrier's intrastate transportation of household goods, that authorize periodic rate adjustments outside of general rate proceedings to reflect increases and decreases in the carrier's prudently incurred costs of providing transportation of property by

motor vehicle. The filing of applications by common carriers under this section shall be authorized upon the same terms and conditions as provided in section 386.266, RSMo, with reference to the filing of applications to the public service commission by an electrical, gas, or water corporation. These applications shall be made in such form, and shall contain such information, as the state highways and transportation commission reasonably may require.

2. Notwithstanding any provision of chapter 390, RSMo, chapter 622, RSMo, or this chapter to the contrary, the state highways and transportation commission shall consider and determine every application filed under subsection 1 of this section, upon the same terms and conditions as provided in section 386.266, RSMo, with reference to the public service commission's consideration and determination of applications by an electrical, gas, or water corporation under that section.

3. In proceedings under this section, common carriers and the state highways and transportation commission shall be governed by the statutes and rules of practice and procedure that are applicable in motor carrier proceedings under chapters 387, 390, and 622, RSMo, except to the extent they are inconsistent with the requirements of this section. The statutes and rules that generally govern public service commission proceedings relating to electrical, gas, and water corporations shall not apply in proceedings under this section.

390.030. 1. The provisions of this chapter shall not apply to:

- (1) School buses;
- (2) Taxicabs;
- (3) Motor vehicles while being used exclusively to transport;
 - (a) Stocker and feeder livestock from farm to farm, or from market to farm,

- (b) Farm or dairy products including livestock from a farm or dairy,

- (c) Agricultural limestone or fertilizer to farms,

- (d) Property from farm to farm,

- (e) Raw forest products from farm, or

- (f) Cotton, cottonseed, and cottonseed hulls;

- (4) Motor vehicles when operated under contract with the federal government for carrying the United States mail and when on a trip provided in the contract;

- (5) Motor vehicles used solely in the distribution of newspapers from the publisher to subscribers or distributors;

- (6) The transportation of passengers or property performed by a carrier pursuant to a contract between the carrier and the state of Missouri or any civil subdivision thereof, where the transportation services are paid directly to the carrier by the state of Missouri or civil subdivision;

- (7) Freight-carrying motor vehicles duly registered and licensed in conformity with the provisions of chapter 301, RSMo, for a gross weight of six thousand pounds or less;

- (8) The transportation of passengers or property wholly within a municipality, or between contiguous municipalities, or within a commercial zone as defined in section 390.020, or within a commercial zone established by the division of motor carrier and railroad safety pursuant to the provisions of subdivision (4) of section 390.041; provided, the exemption in this subdivision shall not apply to motor carriers of persons operating to, from or between points located wholly or in part in counties now or hereafter having a population of more than three hundred thousand persons, where such points are not within the same municipality and to motor carriers of commodities in bulk to include liquids, in tank or hopper type vehicles, and in a commercial zone as defined herein or by the division;

(9) Street railroads and public utilities other than common carriers as defined in section 386.020, RSMo;

(10) Motor vehicles whose operations in the state of Missouri are interstate in character and are limited exclusively to a municipality and its commercial zone;

(11) Motor vehicles, commonly known as tow trucks or wreckers, designed and exclusively used in the business of towing or otherwise rendering assistance to abandoned, disabled or wrecked vehicles;

(12) Motor vehicles while being used solely by a group of employees to commute to and from their place or places of employment, except that the motor vehicle must be driven by a member of the group.

2. Nothing contained in this section shall be deemed to exempt the vehicles of driveaway operators.

3. Except for the provisions of subdivision (5) of section 390.041, the provisions of this chapter shall not apply to private carriers.

4. No agency of state government nor any county or municipality or their agencies shall discriminate against any motor carrier or private carrier or deny any such carrier operating a motor vehicle public access to any building, facility or area owned by or operated for the public unless such discrimination or denial is based solely on reasonable vehicle size or weight considerations. The provisions of this subsection shall only apply in cities not within a county and first class counties with a charter form of government which adjoin any city not within a county.

5. Beginning January 1, 2008, the exemptions in subdivisions (8) and (10) of subsection 1 of this section shall not apply to intrastate motor carriers that transport household goods."; and

Further amend the title and enacting clause

accordingly.

Senator Mayer moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 239, 24 and 445, Page 79, Section 302.700, Line 28 of said page, by inserting after all of said line the following:

"302.720. 1. Except when operating under an instruction permit as described in this section, no person may drive a commercial motor vehicle unless the person has been issued a commercial driver's license with applicable endorsements valid for the type of vehicle being operated as specified in sections 302.700 to 302.780. A commercial driver's instruction permit shall allow the holder of a valid license to operate a commercial motor vehicle when accompanied by the holder of a commercial driver's license valid for the vehicle being operated and who occupies a seat beside the individual, or reasonably near the individual in the case of buses, for the purpose of giving instruction in driving the commercial motor vehicle. A commercial driver's instruction permit shall be valid for the vehicle being operated for a period of not more than six months, and shall not be issued until the permit holder has met all other requirements of sections 302.700 to 302.780, except for the driving test. A permit holder, unless otherwise disqualified, may be granted one six-month renewal within a one-year period. The fee for such permit or renewal shall be five dollars. In the alternative, a commercial driver's instruction permit shall be issued for a thirty-day period to allow the holder of a valid driver's license to operate a commercial motor vehicle if the applicant has completed all other requirements except the driving test. The permit may be renewed for one additional thirty-day period and the fee for the permit and for renewal shall be five dollars.

2. No person may be issued a commercial driver's license until he has passed written and driving tests for the operation of a commercial motor vehicle which complies with the minimum federal standards established by the Secretary and has satisfied all other requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), as well as any other requirements imposed by state law. Applicants for a hazardous materials endorsement must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified and required by regulations promulgated by the Secretary. Nothing contained in this subsection shall be construed as prohibiting the director from establishing alternate testing formats for those who are functionally illiterate; provided, however, that any such alternate test must comply with the minimum requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) as established by the Secretary. **The director shall neither supply nor permit the use of language interpreters in connection with the written and driving test required under this section.**

(1) The written and driving tests shall be held at such times and in such places as the superintendent may designate. A twenty-five dollar examination fee shall be paid by the applicant upon completion of any written or driving test. The director shall delegate the power to conduct the examinations required under sections 302.700 to 302.780 to any member of the highway patrol or any person employed by the highway patrol qualified to give driving examinations.

(2) The director shall adopt and promulgate rules and regulations governing the certification of third-party testers by the department of revenue. Such rules and regulations shall substantially comply with the requirements of 49 CFR Part 383, Section 383.75. A certification to conduct third-party testing shall be valid for one year, and the department shall charge a fee of one hundred dollars to issue or renew the certification of any

third-party tester.

(3) Beginning August 28, 2006, the director shall only issue or renew third-party tester certification to junior colleges or community colleges established under chapter 178, RSMo, or to private companies who own, lease, or maintain their own fleet and administer in-house testing to their employees, or to school districts and their agents that administer in-house testing to the school district's or agent's employees. Any third-party tester who violates any of the rules and regulations adopted and promulgated pursuant to this section shall be subject to having his certification revoked by the department. The department shall provide written notice and an opportunity for the third-party tester to be heard in substantially the same manner as provided in chapter 536, RSMo. If any applicant submits evidence that he has successfully completed a test administered by a third-party tester, the actual driving test for a commercial driver's license may then be waived.

(4) Every applicant for renewal of a commercial driver's license shall provide such certifications and information as required by the secretary and if such person transports a hazardous material must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified and required by regulations promulgated by the secretary. Such person shall be required to take the written test for such endorsement. A twenty-five dollar examination fee shall be paid upon completion of such tests.

3. A commercial driver's license may not be issued to a person while the person is disqualified from driving a commercial motor vehicle, when a disqualification is pending in any state or while the person's driver's license is suspended, revoked, or canceled in any state; nor may a commercial driver's license be issued unless the person first surrenders in a manner prescribed by the director any commercial driver's license issued by another state, which license shall be returned to the issuing

state for cancellation.

4. Beginning July 1, 2005, the director shall not issue an instruction permit under this section unless the director verifies that the applicant is lawfully present in the United States before accepting the application. The director may, by rule or regulation, establish procedures to verify the lawful presence of the applicant under this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted, and requested a roll call vote be taken. She was joined in her request by Senators Callahan, Kennedy, Koster and Nodler.

SA 12 was adopted by the following vote:

YEAS—Senators

Barnitz	Callahan	Crowell	Engler
Gibbons	Goodman	Green	Griesheimer
Gross	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Shields	Shoemyer
Stouffer—21			

NAYS—Senators

Bray	Coleman	Days	Graham
Justus	Kennedy	Smith	Wilson—8

Absent—Senators

Bartle	Champion	Clemens	Scott—4
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Absent with leave—Senator Vogel—1

Vacancies—None

Senator Coleman offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 239, 24

and 445, Page 36, Section 301.229, Line 25, by inserting immediately after all of said line the following:

“301.301. **1. Any person replacing a stolen license plate tab issued on or after January 1, 2009, may receive at no cost up to two sets of two license plate tabs per year when the application for the replacement tab is accompanied with a police report that is corresponding with the stolen license plate tab.**

2. Any person replacing a stolen license plate tab issued prior to January 1, 2009, may receive at no cost up to two sets of two license plate tabs per year when the application for the replacement tab is accompanied with a notarized affidavit verifying that such license plate tab or tabs were stolen.”

And further amend page 111, section C, line 16 by inserting immediately after “law,” the following, “and because of the need to provide Missouri motorists with a method to replace stolen license plate tabs without administrative red tape and because of the need to verify the payment of registration fees,”

And further amend same page, same section, line 17 by deleting “section 307.179” and inserting in lieu thereof the following “sections 301.301 and 307.179”.

And further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer moved that **SS** for **SCS** for **SBs 239, 24** and **445**, as amended, be adopted, which motion prevailed.

On motion of Senator Stouffer, **SS** for **SCS** for **SBs 239, 24** and **445**, as amended, was declared perfected and ordered printed.

COMMUNICATIONS

Senator Bray submitted the following:

March 14, 2007

Terry Spieler
Senate Secretary
Missouri State Senate
State Capitol Building, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler,

In accordance with Rule 45, I am writing to object to the placement of SB 304 on the Consent Calendar. This bill does not adhere to the definition of a consent bill and therefore should be removed as such and returned to the Small Business, Insurance and Industrial Relations Committee.

Sincerely,
/s/ Joan Bray
Joan Bray

INTRODUCTIONS OF GUESTS

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Christopher “Kit” Young, M.D., Ladue.

Senator Green introduced to the Senate, Mary Tackett and her daughters, Sara and Erin, John Schelich, Rod and Rose Culbertson, Michael and Mary Jo White, Terry and Bob Riley, Dave Wakeman, Mike Cleary and Scott Walker, St. Louis.

Senator Green introduced to the Senate, Joann Donovan, Kevin McClain, Greg and Amy Heise and Dan Boyle, St. Louis.

Senator Coleman introduced to the Senate, Lee Fetter, Leslie Dimit, Lisa Meadows, Emily

Glenn and friends of St. Louis Children’s Hospital.

On behalf of Senator Barnitz and himself, Senator Engler introduced to the Senate, Kim and Wayne Evans, Chris and Rene Diamond, Ed Schlogl, Mark Miller, Richard Brooker, Kieth Hayes, Pat Tuholske, Steve and Judy Wellton, Diane Lovacheff, and Brent and Leonard Hodges, members of the Hornbeck Foundation Search and Rescue; Agent Mike Singleton, Agent Pat Cunningham, Rolla; Detective Don Cooksey, Prosecuting Attorney John Rupp and Sheriff Kevin Schroeder, Potosi.

Senator Griesheimer introduced to the Senate, Sheriff Gary Toelke, Chief Deputy Michael Copeland and Captain Don Jones, Union; Special Agent Roland Corvington, St. Louis; and Mitchell Hults and family, Beaufort.

Senator Gibbons introduced to the Senate, Kirkwood Police Officers Chris Nelson and Gary Wagster.

Senator Purgason introduced to the Senate, members of Laclede County Extention.

Senator Bartle introduced to the Senate, members of Blue Springs Chamber of Commerce.

Senator Griesheimer introduced to the Senate, Wally Hellebusch, Washington.

Senator Shields introduced to the Senate, students from Truman Middle School, St. Joseph.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-FIRST DAY–THURSDAY, MARCH 15, 2007

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 22-Griesheimer
(In Fiscal Oversight)

SB 257-Engler, et al
SCS for SJRs 9 &17-Crowell and Bartle

SCS for SB 418-Champion
(In Fiscal Oversight)
SCS for SB 47-Engler

SS for SCS for SB 215-Loudon
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

- | | |
|--|---|
| 1. SB 160-Rupp, with SCS | 18. SB 20-Griesheimer, with SCS |
| 2. SB 320-Clemens, with SCS | 19. SB 85-Champion and Koster, with SCS |
| 3. SB 492-Crowell | 20. SB 429-Gibbons, with SCS |
| 4. SB 476-Crowell | 21. SB 5-Loudon, with SCS |
| 5. SB 303-Loudon, et al | 22. SB 368-Barnitz, et al, with SCS |
| 6. SB 363-Bartle | 23. SB 417-Goodman |
| 7. SB 82-Griesheimer, with SCS | 24. SB 534-Nodler |
| 8. SB 112-Rupp | 25. SB 254-Nodler, et al, with SCS |
| 9. SB 131-Rupp | 26. SJR 8-Ridgeway |
| 10. SB 31-Nodler | 27. SBs 45 & 39-Mayer, with SCS |
| 11. SB 250-Ridgeway and Vogel | 28. SB 17-Shields, with SCS |
| 12. SB 570-Clemens | 29. SB 385-Gibbons, with SCS |
| 13. SB 444-Goodman | 30. SB 66-Rupp, with SCS |
| 14. SB 364-Koster, with SCS | 31. SB 313-Scott, with SCS |
| 15. SB 591-Scott and Gibbons, with SCS | 32. SB 453-Scott, with SCS |
| 16. SB 400-Crowell, et al | 33. SB 391-Days, with SCS |
| 17. SB 213-McKenna | 34. SB 53-Koster and Engler, with SCS |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| SB 2-Gibbons, with SCS | SB 274-Shields |
| SB 3-Gibbons, with SCS | SB 282-Griesheimer, with SCS & SS
for SCS (pending) |
| SB 21-Griesheimer, with SCS | SB 287-Crowell and Vogel |
| SB 27-Bartle and Koster | SB 292-Mayer |
| SB 40-Ridgeway | SB 297-Loudon, with SCS |
| SB 75-Coleman, et al, with SCS | SB 300-Bartle |
| SB 101-Mayer | SBs 370, 375 & 432-Scott and Koster,
with SCS |
| SB 155-Engler, with SCS | SB 389-Nodler, et al, with SCS & SS#4
for SCS (pending) |
| SB 169-Rupp, with SCS, SS for SCS &
SA 3 (pending) | SB 430-Shields, et al, with SCS, SS for
SCS, SA 3 & SA 1 to SA 3 (pending) |
| SB 204-Stouffer, with SCS & SS
for SCS (pending) | |
| SB 242-Nodler, with SCS | |
| SBs 260 & 71-Koster, et al, with SCS | |

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Reported 2/15

SB 8-Kennedy

Reported 3/1

SB 549-Scott

SB 498-Scott

Reported 3/8

SB 482-Gibbons, et al, with SCS

SB 150-Mayer, with SCS

SB 138-Bray

SB 369-Scott, with SCS

SB 509-Scott

SB 510-Scott

SB 525-Scott, with SCS

SB 526-Scott, with SCS

SB 550-Scott

SB 593-Scott

SB 594-Scott, with SCS

SB 478-Gross

SB 559-Shields

SB 497-Scott, with SCS

SB 671-Justus

SB 502-Koster

SB 333-Stouffer, with SCS

SB 516-Goodman

SB 426-Justus

SB 488-Clemens

SB 133-Rupp

SB 140-Rupp

SB 137-Bray, with SCS

SB 185-Green

SB 419-Kennedy

SENATE BILLS WITH HOUSE AMENDMENTS

SS for SCS for SB 284-Griesheimer, with
HCS, as amended

RESOLUTIONS

To be Referred

SCR 25-Scott

Journal of the Senate

FIRST REGULAR SESSION

FORTY-FIRST DAY—THURSDAY, MARCH 15, 2007

The Senate met pursuant to adjournment.

Senator Rupp in the Chair.

Reverend Carl Gauck offered the following prayer:

“For everything there is a season, and a time for every matter under heaven.” (Ecclesiastes 3:1)

Creator God, You give us the gift of time and we pray we have made good use of it as we prepare for a week of rest. We have produced a record number of new bills and have moved some legislation along and work hard to complete what we can before our Spring Break. We now ask that as we leave here, watch over our travel, bless our time with loved ones and encourage us to truly enjoy the time we have together. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager

Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

RESOLUTIONS

Senator Purgason offered Senate Resolution No. 630, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Cyrus Carter, Pomona, which was adopted.

Senator Stouffer offered Senate Resolution No. 631, regarding Philip B. Wooden, Higginsville, which was adopted.

Senator Vogel offered Senate Resolution No. 632, regarding Gayla M. Dwyer, Jefferson City, which was adopted.

Senator Goodman offered Senate Resolution No. 633, regarding the Thornfield School District, which was adopted.

Senator Goodman offered Senate Resolution No. 634, regarding the Dora School District, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Michael Meierhoffer and Robert A. Foster, Republicans, as members of the Missouri Health Facilities Review Committee;

Also,

Joshua D. Linville, Republican, as a member of the Platte County Board of Election Commissioners.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 542**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to

which was referred **SB 523**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 477**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 592**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 648**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 666**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 531**, begs leave to report that it has considered the same and recommends

that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 664**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 511**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 86**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 582**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **HCS for HB 453**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to

which was referred **SB 520**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 153**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 168**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Champion, Chairman of the Committee on Seniors, Families and Public Health, submitted the following report:

Mr. President: Your Committee on Seniors, Families and Public Health, to which was referred **SB 530**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 338**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to

which was referred **SB 302**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 481**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 398**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 393**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 605**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to

which was referred **SB 638**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 428**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Nodler, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 480**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 513**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Purgason, Chairman of the Committee on Health and Mental Health, submitted the following report:

Mr. President: Your Committee on Health and Mental Health, to which was referred **SB 577**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was

referred **SB 433**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 627**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 698**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Engler, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 458**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 328**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 341**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on

Transportation, to which was referred **SB 252**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SRB 613**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Revision Bill No. 613, Pages 16 to 19, Section 197.305, Lines 1 to 90, by deleting all of said lines; and

Further amend said bill, Pages 19 to 22, Section 197.318, Lines 1 to 109, by deleting all of said lines; and

Further amend said bill, Pages 44 to 46, Section 33.571, Lines 1 to 73, by deleting all of said lines; and

Further amend said bill, Pages 142 and 143, Section 197.312, Lines 1 to 27, by deleting all of said lines; and

Further amend said bill, Pages 143 and 144, Section 197.314, Lines 1 to 19, by deleting all of said lines; and

Further amend said bill, Page 144, Section 197.345, Lines 1 to 7, by deleting all of said lines; and

Further amend said bill, Page 144, Section 197.366, Lines 1 to 12, by deleting all of said lines; and

Further amend said title, enacting clause and intersectional references accordingly.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal

Oversight, to which were referred **SS** for **SCS** for **SB 215**; **SCS** for **SB 418**; and **SS** for **SCS** for **SB 22**, begs leave to report that it has considered the same and recommends that the bills do pass.

REFERRALS

President Pro Tem Gibbons referred **SCR 25** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

PRIVILEGED MOTIONS

Senator Griesheimer moved that **SS** for **SCS** for **SB 284**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SCS** for **SB 284**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 284

An Act to amend chapter 67, RSMo, by adding thereto twenty new sections relating to the provision of video services, with an emergency clause.

Was taken up.

Senator Griesheimer moved that **HCS** for **SS** for **SCS** for **SB 284**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators

Lager Shields—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Griesheimer, **HCS** for **SS** for **SCS** for **SB 284**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators

Lager Shields—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS** for **SCS** for **HCS** for **HB 14**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No

objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

SENATE BILLS FOR PERFECTION

At the request of Senator Rupp, **SB 160**, with **SCS**, was placed on the Informal Calendar.

Senator Clemens moved that **SB 320**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 320**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 320

An Act to repeal sections 340.216, 340.335, 340.337, 340.339, 340.341, 340.343, 340.345, and 340.347, RSMo, and to enact in lieu thereof eighteen new sections relating to large animal veterinary student loan assistance.

Was taken up.

Senator Clemens moved that **SCS** for **SB 320** be adopted.

Senator Clemens offered **SS** for **SCS** for **SB 320**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 320

An Act to repeal sections 340.335, 340.337, 340.339, 340.341, 340.343, 340.345, and 340.347, RSMo, and to enact in lieu thereof seventeen new sections relating to large animal veterinary student loan assistance.

Senator Clemens moved that **SS** for **SCS** for **SB 320** be adopted.

Senator Loudon offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 320, Page 1, Section A, Line 6, by inserting after all of said line the following:

“340.216. 1. It is unlawful for any person not

licensed as a veterinarian under the provisions of sections 340.200 to 340.330 to practice veterinary medicine or to do any act which requires knowledge of veterinary medicine for valuable consideration, or for any person not so licensed to hold himself or herself out to the public as a practitioner of veterinary medicine by advertisement, the use of any title or abbreviation with the person's name, or otherwise; except that nothing in sections 340.200 to 340.330 shall be construed as prohibiting:

(1) Any person from gratuitously providing emergency treatment, aid or assistance to animals where a licensed veterinarian is not available within a reasonable length of time if the person does not represent himself or herself to be a veterinarian or use any title or degree appertaining to the practice thereof;

(2) Acts of a person who is a student in good standing in a school or college of veterinary medicine or while working as a student preceptee, in performing duties or functions assigned by the student's instructors, or while working under the appropriate level of supervision of a licensed veterinarian as is consistent with the particular delegated animal health care task as established by board rule, and acts performed by a student in a school or college of veterinary medicine recognized by the board and performed as part of the education and training curriculum of the school under the supervision of the faculty. The unsupervised or unauthorized practice of veterinary medicine, even though on the premises of a school or college of veterinary medicine, is prohibited;

(3) Personnel employed by the United States Department of Agriculture or the Missouri department of agriculture from engaging in animal disease, parasite control or eradication programs, or other functions specifically required and authorized to be performed by unlicensed federal or state officials under any lawful act or statute, except that this exemption shall not apply to such

persons not actively engaged in performing or fulfilling their official duties and responsibilities;

(4) Any merchant or manufacturer from selling drugs, medicine, appliances or other products used in the prevention or treatment of animal diseases if such drug, medicine, appliance or other product is not marked by the appropriate federal label. Such merchants or manufacturers shall not, either directly or indirectly, attempt to diagnose a symptom or disease in order to advise treatment, use of drugs, medicine, appliances or other products;

(5) The owner of any animal or animals and the owner's full-time employees from caring for and treating any animals belonging to such owner, with or without the advice and consultation of a licensed veterinarian, provided that the ownership of the animal or animals is not transferred, or employment changed, to avoid the provisions of sections 340.200 to 340.330; however, only a licensed veterinarian may immunize or treat an animal for diseases which are communicable to humans and which are of public health significance, except as otherwise provided for by board rule;

(6) Any graduate of any accredited school of veterinary medicine while engaged in a veterinary candidacy program or foreign graduate from a nonaccredited school or college of veterinary medicine while engaged in a veterinary candidacy program or clinical evaluation program, and while under the appropriate level of supervision of a licensed veterinarian performing acts which are consistent with the particular delegated animal health care task;

(7) State agencies, accredited schools, institutions, foundations, business corporations or associations, physicians licensed to practice medicine and surgery in all its branches, graduate doctors of veterinary medicine, or persons under the direct supervision thereof from conducting experiments and scientific research on animals in the development of pharmaceuticals, biologicals,

serums, or methods of treatment, or techniques for the diagnosis or treatment of human ailments, or when engaged in the study and development of methods and techniques directly or indirectly applicable to the problems of the practice of veterinary medicine;

(8) Any veterinary technician, duly registered by, and in good standing with, the board from administering medication, appliances or other products for the treatment of animals while under the appropriate level of supervision as is consistent with the delegated animal health care task; and

(9) A consulting veterinarian while working in a consulting capacity in Missouri while under the immediate supervision of a veterinarian licensed and in good standing under sections 340.200 to 340.330.

2. Nothing in sections 340.200 to 340.330 shall be construed as limiting the board's authority to provide other exemptions or exceptions to the requirements of licensing as the board may find necessary or appropriate under its rulemaking authority.

3. Notwithstanding any other provision of sections 340.200 to 340.330 or any rule to the contrary, nothing shall prohibit a licensed physical therapist or physical therapist's assistant from providing rehabilitation services on animals pursuant to a written prescription of a licensed veterinarian, provided the supervising veterinarian is immediately available to the physical therapist or physical therapist's assistant for consultation, assistance, or intervention either personally or via telecommunications.”; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted.

Senator Loudon offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 320, Page 1, by inserting at the beginning of said amendment the following:

“Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 320, Page 1, In the Title, Lines 4-5, by striking all of said lines and inserting in lieu thereof the following: “lieu thereof eighteen new sections relating to veterinarians.”

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

SA 1, as amended, was again taken up.

Senator Loudon moved that the above amendment be adopted, which motion failed.

Senator Smith offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 320, Page 1, In the Title, Lines 4-5, by striking all of said lines and inserting in lieu thereof the following: “lieu thereof nineteen new sections relating to student loan assistance.”; and

Further amend said bill, section A, line 6, by inserting immediately after all of said line the following:

“168.700. 1. This act shall be known, and may be cited, as the “Missouri Teaching Fellows Program”.

2. As used in this section, the following terms shall mean:

(1) “Department”, the Missouri department of elementary and secondary education;

(2) “Eligible applicant”: a high school senior who:

(a) Is a United States citizen;

(b) Has a cumulative grade point average ranking in the top ten percentile in their graduating class and scores in the top twenty percentile on either the ACT or SAT assessment; or has a cumulative grade point average ranking in the top twenty percentile in their graduating class and scores in the top ten percentile of the ACT or SAT assessment;

(c) Upon graduation from high school, attends a Missouri higher education institution and attains a teaching certificate and either a bachelors or graduate degree with a cumulative grade point average of at least 3.0 on a 4 point scale or equivalent;

(d) Signs an agreement with the department in which the applicant agrees to engage in qualified employment upon graduation from a higher education institution for five years; and

(e) Upon graduation from the higher education institution, engages in qualified employment;

(3) “Qualified employment”, employment as a teacher, as such term is defined in section 168.104, in a school located in a school district that is not classified as accredited by the department at the time the eligible applicant signs their first contract to teach in such district. Preference shall be given to a school in such a school district with a higher than the state average of students eligible to receive a reduced lunch price under the National School Act, 42 U.S.C. Section 1751 et seq., as amended.

3. Within the limits of amounts appropriated therefor, the department shall, upon proper verification to the department by an eligible applicant and the school district in which the applicant is engaged in qualified employment, enter into a one-year contract with eligible applicants to repay the interest and principal on the educational loans of the applicants or provide a stipend to the applicant

as provided in subsection 4 of this section. The department may enter into subsequent one-year contracts with eligible applicants, not to total more than five such contracts. The fifth one-year contract shall provide for a stipend to such applicants as provided in subsection 4 of this section. If the school district becomes accredited at any time during which the eligible applicant is teaching at a school under a contract entered into pursuant to this section, nothing in this section shall preclude the department and the eligible applicant from entering into subsequent contracts to teach within the school district. An eligible applicant who does not enter into a contract with the department under the provisions of this subsection shall not be eligible for repayment of educational loans or a stipend under the provisions of subsection 4 of this section.

4. At the conclusion of each of the first four academic years that an eligible applicant engages in qualified employment, one-fourth of the eligible applicant's educational loans, not to exceed five thousand dollars per year, shall be repaid under terms provided in the contract. For applicants without any educational loans, the applicant may receive a stipend of up to five thousand dollars at the conclusion of each of the first four academic years that the eligible applicant engages in qualified employment. At the conclusion of the fifth academic year that an eligible applicant engages in qualified employment, a stipend in an amount equal to one thousand dollars shall be granted to the eligible applicant. The maximum of five thousand dollars per year and the stipend of one thousand dollars shall be adjusted annually by the same percentage as the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor or its successor agency. The amount of

any repayment of educational loans or the issuance of a stipend under this subsection shall not exceed the actual cost of tuition, required fees, and room and board for the eligible applicant at the institution of higher education from which the eligible applicant graduated.

5. The department shall create and maintain a "Teach for Missouri" coordinator position, the main responsibility of which shall be the identification, recruitment, and selection of potential students meeting the requirements of paragraph (b) of subdivision (2) of subsection 2 of this section. In selecting potential students, the coordinator shall give preference to applicants that represent a variety of racial backgrounds in order to ensure a diverse group of eligible applicants.

6. The department shall promulgate rules to enforce the provisions of this section, including, but not be limited to: applicant eligibility, selection criteria, and the content of loan repayment contracts. If the number of applicants exceeds the number of scholarships or revenues available, priority shall be to those applicants with the highest high school grade point average and highest scores on the ACT or SAT assessments.

7. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

8. There is hereby created in the state

treasury the “Missouri Teaching Fellows Program Fund”. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Private donations, federal grants, and other funds provided for the implementation of this section shall be placed in the Missouri teaching fellows program fund. Upon appropriation, money in the fund shall be used solely for the repayment of loans and the payment of stipends under the provisions of this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

9. The general assembly shall appropriate an amount necessary to properly fund this section, not to exceed one million dollars in any fiscal year. The maximum of one million dollars in any fiscal year shall be adjusted annually by the same percentage as the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor or its successor agency.

168.702. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:

(1) Any new program authorized under section 168.700 shall automatically sunset six years after the effective date of this act unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under section 168.700 shall automatically sunset twelve years after the effective date of the reauthorization of this act;

and

(3) Section 168.700 shall terminate on September first of the calendar year immediately following the calendar year in which a program authorized under section 168.700 is sunset.”; and

Further amend the enacting clause accordingly.

Senator Smith moved that the above amendment be adopted.

Senator Koster assumed the Chair.

Senator Shields raised the point of order that **SA 2** is out of order as it goes beyond the scope and title of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Clemens moved that **SS** for **SCS** for **SB 320** be adopted, which motion prevailed.

On motion of Senator Clemens, **SS** for **SCS** for **SB 320** was declared perfected and ordered printed.

Senator Ridgeway moved that **SB 40** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Ridgeway offered **SS** for **SB 40**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 40

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof four new sections relating to tax incentives for certain energy uses.

Senator Ridgeway moved that **SS** for **SB 40** be adopted.

At the request of Senator Ridgeway, **SB 40**, with **SS** (pending), was placed on the Informal Calendar.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SB 22**, introduced by Senator

Griesheimer, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 22

An Act to repeal sections 41.655, 50.565, 50.660, 58.500, 58.510, 64.907, 64.940, 67.110, 67.320, 67.410, 67.463, 67.797, 67.1003, 67.1360, 67.1451, 67.2500, 67.2510, 67.2555, 70.515, 70.545, 71.011, 71.012, 72.080, 78.610, 79.050, 84.830, 87.006, 89.010, 89.400, 94.660, 100.050, 100.059, 105.971, 110.130, 110.140, 110.150, 137.055, 137.115, 144.757, 144.759, 163.011, 206.090, 235.210, 238.202, 238.207, 238.208, 238.225, 238.275, 247.060, 250.140, 260.830, 260.831, 302.010, 320.200, 320.271, 320.300, 320.310, 393.715, 393.720, 393.740, 393.825, 393.847, 393.900, 393.933, 473.743, 479.011, 650.340, 650.396, 650.399, RSMo, and section 67.2505, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill nos. 795, 972, 1128 & 1161 merged with house substitute for senate committee substitute for senate bill no. 1155, ninety-second general assembly, second regular session and section 67.2505 as enacted by senate substitute for senate committee substitute for house committee substitute for house bill no. 833 merged with house committee substitute for senate substitute for senate bill no. 732, ninety-second general assembly, second regular session, and to enact in lieu thereof ninety-five new sections relating to political subdivisions, with penalty provisions and an emergency clause for certain sections.

Was taken up.

On motion of Senator Griesheimer, **SS** for **SCS** for **SB 22** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman

Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

President Pro Tem Gibbons assumed the

Chair.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 339** and **HCS** for **SS** for **SCS** for **SB 284**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 306**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SCS** for **SB 339** and **HCS** for **SS** for **SCS** for **SB 284**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

THIRD READING OF SENATE BILLS

SB 257, introduced by Senator Engler, et al, entitled:

An Act to amend chapter 44, RSMo, by adding thereto one new section relating to treatment of firearms during emergencies.

Was taken up.

On motion of Senator Engler, **SB 257** was

read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Graham	Green	Griesheimer
Gross	Justus	Kennedy	Koster
Lager	Loudon	Mayer	McKenna
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith
Stouffer	Vogel—30		

NAYS—Senators

Bray	Coleman	Days	Wilson—4
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for **SJR**s **9** and **17**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE JOINT RESOLUTIONS NOS. 9 and 17

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 13 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to laws that are retrospective in operation.

Was taken up by Senator Crowell.

On motion of Senator Crowell, **SCS** for **SJR**s **9** and **17** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators

Bray Justus—2

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the resolution passed.

On motion of Senator Crowell, title to the resolution was agreed to.

Senator Crowell moved that the vote by which the resolution passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for SB 418, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 418

An Act to repeal section 208.030, RSMo, and to enact in lieu thereof one new section relating to the supplemental nursing care program.

Was taken up by Senator Champion.

On motion of Senator Champion, **SCS for SB 418** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross

Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for SB 47, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 47

An Act to repeal sections 320.200, 320.271, 320.300, and 320.310, RSMo, and to enact in lieu thereof eight new sections relating to fire protection.

Was taken up by Senator Engler.

On motion of Senator Engler, **SCS for SB 47** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer

Vogel Wilson—34

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for SCS for SB 215, introduced by Senator Loudon, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 215

An Act to amend chapter 379, RSMo, by adding thereto forty-nine new sections relating to the regulation of captive insurance companies.

Was taken up.

On motion of Senator Loudon, **SS for SCS for SB 215** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 458**, entitled:

An Act to repeal sections 147.010 and 148.064, RSMo, and to enact in lieu thereof two new sections relating to annual franchise taxes.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 74**, entitled:

An Act to repeal section 135.903, RSMo, and to enact in lieu thereof one new section relating to rural empowerment zone criteria.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 774**, entitled:

An Act to amend chapter 491, RSMo, by adding thereto one new section relating to the disclosure of news sources and information.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 426**, entitled:

An Act to repeal sections 323.010, 323.020, 323.060, 323.075, 323.080, 323.090, and 323.110, RSMo, and to enact in lieu thereof eleven new sections relating to the Missouri propane safety act, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 693**, entitled:

An Act to repeal sections 340.335, 340.337, 340.339, 340.341, 340.343, 340.345, and 340.347, RSMo, and to enact in lieu thereof seventeen new sections relating to large animal veterinary student loan assistance.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 469**, entitled:

An Act to repeal sections 160.261, 160.660, 161.650, 167.020, 167.022, 167.023, 167.029, 167.115, 167.161, 167.164, 167.335, 167.621, 167.624, 167.627, 167.630, 168.133, 210.102, and 475.060, and to enact in lieu thereof nineteen new sections relating to school protection measures.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 526**, entitled:

An Act to repeal sections 621.250 and 640.013, RSMo, and to enact in lieu thereof two new sections relating to the administrative hearing commission.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 665**, entitled:

An Act to repeal section 50.172, RSMo, and to enact in lieu thereof one new section relating to preservation of county documents.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 75**, entitled:

An Act to repeal section 253.095, RSMo, and to enact in lieu thereof one new section relating to park services.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 125**, entitled:

An Act to repeal sections 52.361, 52.370, 55.140, 55.190, 139.031, 139.140, 139.150, 139.210, 139.220, 140.050, 140.070, 140.080, 140.160, 140.730, and 165.071, RSMo, and to enact in lieu thereof fifteen new sections relating to collection of taxes.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 155**, entitled:

An Act to repeal section 302.020, RSMo, and to enact in lieu thereof one new section relating to protective headgear for operation of motorcycles or motortricycles, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 268**, entitled:

An Act to authorize the conveyance of property owned by the state in Callaway County to the City of Fulton.

In which the concurrence of the Senate is

respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 62**, entitled:

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to designation of a certain state building.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 754**, entitled:

An Act to repeal section 217.045, RSMo, and to enact in lieu thereof one new section relating to the department of corrections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 467**, entitled:

An Act to authorize the conveyance of property owned by the state in Pettis County to the Girl Scouts-Heart of Missouri Council, Inc., with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the

House has taken up and passed **HB 489**, entitled:

An Act to repeal section 162.720, RSMo, and to enact in lieu thereof one new section relating to gifted education.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 680**, entitled:

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the official state grass.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 875**, entitled:

An Act to repeal section 50.1250, RSMo, and to enact in lieu thereof one new section relating to county employees' retirement.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 686**, entitled:

An Act to repeal section 344.070, RSMo, and to enact in lieu thereof one new section relating to nursing home administrators.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 780**, entitled:

An Act to repeal sections 41.950, 214.275, 214.340, 333.011, 333.121, 334.610, 334.625, 337.510, 337.715, 338.035, 338.220, 339.507, 339.513, 339.519, 339.521, 339.525, and 660.315, RSMo, and to enact in lieu thereof eighteen new sections relating to the division of professional registration, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

BILLS DELIVERED TO GOVERNOR

HCS for **SS** for **SCS** for **SB 284** and **SS** for **SB 339**, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

INTRODUCTIONS OF GUESTS

Senator Champion introduced to the Senate, Brent Garrison, chaperones and thirty students from Greenwood Laboratory School, Springfield.

Senator Graham introduced to the Senate, Assistant Principal and Athletic Director Steve Levingston, Coaches Tracey Pfeiffer and Lyria Bartlett, and team members Lori Hofsess, Leah Kennett, Lauren D'Agostino, Ashley Odom, Jennifer Maples, Stephanie Dresner, Jordan Waigandt, Nicole Humphrey, Anna Swacker, Katee Christensen, Courtney Braselton, Cayla Troyer, Lauren Fischer, Mallory Van Waarde, Amy Trader and Stacy Massey, winners of the National Dance Alliance National Team Championship, Rock Bridge High School, Columbia.

On behalf of Senator Rupp, the President

introduced to the Senate, his wife, Natalie; and John Gammon, St. Charles County.

Senator Coleman introduced to the Senate, Jason Groce and Daniel Britts, Jefferson City.

Senator Crowell introduced to the Senate, Tracy Kirchdoerfer and sixty-two fourth grade students from Chaffee Elementary School.

Senator Nodler introduced to the Senate, Zack Wallau, Webb City; and Zack was made an honorary page.

Senator Griesheimer introduced to the Senate,

Jerry Maune, Leon Hove and members of the Washington Lions Club.

Senator Gibbons introduced to the Senate, seventy-five fourth grade students from Tillman Elementary School, Kirkwood; and Taylor Smith, Andrew Joyce, Josh Richter and Julia Bambini were made honorary pages.

On motion of Senator Shields, the Senate adjourned until 2:00 p.m., Thursday, March 22, 2007.

SENATE CALENDAR

FORTY-SECOND DAY—THURSDAY, MARCH 22, 2007

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 458
HCS for HB 74
HCS for HB 774
HCS for HB 426
HCS for HB 693
HCS for HB 469
HB 526-Pratt
HB 665-Ervin, et al
HB 75-Sutherland
HB 125-Franz

HB 155-Dusenberg, et al
HB 268-Kelly, et al
HB 62-Ruestman, et al
HB 754-Moore and Bivins
HB 467-Cox
HB 489-Baker (123), et al
HB 680-May, et al
HB 875-Franz
HB 686-Smith (150), et al
HCS for HB 780

SENATE BILLS FOR PERFECTION

1. SB 492-Crowell
2. SB 476-Crowell
3. SB 303-Loudon, et al
4. SB 363-Bartle
5. SB 82-Griesheimer, with SCS
6. SB 112-Rupp
7. SB 131-Rupp

8. SB 31-Nodler
9. SB 250-Ridgeway and Vogel
10. SB 570-Clemens
11. SB 444-Goodman
12. SB 364-Koster, with SCS
13. SB 591-Scott and Gibbons, with SCS
14. SB 400-Crowell, et al

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| 15. SB 213-McKenna | 31. SB 391-Days, with SCS |
| 16. SB 20-Griesheimer, with SCS | 32. SB 53-Koster and Engler, with SCS |
| 17. SB 85-Champion and Koster, with SCS | 33. SB 531-Gibbons, with SCS |
| 18. SB 429-Gibbons, with SCS | 34. SB 511-Scott, with SCS |
| 19. SB 5-Loudon, with SCS | 35. SB 86-Champion, with SCS |
| 20. SB 368-Barnitz, et al, with SCS | 36. SB 153-Engler, et al, with SCS |
| 21. SB 417-Goodman | 37. SB 168-Mayer and Crowell, with SCS |
| 22. SB 534-Nodler | 38. SB 428-Purgason, with SCS |
| 23. SB 254-Nodler, et al, with SCS | 39. SB 480-Ridgeway, et al, with SCS |
| 24. SJR 8-Ridgeway | 40. SB 577-Shields and Gibbons, with SCS |
| 25. SBs 45 & 39-Mayer, with SCS | 41. SB 433-Callahan and Rupp |
| 26. SB 17-Shields, with SCS | 42. SB 698-Ridgeway, et al, with SCS |
| 27. SB 385-Gibbons, with SCS | 43. SB 458-Gibbons |
| 28. SB 66-Rupp, with SCS | 44. SB 341-Goodman, with SCS |
| 29. SB 313-Scott, with SCS | 45. SB 252-Ridgeway and McKenna |
| 30. SB 453-Scott, with SCS | 46. SRB 613-Goodman, with SCA 1 |

HOUSE BILLS ON THIRD READING

HCS for HB 453

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|--|---|
| SB 2-Gibbons, with SCS | SBs 260 & 71-Koster, et al, with SCS |
| SB 3-Gibbons, with SCS | SB 274-Shields |
| SB 21-Griesheimer, with SCS | SB 282-Griesheimer, with SCS & SS for |
| SB 27-Bartle and Koster | SCS (pending) |
| SB 40-Ridgeway, with SS (pending) | SB 287-Crowell and Vogel |
| SB 75-Coleman, et al, with SCS | SB 292-Mayer |
| SB 101-Mayer | SB 297-Loudon, with SCS |
| SB 155-Engler, with SCS | SB 300-Bartle |
| SB 160-Rupp, with SCS | SBs 370, 375 & 432-Scott and Koster, |
| SB 169-Rupp, with SCS, SS for SCS & | with SCS |
| SA 3 (pending) | SB 389-Nodler, et al, with SCS & SS#4 |
| SB 204-Stouffer, with SCS & SS for SCS | for SCS (pending) |
| (pending) | SB 430-Shields, et al, with SCS, SS for |
| SB 242-Nodler, with SCS | SCS, SA 3 & SA 1 to SA 3 (pending) |

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Reported 2/15

SB 8-Kennedy

Reported 3/1

SB 549-Scott

SB 498-Scott

Reported 3/8

SB 482-Gibbons, et al, with SCS

SB 150-Mayer, with SCS

SB 138-Bray

SB 369-Scott, with SCS

SB 509-Scott

SB 510-Scott

SB 525-Scott, with SCS

SB 526-Scott, with SCS

SB 550-Scott

SB 593-Scott

SB 594-Scott, with SCS

SB 478-Gross

SB 559-Shields

SB 497-Scott, with SCS

SB 671-Justus

SB 502-Koster

SB 333-Stouffer, with SCS

SB 516-Goodman

SB 426-Justus

SB 488-Clemens

SB 133-Rupp

SB 140-Rupp

SB 137-Bray, with SCS

SB 185-Green

SB 419-Kennedy

Reported 3/15

SB 542-Scott, with SCS

SB 523-Scott, with SCS

SB 477-Days, with SCS

SB 592-Scott, with SCS

SB 648-Vogel

SB 666-Scott

SB 664-Scott, with SCS

SB 582-Shoemyer, with SCS

SB 520-Engler, with SCS

SB 530-Gibbons, with SCS

SB 338-Mayer
SB 302-Loudon, with SCS
SB 481-Ridgeway
SB 398-Crowell
SB 393-McKenna, with SCS
SB 605-Coleman and Gibbons

SB 638-Bray, with SCS
SB 513-Clemens
SB 627-Ridgeway
SB 328-Engler, with SCS
SB 306-Crowell

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Unofficial

Journal

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Journal of the Senate

FIRST REGULAR SESSION

FORTY-SECOND DAY—THURSDAY, MARCH 22, 2007

The Senate met pursuant to adjournment.

Senator Vogel in the Chair.

RESOLUTIONS

On behalf of Senator Mayer, Senator Vogel offered Senate Resolution No. 635, regarding George John Strange, Jr., which was adopted.

On behalf of Senator Mayer, Senator Vogel offered Senate Resolution No. 636, regarding Jacob Polk, which was adopted.

On behalf of Senator Mayer, Senator Vogel offered Senate Resolution No. 637, regarding Johnnie Provance, which was adopted.

On behalf of Senator Mayer, Senator Vogel offered Senate Resolution No. 638, regarding Ronnie Levi Hampton, which was adopted.

On behalf of Senator Mayer, Senator Vogel offered Senate Resolution No. 639, regarding Thomas R. Anderson, which was adopted.

On behalf of Senator Mayer, Senator Vogel offered Senate Resolution No. 640, regarding James Robert Montgomery, which was adopted.

On behalf of Senator Mayer, Senator Vogel offered Senate Resolution No. 641, regarding Mark Jackson, which was adopted.

On behalf of Senator Shields, Senator Vogel

offered Senate Resolution No. 642, regarding Mayor Kay Barnes, Kansas City, which was adopted.

On behalf of Senator Rupp, Senator Vogel offered Senate Resolution No. 643, regarding the Twenty-fifth Wedding Anniversary of Mr. and Mrs. John Kincaid, Sr., O'Fallon, which was adopted.

On behalf of Senator Crowell, Senator Vogel offered Senate Resolution No. 644, regarding Zalma R-V School District, Bollinger County, which was adopted.

On behalf of Senator Crowell, Senator Vogel offered Senate Resolution No. 645, regarding Oran R-III School District, Scott County, which was adopted.

On behalf of Senator Crowell, Senator Vogel offered Senate Resolution No. 646, regarding Nell Holcomb R-IV School District, Cape Girardeau County, which was adopted.

On behalf of Senator Crowell, Senator Vogel offered Senate Resolution No. 647, regarding Kelso C-7 School District, Scott County, which was adopted.

On behalf of Senator Crowell, Senator Vogel offered Senate Resolution No. 648, regarding Jackson R-II School District, Cape Girardeau

County, which was adopted.

On behalf of Senator Crowell, Senator Vogel offered Senate Resolution No. 649, regarding Delta R-V School District, Cape Girardeau County, which was adopted.

On behalf of Senator Crowell, Senator Vogel offered Senate Resolution No. 650, regarding Altenburg School District, Perry County, which was adopted.

On behalf of Senator Gibbons, Senator Vogel offered Senate Resolution No. 651, regarding Charles "C.J." Simpson, St. Louis, which was adopted.

On behalf of Senator Engler, Senator Vogel offered Senate Resolution No. 652, regarding Central R-III School District, which was adopted.

On behalf of Senator Engler, Senator Vogel offered Senate Resolution No. 653, regarding Ste. Genevieve R-II School District, which was adopted.

On behalf of Senator Engler, Senator Vogel offered Senate Resolution No. 654, regarding North St. Francois County R-I School District, which was adopted.

On behalf of Senator Engler, Senator Vogel offered Senate Resolution No. 655, regarding Farmington R-7 School District, which was adopted.

On behalf of Senator Engler, Senator Vogel offered Senate Resolution No. 656, regarding Arcadia Valley R-II School District, which was adopted.

On behalf of Senator Nodler, Senator Vogel offered Senate Resolution No. 657, regarding the Phi Theta Kappa, the Missouri Community College Association, and the members of the All-Missouri Academic Team, which was adopted.

On behalf of Senator Green, Senator Vogel offered Senate Resolution No. 658, regarding Matthew Vincent "Matt" Palozola, which was

adopted.

On behalf of Senator Mayer, Senator Vogel offered Senate Resolution No. 659, regarding Mayor Gaylon Watson, Piedmont, which was adopted.

On behalf of Senator Lager, Senator Vogel offered Senate Resolution No. 660, regarding Calvin Robert Cooksey, which was adopted.

On behalf of Senator Barnitz, Senator Vogel offered Senate Resolution No. 661, regarding the Sixtieth Anniversary of the Lions Club of Owensville, which was adopted.

On behalf of Senator Lager, Senator Vogel offered Senate Resolution No. 662, regarding the One Hundred Twenty-fifth Anniversary of the First Christian Church, Disciples of Christ, Hopkins, which was adopted.

Senator Vogel offered Senate Resolution No. 663, regarding Miller County VFW Post 2442, Eldon, which was adopted.

On behalf of Senator Crowell, Senator Vogel offered Senate Resolution No. 664, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Charles Schulz, Jackson, which was adopted.

On behalf of Senator Loudon, Senator Vogel offered Senate Resolution No. 665, regarding Susan Dean, Manchester, which was adopted.

On behalf of Senator Wilson, Senator Vogel offered Senate Resolution No. 666, regarding the One Hundredth Anniversary of the Centennial United Methodist Church, Kansas City, which was adopted.

On behalf of Senator Bartle, Senator Vogel offered Senate Resolution No. 667, regarding Christopher Dale "Chris" Kemp, Lee's Summit, which was adopted.

On behalf of Senator Clemens, Senator Vogel offered Senate Resolution No. 668, regarding Joyce Smith, Marshfield, which was adopted.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 22, 2007

TO THE SECRETARY OF THE SENATE
94th GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI:

Herewith I return to you House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 284 entitled:

AN ACT

To amend chapter 67, RSMo, by adding thereto twenty new sections relating to the provision of video services.

On March 22, 2007, I approved said House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 284.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 22, 2007

TO THE SECRETARY OF THE SENATE
94th GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI:

Herewith I return to you Senate Committee Substitute for Senate Bill No. 339 entitled:

AN ACT

To repeal section 290.250, RSMo, and to enact in lieu thereof eight new sections relating to public contracts, with penalty provisions.

On March 22, 2007, I approved said Senate Committee Substitute for Senate Bill No. 339.

Respectfully submitted,
MATT BLUNT
Governor

On motion of Senator Vogel, the Senate adjourned until 2:00 p.m., Monday, March 26, 2007.

SENATE CALENDAR

FORTY-THIRD DAY—MONDAY, MARCH 26, 2007

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 458
HCS for HB 74
HCS for HB 774
HCS for HB 426
HCS for HB 693
HCS for HB 469
HB 526-Pratt

HB 665-Ervin, et al
HB 75-Sutherland
HB 125-Franz
HB 155-Dusenberg, et al
HB 268-Kelly, et al
HB 62-Ruestman, et al
HB 754-Moore and Bivins

HB 467-Cox
 HB 489-Baker (123), et al
 HB 680-May, et al

HB 875-Franz
 HB 686-Smith (150), et al
 HCS for HB 780

SENATE BILLS FOR PERFECTION

- | | |
|---|--|
| 1. SB 492-Crowell | 24. SJR 8-Ridgeway |
| 2. SB 476-Crowell | 25. SBs 45 & 39-Mayer, with SCS |
| 3. SB 303-Loudon, et al | 26. SB 17-Shields, with SCS |
| 4. SB 363-Bartle | 27. SB 385-Gibbons, with SCS |
| 5. SB 82-Griesheimer, with SCS | 28. SB 66-Rupp, with SCS |
| 6. SB 112-Rupp | 29. SB 313-Scott, with SCS |
| 7. SB 131-Rupp | 30. SB 453-Scott, with SCS |
| 8. SB 31-Nodler | 31. SB 391-Days, with SCS |
| 9. SB 250-Ridgeway and Vogel | 32. SB 53-Koster and Engler, with SCS |
| 10. SB 570-Clemens | 33. SB 531-Gibbons, with SCS |
| 11. SB 444-Goodman | 34. SB 511-Scott, with SCS |
| 12. SB 364-Koster, with SCS | 35. SB 86-Champion, with SCS |
| 13. SB 591-Scott and Gibbons, with SCS | 36. SB 153-Engler, et al, with SCS |
| 14. SB 400-Crowell, et al | 37. SB 168-Mayer and Crowell, with SCS |
| 15. SB 213-McKenna | 38. SB 428-Purgason, with SCS |
| 16. SB 20-Griesheimer, with SCS | 39. SB 480-Ridgeway, et al, with SCS |
| 17. SB 85-Champion and Koster, with SCS | 40. SB 577-Shields and Gibbons, with SCS |
| 18. SB 429-Gibbons, with SCS | 41. SB 433-Callahan and Rupp |
| 19. SB 5-Loudon, with SCS | 42. SB 698-Ridgeway, et al, with SCS |
| 20. SB 368-Barnitz, et al, with SCS | 43. SB 458-Gibbons |
| 21. SB 417-Goodman | 44. SB 341-Goodman, with SCS |
| 22. SB 534-Nodler | 45. SB 252-Ridgeway and McKenna |
| 23. SB 254-Nodler, et al, with SCS | 46. SRB 613-Goodman, with SCA 1 |

HOUSE BILLS ON THIRD READING

HCS for HB 453 (Mayer)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 2-Gibbons, with SCS

SB 3-Gibbons, with SCS

SB 21-Griesheimer, with SCS	SB 274-Shields
SB 27-Bartle and Koster	SB 282-Griesheimer, with SCS & SS for
SB 40-Ridgeway, with SS (pending)	SCS (pending)
SB 75-Coleman, et al, with SCS	SB 287-Crowell and Vogel
SB 101-Mayer	SB 292-Mayer
SB 155-Engler, with SCS	SB 297-Loudon, with SCS
SB 160-Rupp, with SCS	SB 300-Bartle
SB 169-Rupp, with SCS, SS for SCS & SA 3	SBs 370, 375 & 432-Scott and Koster,
(pending)	with SCS
SB 204-Stouffer, with SCS & SS for SCS	SB 389-Nodler, et al, with SCS & SS#4
(pending)	for SCS (pending)
SB 242-Nodler, with SCS	SB 430-Shields, et al, with SCS, SS for
SBs 260 & 71-Koster, et al, with SCS	SCS, SA 3 & SA 1 to SA 3 (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Reported 2/15

SB 8-Kennedy

Reported 3/1

SB 549-Scott

SB 498-Scott

Reported 3/8

SB 482-Gibbons, et al, with SCS
SB 150-Mayer, with SCS
SB 138-Bray
SB 369-Scott, with SCS
SB 509-Scott
SB 510-Scott

SB 525-Scott, with SCS
SB 526-Scott, with SCS
SB 550-Scott
SB 593-Scott
SB 594-Scott, with SCS
SB 478-Gross

SB 559-Shields
SB 497-Scott, with SCS
SB 671-Justus
SB 502-Koster
SB 333-Stouffer, with SCS
SB 516-Goodman
SB 426-Justus

SB 488-Clemens
SB 133-Rupp
SB 140-Rupp
SB 137-Bray, with SCS
SB 185-Green
SB 419-Kennedy

Reported 3/15

SB 542-Scott, with SCS
SB 523-Scott, with SCS
SB 477-Days, with SCS
SB 592-Scott, with SCS
SB 648-Vogel
SB 666-Scott
SB 664-Scott, with SCS
SB 582-Shoemyer
SB 520-Engler, with SCS
SB 530-Gibbons, with SCS
SB 338-Mayer

SB 302-Loudon, with SCS
SB 481-Ridgeway
SB 398-Crowell
SB 393-McKenna, with SCS
SB 605-Coleman and Gibbons
SB 638-Bray, with SCS
SB 513-Clemens
SB 627-Ridgeway
SB 328-Engler, with SCS
SB 306-Crowell

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Journal of the Senate

FIRST REGULAR SESSION

FORTY-THIRD DAY—MONDAY, MARCH 26, 2007

The Senate met pursuant to adjournment.

Senator Griesheimer in the Chair.

Reverend Carl Gauck offered the following prayer:

“Be glad and rejoice forever in what I am creating.” (Isaiah 65:18)

Dear God, we are grateful for the time off this past week for re-creating us, refreshing our minds and restoring our bodies that they might be renewed with vigor and energy. We thank You for the nourishment of Your word, for re-creating our souls, that we might be always mindful that what is important to You is that our work here is in keeping with Your will. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journals for Thursday, March 15, 2007 and Thursday, March 22, 2007 were read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager

Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

RESOLUTIONS

Senator Koster offered Senate Resolution No. 669, regarding the University of Central Missouri Mules, Warrensburg, which was adopted.

Senator Shoemyer offered Senate Resolution No. 670, regarding Betty J. Anderson, Monroe City, which was adopted.

Senator Barnitz offered Senate Resolution No. 671, regarding the Crawford County R-I School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 672, regarding the Green Forest R-II School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 673, regarding the Dent-Phelps R-III School District, which was adopted.

Senator Barnitz offered Senate Resolution

No. 674, regarding the Sullivan School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 675, regarding the Gasconade County R-II School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 676, regarding the Montgomery County R-II School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 677, regarding the Osage County R-I School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 678, regarding the Osage County R-II School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 679, regarding the Osage County R-III School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 680, regarding the St. James R-I School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 681, regarding the Rolla 31 School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 682, regarding the Phelps County R-III School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 683, regarding the Waynesville R-VI School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 684, regarding the Bunker R-III School District, which was adopted.

Senator Crowell offered Senate Resolution No. 685, regarding Dave Brewer, which was adopted.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

March 15, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Elizabeth M. Schlueter, Republican, 111 Stable Ridge Drive, Troy, Lincoln County, Missouri 63379, as a member of the State Fair Commission, for a term ending December 29, 2010, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

March 15, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Laurie B. Donovan, 1070 Pearview Drive, Saint Peters, Saint Charles County, Missouri 63376, as a member of the Children's Trust Fund Board, for a term ending September 15, 2009, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

March 15, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Janice T. McElwrath, Democrat, 22199 State Highway EE, Kennett, Dunklin County, Missouri 63857, as a member of the State Fair Commission, for a term ending December 29, 2010, and until her successor is duly appointed and qualified; vice, Sue Rourk King, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

March 15, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice
and consent the following appointment:

Nela E. Beetem, 1425 Eastview Drive, Holts Summit,
Callaway County, Missouri 65043, as a member of the Children's
Trust Fund Board, for a term ending September 15, 2009, and until
her successor is duly appointed and qualified; vice, Patrick
Dougherty, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

March 19, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice
and consent the following appointment:

Rudolph E. Farber, Republican, 100 North Wood Street,
Neosho, Newton County, Missouri 64850, as a member of the State
Highway and Transportation Commission, for a term ending March
1, 2013, and until his successor is duly appointed and qualified;
vice, Marjorie Schramm, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

March 22, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice
and consent the following appointment:

William Dale Finke, Republican, 12 Harbor View Drive,
Lake Saint Louis, Saint Charles County, Missouri 63367, as a
member of the State Lottery Commission, for a term ending
September 7, 2008, and until his successor is duly appointed and
qualified; vice, Barbara Pickering, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

March 22, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice
and consent the following appointment:

Kelly D. Swanson, Republican, 660 Plateau Lane, Kimberling
City, Stone County, Missouri 65686, as a member of the Tourism
Commission, for a term ending January 15, 2011, and until her
successor is duly appointed and qualified; vice, Karen Graves, term
expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

March 22, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice
and consent the following appointment:

Neal E. Boyd, 409 Orchard Avenue, Ballwin, Saint Louis
County, Missouri 63021, as a member of the Missouri Training and
Employment Council, for a term ending August 28, 2008, and until
his successor is duly appointed and qualified; vice, Mary Kay Meek,
resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

March 22, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice
and consent the following appointment:

Matthew W. Potter, Democrat, 1313 Missouri Avenue Unit
E, Saint Louis City, Missouri 63104, as a member of the Truman
State University Board of Governors, for a term ending January 1,

2013, and until his successor is duly appointed and qualified; vice, Michael Schwend, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 22, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Kenneth "Ken" Keesaman, Democrat, 3803 Southwest Rogers Road, Osborn, DeKalb County, Missouri 64474, as a member of the State Fair Commission, for a term ending December 29, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 22, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Becky J. Jungmann, 826 West Cypress Street, Springfield, Greene County, Missouri 65807, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2008, and until her successor is duly appointed and qualified; vice, Barbara Gulick, term expired.

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the

House has taken up and passed **HCR 20**, entitled:

HOUSE CONCURRENT RESOLUTION NO. 20
Relating to a prohibition on the implementation of the federal REAL ID Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE
STATE OF MISSOURI, AS FOLLOWS:

Whereas, in May 2005, the United States Congress enacted the REAL ID Act of 2005 as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief Act, PL 109-13, which was signed by President Bush on May 11, 2005, and which becomes effective May 11, 2008; and

Whereas, some of the requirements of the REAL ID Act are that states shall:

(1) Issue a driver's license or state identification card in a uniform format, containing uniform information, as prescribed by the federal Department of Homeland Security;

(2) Verify the issuance, validity, and completeness of all primary documents used to issue a driver's license, such as those showing that the bearer is a United States citizen or a lawful alien, a lawful refuge, or a person holding a visa;

(3) Provide for secure storage of all primary documents that are used to issue a federally approved driver's license or state identification card;

(4) Provide fraudulent document recognition training to all persons engaged in issuing driver's licenses or state identification cards; and

(5) Issue a driver's license or state identification card in a prescribed format if it is a license or card that does not meet the criteria provided for a federally approved license or identification card; and

Whereas, use of the federal minimum standards for state driver's licenses and state-issued identification cards will be necessary for any type of federally regulated activity for which an identification card must be displayed, including flying in a commercial airplane, making transactions with a federally licensed bank, entering a federal building, or making application for federally supported public assistance benefits, including Social Security; and

Whereas, some of the intended privacy requirements of the REAL ID Act, such as the use of common machine-readable technology and state maintenance of a database that can be shared with the United States government and agencies of other states, may actually make it more likely that a federally required driver's license or state identification card or the information about the bearer on which the license or card is based will be stolen, sold, or otherwise used for purposes that were never intended or that are criminally related than if the REAL ID Act had not been enacted; and

Whereas, these potential breaches in privacy that could result directly from compliance with the REAL ID Act may violate the right to privacy secured in the Missouri Constitution for thousands of residents of Missouri; and

Whereas, the American Association of Motor Vehicle Administrators, the National Governors' Association, and the National Conference of State Legislatures have estimated in a September 2006 impact analysis statement that the cost to the states to implement the REAL ID Act will be more than \$11 billion over 5 years, and it is estimated that the implementation of the REAL ID Act will cost Missouri millions to fully implement the Act, none of such costs being paid for by the federal government; and

Whereas, for all of these reasons, the American Association of Motor Vehicle Administrators, the National Governors' Association, and the National Conference of State Legislatures in a letter dated March 17, 2005, to the majority and minority leaders of the United States Senate opposed the adoption of the REAL ID Act, but the opposition of those groups and the groups' request that Congress rely on driver's license security provisions already passed by Congress in the Intelligence Reform and Terrorism Prevention Act of 2004 was largely ignored by Congress; and

Whereas, the regulations that are to be adopted by the federal Department of Homeland Security to implement the requirements of the REAL ID Act have yet to be adopted and, in reality, will probably not become effective until the Spring of 2007, effectively giving the states only one year in which to become familiar with the requirements of the REAL ID Act, the implementation of the regulations, and compliance with such regulations; and

Whereas, the mandate to the states through federal legislation that provides no funding for its requirements to issue what is, in effect, a national identification card appears to be an attempt to "commandeer" the political machinery of the states and to require the states to be agents of the federal government, in violation of the principles of federalism contained in the Tenth Amendment to the United States Constitution, as interpreted by the United States Supreme Court in *New York v. United States*, 488 U.S. 1041 (1992), *United States v. Lopez*, 514 U.S. 549 (1995), and *Printz v. United States*, 521 U.S. 898 (1997):

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-fourth General Assembly, First Regular Session, the Senate concurring therein, hereby refuse to implement the REAL ID Act and thereby protest the treatment by Congress and the President of the United States of the states as agents of the federal government and, by such protest, lead other state legislatures and governors to reject the treatment by the federal government of the 50 states by the enactment of the REAL ID Act; and

Be it further resolved that the Missouri General Assembly finds that the enactment into law by the United States Congress of the REAL ID Act of 2005, as part of PL 109-13, is inimical to the

security and well-being of the people of Missouri, will cause unneeded expense and inconvenience to those people, and was adopted by the United States Congress in violation of the principles of federalism contained in the Tenth Amendment to the United States Constitution; and

Be it further resolved that the Missouri General Assembly prohibits the State of Missouri from participating in the implementation of the REAL ID Act of 2005. The Missouri Department of Revenue, including the Division of Motor Vehicle and Drivers Licensing, is directed not to implement the provisions of the REAL ID Act of 2005 and to report to the Governor any attempt by agencies or agents of the federal Department of Homeland Security to secure the implementation of the REAL ID Act of 2005 through the operations of such Division and Department; and

Be it further resolved that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SBs 239, 24** and **445** and **SS** for **SCS** for **SB 320**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

THIRD READING OF SENATE BILLS

SB 549, introduced by Senator Scott, entitled:

An Act to repeal section 227.299, RSMo, and to enact in lieu thereof one new section relating to memorial highway designations.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 549** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Mayer	McKenna
Nodler	Purgason	Rupp	Scott
Shields	Shoemyer	Stouffer	Vogel
Wilson—29			

NAYS—Senators—None

Absent—Senators

Bartle	Clemens	Ridgeway—3
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Absent with leave—Senators

Loudon	Smith—2
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Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 498, introduced by Senator Scott, entitled:

An Act to repeal section 337.510, RSMo, and to enact in lieu thereof one new section relating to professional counselors.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 498** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Mayer	McKenna
Nodler	Purgason	Ridgeway	Rupp

Scott	Shields	Shoemyer	Stouffer
Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Bartle	Clemens—2
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Absent with leave—Senators

Loudon	Smith—2
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Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 482, with **SCS**, introduced by Senator Gibbons, et al, entitled:

An Act to repeal section 337.700, RSMo, and to enact in lieu thereof one new section relating to family and marital therapists.

Was called from the Consent Calendar and taken up.

SCS for **SB 482**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 482

An Act to repeal sections 337.700, 337.715, and 337.718, RSMo, and to enact in lieu thereof three new sections relating to family and marital therapists.

Was taken up.

Senator Gibbons moved that **SCS** for **SB 482** be adopted, which motion prevailed.

On motion of Senator Gibbons, **SCS** for **SB 482** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Loudon Smith—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 150, with **SCS**, introduced by Senator Mayer, entitled:

An Act to repeal section 409.107, RSMo, and to enact in lieu thereof one new section relating to law firm and investment firm contributions in support of general bond elections.

Was called from the Consent Calendar and taken up.

SCS for SB 150, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 150

An Act to repeal section 409.107, RSMo, and to enact in lieu thereof one new section relating to law firm and investment firm contributions in support of bond elections.

Was taken up.

Senator Mayer moved that **SCS** for **SB 150** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS** for **SB 150** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Loudon Smith—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 138, introduced by Senator Bray, entitled:

An Act to repeal sections 115.315 and 115.327, RSMo, and to enact in lieu thereof two new sections relating to formation of a new political party.

Was called from the Consent Calendar and taken up.

On motion of Senator Bray, **SB 138** was read

the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Graham—1

Absent with leave—Senators

Loudon Smith—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Bray, title to the bill was agreed to.

Senator Bray moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 369, with **SCS**, introduced by Senator Scott, entitled:

An Act to repeal sections 43.060 and 590.030, RSMo, and to enact in lieu thereof two new sections relating to requirements for certain law enforcement personnel.

Was called from the Consent Calendar and taken up.

SCS for **SB 369**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 369

An Act to repeal sections 43.030, 43.060, and 590.030, RSMo, and to enact in lieu thereof three new sections relating to requirements for certain

law enforcement personnel.

Was taken up.

Senator Scott moved that **SCS** for **SB 369** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SB 369** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Stouffer	Vogel	Wilson—32

NAYS—Senator Barnitz—1

Absent—Senators—None

Absent with leave—Senator Smith—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 509, introduced by Senator Scott, entitled:

An Act to repeal section 337.715, RSMo, and to enact in lieu thereof one new section relating to marital and family therapists.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 509** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Smith—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 510, introduced by Senator Scott, entitled:

An Act to repeal sections 214.275 and 214.340, RSMo, and to enact in lieu thereof two new sections relating to cemeteries.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 510** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields

Shoemyer

Smith

Stouffer

Vogel

Wilson—33

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 525, with **SCS**, introduced by Senator Scott, entitled:

An Act to repeal sections 333.011, 333.121, and 333.221, RSMo, and to enact in lieu thereof three new sections relating to embalmers and funeral directors.

Was called from the Consent Calendar and taken up.

SCS for **SB 525**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 525

An Act to repeal sections 333.011 and 333.121, RSMo, and to enact in lieu thereof two new sections relating to embalmers and funeral directors.

Was taken up.

Senator Scott moved that **SCS** for **SB 525** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SB 525** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 526, with **SCS**, introduced by Senator Scott, entitled:

An Act to repeal sections 339.507, 339.513, 339.519, 339.521, 339.525, and 339.532, RSMo, and to enact in lieu thereof seven new sections relating to real estate appraisers.

Was called from the Consent Calendar and taken up.

SCS for **SB 526**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 526

An Act to repeal sections 339.507, 339.519, 339.521, 339.525, and 339.532, RSMo, and to enact in lieu thereof five new sections relating to real estate appraisers.

Was taken up.

Senator Scott moved that **SCS** for **SB 526** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SB 526** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 550, introduced by Senator Scott, entitled:

An Act to repeal sections 43.010, 43.030, 43.090, 43.110, 43.120, 43.140, 43.210, and 43.220, RSMo, and to enact in lieu thereof eight new sections relating to the Missouri state highway patrol.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 550** was read

the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator Barnitz—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 593, introduced by Senator Scott, entitled:

An Act to repeal sections 105.466, 105.485, 105.957, 105.973, and 130.036, RSMo, and to enact in lieu thereof four new sections relating to ethics.

Was called from the Consent Calendar and taken up.

Senator Scott moved that **SB 593** be 3rd read and finally passed.

At the request of Senator Scott, the motion for 3rd reading was withdrawn, which placed the bill back on the Calendar.

SB 594, with **SCS**, introduced by Senator Scott, entitled:

An Act to repeal sections 105.961, 105.963,

and 130.057, RSMo, and to enact in lieu thereof three new sections relating to ethics, with penalty provisions.

Was called from the Consent Calendar and taken up.

Senator Rupp assumed the Chair.

SCS for **SB 594**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 594

An Act to repeal sections 105.961, 105.963, and 130.057, RSMo, and to enact in lieu thereof three new sections relating to ethics, with penalty provisions.

Was taken up.

Senator Scott moved that **SCS** for **SB 594** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SB 594** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 478, introduced by Senator Gross, entitled:

An Act to repeal section 313.820, RSMo, and to enact in lieu thereof one new section relating to excursion gambling boat admission fee revenues.

Was called from the Consent Calendar and taken up.

On motion of Senator Gross, **SB 478** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 559, introduced by Senator Shields, entitled:

An Act to repeal section 246.005, RSMo, and

to enact in lieu thereof one new section relating to levee districts, with an emergency clause.

Was called from the Consent Calendar and taken up.

On motion of Senator Shields, **SB 559** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 497, with **SCS**, introduced by Senator Scott, entitled:

An Act to repeal sections 58.500, 58.510, 110.130, 110.140, and 110.150, RSMo, and to enact in lieu thereof five new sections relating to county treasurers.

Was called from the Consent Calendar and taken up.

SCS for **SB 497**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 497

An Act to repeal sections 58.500, 58.510, 110.130, 110.140, 110.150, and 473.743, RSMo, and to enact in lieu thereof five new sections relating to county officials.

Was taken up.

Senator Scott moved that **SCS** for **SB 497** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SB 497** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 671, introduced by Senator Justus, entitled:

An Act to repeal sections 70.515 and 70.545, RSMo, and to enact in lieu thereof two new sections relating to the regional investment district compact.

Was called from the Consent Calendar and taken up.

On motion of Senator Justus, **SB 671** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senator Gross—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Justus, title to the bill was agreed to.

Senator Justus moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 502, introduced by Senator Koster, entitled:

An Act to authorize the conveyance of property owned by the state in Johnson County to the City of Warrensburg.

Was called from the Consent Calendar and taken up.

On motion of Senator Koster, **SB 502** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Koster, title to the bill was agreed to.

Senator Koster moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the

table, which motion prevailed.

SB 333, with **SCS**, introduced by Senator Stouffer, entitled:

An Act to repeal sections 192.745, 199.001, 199.003, 199.009, and 304.028, RSMo, and to enact in lieu thereof five new sections relating to the brain injury advisory council.

Was called from the Consent Calendar and taken up.

SCS for **SB 333**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 333

An Act to repeal sections 192.745, 199.001, 199.003, 199.009, and 304.028, RSMo, and to enact in lieu thereof five new sections relating to the brain injury advisory council.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 333** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS** for **SB 333** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senator Barnitz—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 516, introduced by Senator Goodman, entitled:

An Act to repeal section 517.041, RSMo, and to enact in lieu thereof one new section relating to service of process in cases before associate circuit judges.

Was called from the Consent Calendar and taken up.

On motion of Senator Goodman, **SB 516** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 426, introduced by Senator Justus, entitled:

An Act to repeal section 477.600, RSMo, and to enact in lieu thereof one new section relating to annual judicial reports.

Was called from the Consent Calendar and taken up.

On motion of Senator Justus, **SB 426** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Justus, title to the bill was agreed to.

Senator Justus moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 488, introduced by Senator Clemens, entitled:

An Act to repeal sections 261.035, 261.230, 261.235, 261.239, and 265.200, RSMo, and to

enact in lieu thereof five new sections relating to the department of agriculture.

Was called from the Consent Calendar and taken up.

Senator Crowell assumed the Chair.

On motion of Senator Clemens, **SB 488** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 133, introduced by Senator Rupp, entitled:

An Act to repeal section 162.963, RSMo, and to enact in lieu thereof one new section relating to special education due process hearings.

Was called from the Consent Calendar and taken up.

On motion of Senator Rupp, **SB 133** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator Smith—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Bray offered Senate Resolution No. 686, regarding Joy Lieberman, University City, which was adopted.

Senator Bray offered Senate Resolution No. 687, regarding Paula Seim, Ballwin, which was adopted.

Senator Coleman offered the following resolution:

SENATE RESOLUTION NO. 688

WHEREAS, the Missouri General Assembly has compiled a long tradition of rendering assistance to those programs aimed at developing exemplary qualities of citizenship and leadership within our youth; and

WHEREAS, the Missouri Girls State program of the American Legion Auxiliary has earned considerable recognition for

its success in providing young women with a unique and valuable insight into the process of democratic government through a format of direct role-playing experience; and

WHEREAS, during June 2007, the American Legion Auxiliary, Department of Missouri, is conducting the annual session of Missouri Girls State; and

WHEREAS, an important highlight of this event would be conducting a mock legislative session in the Senate Chamber at our State Capitol where participants could gather to gain a more realistic insight into official governmental and electoral proceedings;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-fourth General Assembly, hereby grant the adult leaders and participants of Missouri Girls State permission to use the Senate Chamber for the purpose of swearing in mock legislative officials and conducting a mock legislative session from 9:00 am to 12:30 pm on June 26, 2007.

Senator Coleman requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 688** up for adoption, which request was granted.

On motion of Senator Coleman, **SR 688** was adopted.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for HB 458—Ways and Means.

HCS for HB 74—Economic Development, Tourism and Local Government.

HCS for HB 774—Pensions, Veterans' Affairs and General Laws.

HCS for HB 426—Commerce, Energy and the Environment.

HCS for HB 693—Agriculture, Conservation, Parks and Natural Resources.

HCS for HB 469—Education.

HB 526—Judiciary and Civil and Criminal Jurisprudence.

HB 665—Economic Development, Tourism and Local Government.

HB 75—Agriculture, Conservation, Parks and

Natural Resources.

HB 125—Economic Development, Tourism and Local Government.

HB 155—Transportation.

HB 268—Economic Development, Tourism and Local Government.

HB 62—Financial and Governmental Organizations and Elections.

HB 754—Financial and Governmental Organizations and Elections.

HB 467—Economic Development, Tourism and Local Government.

HB 489—Education.

HB 680—Agriculture, Conservation, Parks and Natural Resources.

HB 875—Pensions, Veterans' Affairs and General Laws.

HB 686—Seniors, Families and Public Health.

HCS for HB 780—Financial and Governmental Organizations and Elections.

REFERRALS

President Pro Tem Gibbons referred **SS** for **SCS** for **SBs 239, 24** and **445** and **HCS** for **HB 453** to the Committee on Governmental Accountability and Fiscal Oversight.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

March 23, 2007

Senator Mike Gibbons

President Pro Tem

Missouri Senate

State Capitol, Room 326

Jefferson City, MO 65101

Dear Senator Gibbons:

This is to advise you that I will be acting Governor March 24, 2007

at approximately 2:00 p.m. until the Governor returns on April 2, 2007 at approximately 9:00 p.m.

Please submit this to the Senate Journal. Thank you for your assistance.

Sincerely,
/s/ Peter Kinder
PETER D. KINDER
Lieutenant Governor

Also,

March 26, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Mrs. Spieler:

I am appointing the following senators to the Governor's Advisory

Council on Physical Fitness and Health:

- Matt Bartle
- Jeff Smith

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Graham introduced to the Senate, Hickman High School Wrestling Champion, K.C. Pescaglia, his parents, Bucky and Cyndi Pescaglia and his brother, Tony, Columbia.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-FOURTH DAY—TUESDAY, MARCH 27, 2007

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SBs 239, 24 &
445-Stouffer (In Fiscal Oversight)

SS for SCS for SB 320-Clemens

SENATE BILLS FOR PERFECTION

1. SB 492-Crowell
2. SB 476-Crowell
3. SB 303-Loudon, et al
4. SB 363-Bartle
5. SB 82-Griesheimer, with SCS
6. SB 112-Rupp
7. SB 131-Rupp
8. SB 31-Nodler
9. SB 250-Ridgeway and Vogel
10. SB 570-Clemens
11. SB 444-Goodman

12. SB 364-Koster, with SCS
13. SB 591-Scott and Gibbons, with SCS
14. SB 400-Crowell, et al
15. SB 213-McKenna
16. SB 20-Griesheimer, with SCS
17. SB 85-Champion and Koster, with SCS
18. SB 429-Gibbons, with SCS
19. SB 5-Loudon, with SCS
20. SB 368-Barnitz, et al, with SCS
21. SB 417-Goodman
22. SB 534-Nodler

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|---------------------------------------|--|
| 23. SB 254-Nodler, et al, with SCS | 35. SB 86-Champion, with SCS |
| 24. SJR 8-Ridgeway | 36. SB 153-Engler, et al, with SCS |
| 25. SBs 45 & 39-Mayer, with SCS | 37. SB 168-Mayer and Crowell, with SCS |
| 26. SB 17-Shields, with SCS | 38. SB 428-Purgason, with SCS |
| 27. SB 385-Gibbons, with SCS | 39. SB 480-Ridgeway, et al, with SCS |
| 28. SB 66-Rupp, with SCS | 40. SB 577-Shields and Gibbons, with SCS |
| 29. SB 313-Scott, with SCS | 41. SB 433-Callahan and Rupp |
| 30. SB 453-Scott, with SCS | 42. SB 698-Ridgeway, et al, with SCS |
| 31. SB 391-Days, with SCS | 43. SB 458-Gibbons |
| 32. SB 53-Koster and Engler, with SCS | 44. SB 341-Goodman, with SCS |
| 33. SB 531-Gibbons, with SCS | 45. SB 252-Ridgeway and McKenna |
| 34. SB 511-Scott, with SCS | 46. SRB 613-Goodman, with SCA 1 |

HOUSE BILLS ON THIRD READING

HCS for HB 453 (Mayer)
(In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| SB 2-Gibbons, with SCS | SBs 260 & 71-Koster, et al, with SCS |
| SB 3-Gibbons, with SCS | SB 274-Shields |
| SB 21-Griesheimer, with SCS | SB 282-Griesheimer, with SCS & SS for
SCS (pending) |
| SB 27-Bartle and Koster | SB 287-Crowell and Vogel |
| SB 40-Ridgeway, with SS (pending) | SB 292-Mayer |
| SB 75-Coleman, et al, with SCS | SB 297-Loudon, with SCS |
| SB 101-Mayer | SB 300-Bartle |
| SB 155-Engler, with SCS | SBs 370, 375 & 432-Scott and Koster,
with SCS |
| SB 160-Rupp, with SCS | SB 389-Nodler, et al, with SCS & SS#4
for SCS (pending) |
| SB 169-Rupp, with SCS, SS for SCS & SA 3
(pending) | SB 430-Shields, et al, with SCS, SS for
SCS, SA 3 & SA 1 to SA 3 (pending) |
| SB 204-Stouffer, with SCS & SS for SCS
(pending) | |
| SB 242-Nodler, with SCS | |

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Reported 2/15

SB 8-Kennedy

Reported 3/8

SB 593-Scott
SB 140-Rupp
SB 137-Bray, with SCS

SB 185-Green
SB 419-Kennedy

Reported 3/15

SB 542-Scott, with SCS
SB 523-Scott, with SCS
SB 477-Days, with SCS
SB 592-Scott, with SCS
SB 648-Vogel
SB 666-Scott
SB 664-Scott, with SCS
SB 582-Shoemyer
SB 520-Engler, with SCS
SB 530-Gibbons, with SCS
SB 338-Mayer

SB 302-Loudon, with SCS
SB 481-Ridgeway
SB 398-Crowell
SB 393-McKenna, with SCS
SB 605-Coleman and Gibbons
SB 638-Bray, with SCS
SB 513-Clemens
SB 627-Ridgeway
SB 328-Engler, with SCS
SB 306-Crowell

RESOLUTIONS

To be Referred

HCR 20-Guest, et al

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Journal of the Senate

FIRST REGULAR SESSION

FORTY-FOURTH DAY—TUESDAY, MARCH 27, 2007

The Senate met pursuant to adjournment.

Senator Crowell in the Chair.

Reverend Carl Gauck offered the following prayer:

“Preach my dear Sir; a crusade against ignorance; establish and improve the law for educating the common people.” (Thomas Jefferson, 1876)

Omission God, we are mindful that we need Your guidance so that we might know what we can do to decrease the behavioral problems in our schools and improve the gray matter of our children so that Your gifts might be fully developed and our society might truly benefit from the education we provide. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler

Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

RESOLUTIONS

Senator Engler offered Senate Resolution No. 689, regarding Randall P. Keller, Farmington, which was adopted.

Senator Griesheimer offered Senate Resolution No. 690, regarding Pat Pendleton, Union, which was adopted.

Senator Griesheimer offered Senate Resolution No. 691, regarding Sara Cunningham, President of the St. Louis Association of Diabetes Educators, which was adopted.

Senator Coleman offered Senate Resolution No. 692, regarding Amy L. Koehler, St. Louis, which was adopted.

Senator Days offered Senate Resolution No. 693, regarding Mayor Monica Huddleston, Greendale, which was adopted.

Senator Days offered Senate Resolution

No. 694, regarding Paul Donald Huber, Ferguson, which was adopted.

Senator Coleman offered Senate Resolution No. 695, regarding Emily Koehler, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 696, regarding Ashley Mace, Wildwood, which was adopted.

Senator Coleman offered Senate Resolution No. 697, regarding Sarah Masalskis, Ballwin, which was adopted.

Senator Coleman offered Senate Resolution No. 698, regarding Emilie Meier, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 699, regarding Maggie Meier, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 700, regarding Elizabeth Merriman, Eureka, which was adopted.

Senator Coleman offered Senate Resolution No. 701, regarding Sarah Noyes, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 702, regarding Katherine Poulin, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 703, regarding Susan Reina, Chesterfield, which was adopted.

Senator Coleman offered Senate Resolution No. 704, regarding Dayna Roth, Ste. Genevieve, which was adopted.

Senator Coleman offered Senate Resolution No. 705, regarding Katie Schlereth, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 706, regarding Angie Schneider, St. Charles, which was adopted.

Senator Coleman offered Senate Resolution

No. 707, regarding Krista Merle Shinn, Eureka, which was adopted.

Senator Coleman offered Senate Resolution No. 708, regarding Alicia Wilson, St. Peters, which was adopted.

Senator Coleman offered Senate Resolution No. 709, regarding Jennifer Woodford, St. Charles, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Gibbons moved that **SB 3**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 3**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 3

An Act to repeal sections 565.184, 630.005, 630.165, 630.167, 630.725, and 630.755, RSMo, and to enact in lieu thereof eighteen new sections relating to mental health, with penalty provisions.

Was taken up.

Senator Gibbons moved that **SCS** for **SB 3** be adopted.

Senator Gibbons offered **SS** for **SCS** for **SB 3**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 3

An Act to repeal sections 198.086, 565.184, 630.005, 630.165, 630.167, 630.725, and 630.755, RSMo, and to enact in lieu thereof twenty new sections relating to mental health, with penalty provisions.

Senator Gibbons moved that **SS** for **SCS** for **SB 3** be adopted.

Senator Lager offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 3, Page 22, Section 630.005, Line 13 of said page, by

inserting after all of said line the following:

“630.127. 1. The department of mental health shall develop rules, guidelines, and protocols for an initial notification to a parent or guardian of a patient, resident, or client when first entering the care and custody of the department, or when first entering a facility licensed, certified, or funded by the department. Such notification shall notify the parent or guardian, or a consumer who is his or her own guardian, of the possibility of a person being placed in the facility with the patient, resident, or client, who falls in one of the following categories:

(1) Individuals who are required to register as a sexual offender, under sections 589.400 to 589.425, RSMo; or

(2) Individuals who have been determined to lack capacity to understand the proceedings against him or her or to assist in his or her own defense under section 552.020, RSMo, for offenses the person would have otherwise been required to register as a sexual offender under sections 589.400 to 589.425, RSMo.

2. Such rules, guidelines and protocols developed under subsection 1 of this section shall include the process and mechanisms for assessing risk, for planning and providing care and safety, and for the provision of services and supports necessary to mitigate risk for persons residing in a state facility or facility licensed, certified, or funded by the department. Such protocols shall also provide a mechanism for the parent or guardian, or the consumer who is his or her own guardian, to raise any concerns and to seek consultation about the placement.

3. The department of mental health shall develop rules, guidelines, and protocols for notifying a parent or guardian of a patient, resident, or client, or a consumer who is his or her own guardian, residing in a state facility or facility licensed, certified, or funded by the

department, that a person required to register as a sexual offender under sections 589.400 to 589.425, RSMo, is residing in or has been placed in the same state facility, or facility licensed, certified, or funded by the department as the patient, resident, or client. Such protocols shall provide a mechanism for the parent or guardian, or the consumer who is his or her own guardian, to raise any concerns and to seek consultation prior to placement of the person required to register as a sexual offender.

4. The department of mental health shall develop rules, guidelines, and protocols to obtain consent from the parent or guardian of a patient, resident, or client, or a consumer who is his or her own guardian and who falls under the category in subdivision (2) of subsection 1 of this section to disclose his or her name and criminal charges to other parents or guardians of a patient, resident, or client, or to a consumer who is his or her own guardian residing in the same facility. Such request for disclosure shall inform all parties of the steps to be taken in the event consent to disclose is given or denied. Refusal to grant consent under this subsection by a parent or guardian of a patient, resident, or client, or a consumer who is his or her own guardian, of a facility licensed, certified, or funded by the department, shall not prevent placement.

5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 3, Page 2, Section 198.074, Lines 14-15, by striking the words “receives an exemption due to NFPA guidelines approved by the department” and inserting in lieu thereof the following:

“the facility meets the safety requirements of Chapter 33 of NFPA guidelines pertaining to existing residential board and care occupancies”.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Koster assumed the Chair.

Senator Green offered SA 3, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 3, Page 4, Section 198.074, Line 22, by inserting immediately after the word “departments.” the following:

“The provisions of this section shall be enforced by the state fire marshal or by the local fire protection district or fire department, depending on which entity conducted the inspection.”

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Green offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 3, Page 32, Section 630.167, Line 17, by inserting after all of said line the following:

“630.705. 1. The department shall promulgate rules setting forth reasonable standards for residential facilities and day programs for persons who are affected by a mental disorder, mental illness, mental retardation or developmental

disability, including private mental health facilities and group homes as defined in section 633.005, RSMo. The exemptions from licensure under subdivision (6) of subsection 3 of this section shall not apply to such private mental health facilities and group homes.

2. The rules shall provide for the facilities and programs to be reasonably classified as to resident or client population, size, type of services or other reasonable classification. The department shall design the rules to promote and regulate safe, humane and adequate facilities and programs for the care, treatment, habilitation and rehabilitation of persons described in subsection 1 of this section.

3. The following residential facilities and day programs shall not be licensed by the department:

(1) Any facility or program which relies solely upon the use of prayer or spiritual healing;

(2) Any educational, special educational or vocational program operated, certified or approved by the state board of education pursuant to chapters 161, 162 and 178, RSMo, and regulations promulgated by the board;

(3) Any hospital, facility, program or entity operated by this state or the United States; except that facilities operated by the department shall meet these standards;

(4) Any hospital, facility or other entity, excluding those with persons who are mentally retarded and developmentally disabled as defined in section 630.005 otherwise licensed by the state and operating under such license and within the limits of such license, unless the majority of the persons served receive activities and services normally provided by a licensed facility pursuant to this chapter;

(5) Any hospital licensed by the department of social services as a psychiatric hospital pursuant to chapter 197, RSMo;

(6) Any facility or program accredited by the Joint Commission on Accreditation of Hospitals,

the American Osteopathic Association, Accreditation Council for Services for Mentally Retarded or other Developmentally Disabled Persons, Council on Accreditation of Services for Children and Families, Inc., or the Commission on Accreditation of Rehabilitation Facilities;

(7) Any facility or program caring for less than four persons whose care is not funded by the department.

4. In establishing standards for each type of facility, program, or group home listed in subsection 1 of this section, the department shall classify the standards into three categories for each type of facility, program, or group home as follows:

(1) Class I standards are standards the violation of which would present either an imminent danger to the health, safety, or welfare of any resident or client or a substantial probability that death or serious physical harm would result;

(2) Class II standards are standards which have a direct or immediate relationship to the health, safety, or welfare of any resident or client, but which do not create imminent danger;

(3) Class III standards are standards which have an indirect or a potential impact on the health, safety, or welfare of any resident or client.

630.715. 1. The department shall establish a procedure for the licensing of residential facilities and day programs, **including privately funded**, for persons described in section 630.705, which procedure shall provide for the acceptance of a license, a temporary operating permit or a probationary license issued by the department of social services under sections 198.006 to 198.096, RSMo, as regards the licensing requirements in the following areas:

(1) General medical and health care;

(2) Adequate physical plant facilities including fire safety, housekeeping and maintenance standards;

(3) Food service facilities;

(4) Safety precautions;

(5) Drugs and medications;

(6) Uniform system of recordkeeping;

(7) Resident and client rights and grievance procedures.

However, the department shall require annually that any facilities and programs already licensed by the department of social services under chapter 198, RSMo, which desire to provide services to persons diagnosed as mentally disordered, mentally ill, mentally retarded or developmentally disabled in accordance with sections 630.705 to 630.760 meet the department's requirements in excess of those required for licensure or certification under chapter 198, RSMo, which are appropriate to admission criteria and care, treatment, habilitation and rehabilitation needs of such persons.

2. Applications for licenses shall be made to the department upon forms provided by it and shall contain such information and documents as the department requires, including, but not limited to, affirmative evidence of ability to comply with the rules adopted by the department. Each application for a license, except applications from a governmental unit or a facility caring for less than four persons, which shall not pay any fee, shall be accompanied by a license fee of ten dollars for establishments which accept more than three but less than ten persons and fifty dollars from establishments which accept ten or more. The license fee shall be paid to the director of revenue for deposit to the general revenue fund of the state treasury.

3. An applicant for a license shall submit an affidavit under oath that all documents required by the department to be filed pursuant to this section

are true and correct to the best of his knowledge and belief, that the statements contained in the application are true and correct to the best of his knowledge and belief and that all required documents are either included with the application or are currently on file with the department.”; and

Further amend said bill, page 34, section 630.755, lines 8-28 of said page, by striking all of said lines; and

Further amend said bill and section, Page 35, Lines 1 to 12 of said page, by striking said lines and inserting in lieu thereof the following:

“630.755. 1. An action may be brought by the department, or by the attorney general on his own volition or at the request of the department or any other appropriate state agency, to temporarily or permanently enjoin or restrain any violation of sections 630.705 to 630.760, to enjoin the acceptance of new residents until substantial compliance with sections 630.705 to 630.760 is achieved, or to enjoin any specific action or practice of the residential facility or day program, **including any private mental health facility or group home as defined in section 633.005, RSMo.** Any action brought under the provisions of this section shall be placed at the head of the docket by the court and the court shall hold a hearing on any action brought under the provisions of this section no less than fifteen days after the filing of the action.

2. [Any facility or program which has received a notice of noncompliance as provided by sections 630.745 to 630.750 is liable to the state for civil penalties of up to one hundred dollars for each day that noncompliance continues after the notice of noncompliance is received.] The attorney general shall, upon the request of the department, bring an action in a circuit court of competent jurisdiction to recover [the] a civil penalty **against the operator of the facility, group home, or program. Such action shall be brought in the circuit court for the county in which the facility, group home, or program is located.** The circuit

court shall [have the authority to] determine the amount of civil penalty to be assessed **within the limits set out in this section. Appeals may be taken from the judgment of the circuit court as in other civil cases.**

3. The operator of any facility, group home, or program which has been cited with a violation of sections 630.705 to 630.760 or the rules established thereunder is liable to the state for civil penalties of up to twenty-five thousand dollars for each day that the violations existed or continue to exist. Violations shall be presumed to continue to exist from the time they are found until the time the department of mental health finds them to have been corrected. When applicable, the amount of the penalty shall be determined as follows:

(1) For each violation of a class I standard, not less than one thousand dollars nor more than ten thousand dollars;

(2) For each violation of a class II standard, not less than two hundred fifty dollars nor more than one thousand dollars;

(3) For each violation of a class III standard, not less than fifty dollars nor more than two hundred fifty dollars;

(4) For each specific class I violation by the same operator at a particular facility, program, or group home which has been previously cited within the past twenty-four months and for each specific class II or III violation by the same operator at a particular facility, program, or group home which has been previously cited within the past twelve months, double the amount last imposed;

(5) In accordance with the provisions of this section, if the department imposes a civil monetary penalty for a class I violation, the liability for such penalty shall be incurred immediately upon the imposition of the penalty for the violation regardless of any subsequent correction of the violation by the facility,

program, or group home. For class II or III violations, if the department imposes a civil monetary penalty, the liability for such penalty shall be incurred if a breach of a specific state law or regulation remains uncorrected and not in accord with the accepted plan of correction at the time of the reinspection conducted under subsection 3 of section 630.745.

A judgment rendered against the operator of a facility, program, or group home under this subsection shall bear interest as provided in subsection 1 of section 408.040, RSMo.

4. The imposition of any remedy provided for in sections 630.705 to 630.760 shall not bar the imposition of any other remedy.

5. Penalties collected for violations of this section shall be transferred to the state school moneys fund as established in section 166.051, RSMo, and distributed to the public schools of this state in the manner provided in section 163.031, RSMo. Such penalties shall not be considered a charitable contribution for tax purposes.

6. To recover any civil penalty, the moving party shall prove by a preponderance of the evidence that the violation occurred.

7. The operator of a facility, group home, or program against whom an action to recover a civil penalty is brought under this section may confess judgment as provided in section 511.070, RSMo, at any time prior to hearing. If such operator agrees to confess judgment, the amount of the civil penalty recommended by the moving party in its petition shall be reduced by twenty-five percent and the confessed judgment shall be entered by the circuit court at the reduced amount.”;

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion failed.

Senator Rupp assumed the Chair.

Senator Green offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 3, Page 38, Section 630.975, Line 23 of said page, by inserting after all of said line the following:

“633.005. As used in this chapter, unless the context clearly requires otherwise, the following terms shall mean:

(1) “Comprehensive evaluation”, a study, including a sequence of observations and examinations, of an individual leading to conclusions and recommendations formulated jointly by an interdisciplinary team of persons with special training and experience in the diagnosis and habilitation of the mentally retarded and developmentally disabled;

(2) “Division”, the division of mental retardation and developmental disabilities of the department of mental health;

(3) “Division director”, the director of the division of mental retardation and developmental disabilities of the department of mental health, or his designee;

(4) “Group home”, a residential facility serving residents, similar in appearance to a single-family dwelling and providing basic health supervision, habilitation training in skills of daily and independent living and community integration, and social support. Group homes do not include family living arrangements or individualized supported living;

(5) “Mental retardation facility”, a private or department facility, other than a regional center, which admits persons who are mentally retarded or developmentally disabled for residential habilitation and other services and which is qualified or licensed as such by the department pursuant to chapter 630, RSMo. Such terms shall include, but shall not be limited to, habilitation

centers, **group homes**, and private or public residential facilities for persons who are developmentally disabled;

[(5)] (6) “Regional center”, an entity so designated by the department to provide, directly or indirectly, for comprehensive mental retardation and developmental disability services under this chapter in a particular region;

[(6)] (7) “Respite care”, temporary and short-term residential care, sustenance and supervision of a mentally retarded or developmentally disabled person who otherwise resides in a family home;

[(7)] (8) “State advisory council”, the Missouri advisory council on mental retardation and developmental disabilities as created in section 633.020.

633.300. 1. All private group homes and mental health facilities shall be licensed by the department of mental health and shall be subject to the same state laws and regulations as the state-operated mental health facilities, including but not limited to sections 630.705 to 630.805, RSMo.

2. All employees of private group homes and mental health facilities shall:

(1) Be subject to the same training requirements established for state mental health workers with comparable positions in public group homes and mental health facilities. Such required training shall be paid for by the employer; and

(2) Be compensated by the employer in an amount at least equal to the average hourly wage paid by the state to mental health workers with comparable positions in public group homes and mental health facilities.

3. Private facilities and group homes that are Medicaid-waiver providers shall be subject to the same medical errors reporting

requirements of other mental health facilities and group homes.

4. The division shall promulgate rules or amend existing rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

633.303. Any employee, including supervisory personnel, of a private mental health facility who purposely, knowingly, and willfully violates a stated or written policy of the division, any rule promulgated by the division, or any state law directly related to provision of mental health services regulated by the division shall be dismissed; except that, an employee's good faith efforts to follow the stated or written policies of the division, the rules promulgated by the division, or the state laws directly related to the provision of mental health services shall be a mitigating factor in determining whether an employee of a private group home is dismissed under this section.

633.306. 1. Beginning January 1, 2008, all private mental health facilities and group homes shall, on a quarterly basis, submit a comprehensive report to the department on any staff and personnel turnover at the facility or group home. Such report shall include the number, job description, salary, and duration of employment regarding such staff and personnel

turnover. Such reports shall be submitted no later than thirty days after the end of each calendar quarter.

2. Beginning January 1, 2009, the department shall collect the information submitted under subsection 1 of this section and submit an annual report to the general assembly on or before March fifteenth of each year regarding the staff and personnel turnover at private mental health facilities and group homes. Such report shall include information that is specific to each facility and group home, as well as information inclusive of all such facilities and group homes.

633.309. The department of mental health shall not transfer any person to or utilize the services of any private mental health facility or group home after the effective date of this section until such time as the department has fully implemented the requirements of this act.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, and requested a roll call vote be taken. He was joined in his request by Senators Bray, Callahan, Days and Kennedy.

SA 5 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Coleman	Days
Graham	Green	Justus	Kennedy
McKenna	Shoemyer	Smith	Wilson—12

NAYS—Senators

Bartle	Callahan	Champion	Clemens
Crowell	Engler	Gibbons	Goodman
Griesheimer	Gross	Koster	Lager
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel—22		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Bray offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 3, Page 11, Section 565.214, Line 1, by striking the word “provocative” and inserting in lieu thereof the word “**offensive**”; and

Further amend same page, same section, line 5, by striking the word “reasonable”; and

Further amend same page, same section, line 13, by striking the word “reasonable”.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Gibbons moved that **SS** for **SCS** for **SB 3**, as amended, be adopted, which motion prevailed.

On motion of Senator Gibbons, **SS** for **SCS** for **SB 3**, as amended, was declared perfected and ordered printed.

On motion of Senator Shields, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Gross.

SENATE BILLS FOR PERFECTION

SB 492 was placed on the Informal Calendar.

SB 476 was placed on the Informal Calendar.

SB 303 was placed on the Informal Calendar.

SB 363 was placed on the Informal Calendar.

SB 82, with **SCS**, was placed on the Informal Calendar.

SB 112 was placed on the Informal Calendar.

SB 131 was placed on the Informal Calendar.

SB 31 was placed on the Informal Calendar.

SB 250 was placed on the Informal Calendar.

SB 570 was placed on the Informal Calendar.

SB 444 was placed on the Informal Calendar.

SB 364, with **SCS**, was placed on the Informal Calendar.

Senator Scott moved that **SB 591**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 591**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 591

An Act to repeal sections 370.005, 370.071, 370.080, 370.081, and 370.082, RSMo, and to enact in lieu thereof six new sections relating to credit unions.

Was taken up.

Senator Scott moved that **SCS** for **SB 591** be adopted.

Senator Scott offered **SS** for **SCS** for **SB 591**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 591

An Act to repeal sections 370.005, 370.071, 370.080, 370.081, and 370.082, RSMo, and to enact in lieu thereof six new sections relating to credit unions.

Senator Scott moved that **SS** for **SCS** for **SB 591** be adopted, which motion prevailed.

Senator Rupp assumed the Chair.

On motion of Senator Scott, **SS** for **SCS** for **SB 591** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after

examination of **SB 523**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 627**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 664**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 3**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Nodler assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Rupp moved that **SB 112** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Rupp offered **SS** for **SB 112**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 112

An Act to repeal sections 160.900, 160.905, 160.910, 160.915, 160.920, 160.925, 160.930, 162.700, and 376.1218, RSMo, and to enact in lieu thereof eleven new sections relating to special education.

Senator Rupp moved that **SS** for **SB 112** be adopted, which motion prevailed.

On motion of Senator Rupp, **SS** for **SB 112** was declared perfected and ordered printed.

Senator Shields moved that **SB 430**, with **SCS, SS** for **SCS, SA 3** and **SA 1** to **SA 3** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Shields, **SS** for **SCS** for **SB 430** was withdrawn, rendering the pending amendments moot.

Senator Rupp assumed the Chair.

Senator Shields offered **SS No. 2** for **SCS** for **SB 430**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 430

An Act to repeal sections 160.534, 313.805, and 313.812, RSMo, and to enact in lieu thereof nine new sections relating to the use of gaming proceeds to provide students with opportunities for higher education, with penalty provisions.

Senator Shields moved that **SS No. 2** for **SCS** for **SB 430** be adopted.

Senator Purgason offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 430, Page 1, In the Title, Line 6 of said page, by inserting after “provisions” the following: “**and a referendum clause**”; and

Further amend said bill, Page 23, Section 313.964, Line 5 of said page, by inserting after all of said line the following:

“Section B. This act is hereby submitted to the qualified voters of this state for approval or rejection at an election which is hereby ordered and which shall be held and conducted on Tuesday next following the first Monday in November, 2008, pursuant to the laws and constitutional

provisions of this state for the submission of referendum measures by the general assembly, and this act shall become effective when approved by a majority of the votes cast thereon at such election and not otherwise.”

Senator Purgason moved that the above amendment be adopted.

At the request of Senator Shields, **SB 430**, with **SCS, SS No. 2** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 112** and **SS** for **SCS** for **SB 591**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

On motion of Senator Shields, the Senate recessed until 8:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Koster.

SENATE BILLS FOR PERFECTION

Senator Shields moved that **SB 430**, with **SCS, SS No. 2** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Rupp assumed the Chair.

SA 1 was again taken up.

Senator Koster assumed the Chair.

Senator Shields requested a roll call vote be taken on the adoption of **SA 1**. He was joined in his request by Senators Bartle, Callahan, Crowell and Green.

Senator Rupp assumed the Chair.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bartle	Gibbons	Green
Gross	Loudon	Mayer	Nodler
Purgason	Stouffer—10		

NAYS—Senators

Bray	Callahan	Champion	Clemens
Coleman	Crowell	Days	Engler
Goodman	Graham	Griesheimer	Justus
Kennedy	Koster	Lager	McKenna
Ridgeway	Rupp	Shields	Shoemyer
Smith	Vogel	Wilson—23	

Absent—Senator Scott—1

Absent with leave—Senators—None

Vacancies—None

Senator Koster offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 430, Page 22, Section 313.823, Line 14, by deleting the word “one” and inserting in lieu thereof “five”.

Senator Koster moved that the above amendment be adopted.

Senator Engler offered **SSA 1** for **SA 2**, which was read:

**SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 2**

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 430, Page 22, Section 313.823, Line 14, by deleting the word “one” and inserting in lieu thereof “four”.

Senator Engler moved that the above substitute amendment be adopted.

Senator Shields offered **SA 1** to **SSA 1** for **SA 2**, which was read:

**SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 2**

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 430, by deleting the word “four” and inserting in lieu thereof “two”.

Senator Shields moved that the above amendment be adopted.

Senator Crowell assumed the Chair.

Senator Callahan requested a roll call vote be taken on the adoption of **SA 1** to **SSA 1** for **SA 2**. He was joined in his request by Senators Bray, Koster, Purgason and Shoemyer.

SA 1 to **SSA 1** for **SA 2** failed of adoption by the following vote:

YEAS—Senators

Champion	Clemens	Engler	Goodman
Griesheimer	Nodler	Rupp	Scott
Shields	Smith	Vogel	Wilson—12

NAYS—Senators

Barnitz	Bartle	Bray	Callahan
Coleman	Crowell	Days	Gibbons
Graham	Green	Gross	Justus
Kennedy	Koster	Lager	Loudon
McKenna	Purgason	Ridgeway	Shoemyer
Stouffer—21			

Absent—Senator Mayer—1

Absent with leave—Senators—None

Vacancies—None

SSA 1 for **SA 2** was again taken up.

Senator Bray offered **SA 2** to **SSA 1** for **SA 2**, which was read:

SENATE AMENDMENT NO. 2 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 430, Page 1, Section 313.823, Line 2, by striking the word “four” and inserting in lieu thereof the following: **“four and three-quarters”**.

Senator Bray moved that the above amendment be adopted.

At the request of Senator Koster, **SA 2** was withdrawn, rendering the pending amendments moot.

Senator Green offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 430, Page 23, Section 313.964, Line 5, by inserting immediately after all of said line the following:

“Section 1. Any advertising, whether by the Missouri gaming commission, a licensed excursion gambling boat, or any affiliate or association representing licensed excursion gambling boats, shall clearly and conspicuously state the following: Under the Missouri Constitution, all proceeds derived from the gross receipts tax on excursion gambling boats is used to fund education, however this amount only constitutes ten and seven tenths percent of the total expenditures for education under the school funding formula.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

Senator Green offered **SA 1** to **SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 430, Page 1, Section 1, Line 11, by inserting immediately after the word “formula.” the following: **“Such statement shall be made in a font no smaller than the largest font used in the advertisement.”**

Senator Green moved that the above amendment be adopted, which motion prevailed.

SA 3, as amended, was again taken up.

Senator Shields offered **SA 2** to **SA 3**, which was read:

SENATE AMENDMENT NO. 2 TO
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 430, Page 1, Line 3, by inserting after the word “advertising” the following: “featuring the contribution of gaming to education”.

Senator Shields moved that the above amendment be adopted.

Senator Green requested a roll call vote be taken on the adoption of **SA 2** to **SA 3**. He was joined in his request by Senators Bartle, Bray, Callahan and Coleman.

SA 2 to **SA 3** was adopted by the following vote:

YEAS—Senators

Champion	Clemens	Crowell	Engler
Gibbons	Goodman	Griesheimer	Gross
Koster	Lager	Mayer	Nodler
Ridgeway	Rupp	Scott	Shields
Smith	Stouffer	Vogel—19	

NAYS—Senators

Barnitz	Bartle	Bray	Callahan
Coleman	Days	Graham	Green

Justus	Kennedy	Loudon	McKenna
Purgason	Shoemyer	Wilson—15	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Bartle offered **SA 3** to **SA 3**, which was read:

SENATE AMENDMENT NO. 3 TO
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 430, Page 1, Section 1, Lines 9-10, by striking the words “ten and seven tenths percent” and inserting in lieu thereof the following: “(insert actual percentage for the year preceding the fiscal year in which the advertisement appears)”.

Senator Bartle moved that the above amendment be adopted, which motion prevailed.

Senator Green moved that **SA 3**, as amended, be adopted, which motion prevailed.

Senator Callahan offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 430, Page 21, Section 313.812, Line 21 of said page, by striking the word “thirteen” and inserting in lieu thereof the following: “**sixteen**”; and further amend lines 22 to 28 of said page, by striking all of said lines; and

Further amend said bill and section, Page 22, Lines 1 to 9 of said page, by striking said lines and inserting in lieu thereof the following: “**state.**”.

Senator Callahan moved that the above amendment be adopted.

Senator Green offered **SSA 1** for **SA 4**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 430, Page 21, Section 313.812, Line 21, by striking the word “thirteen” and inserting in lieu thereof the following: “**eighteen**”; and further amend said bill and section, page 22, line 1 by striking the word “thirteen” and inserting in lieu thereof the following: “**eighteen**”.

Senator Green moved that the above substitute amendment be adopted.

At the request of Senator Green, **SSA 1** for **SA 4** was withdrawn.

Senator Green offered **SSA 2** for **SA 4**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 2
FOR SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 430, Page 21, Section 313.812, Line 21 of said page, by striking the word “thirteen” and inserting in lieu thereof the following: “**eighteen**”; and further amend lines 22 to 28 of said page, by striking all of said lines; and

Further amend said bill and section, Page 22, Lines 1 to 9 of said page, by striking said lines and inserting in lieu thereof the following: “**state.**”.

Senator Green moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Barnitz, Bartle, Callahan and Coleman.

Senator Rupp assumed the Chair.

SSA 2 for **SA 4** failed of adoption by the following vote:

YEAS—Senators			
Barnitz	Bray	Callahan	Coleman

Days	Green	Justus	Kennedy
McKenna	Shoemyer	Wilson—11	

March 27, 2007

NAYS—Senators

Bartle	Clemens	Crowell	Gibbons
Goodman	Graham	Griesheimer	Gross
Koster	Lager	Loudon	Purgason
Ridgeway	Rupp	Shields	Smith
Stouffer—17			

Absent—Senators

Champion	Engler	Mayer	Nodler
Scott	Vogel—6		

Absent with leave—Senators—None

Vacancies—None

SA 4 was again taken up.

Senator Callahan moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Days, Kennedy and McKenna.

Senator Green offered **SSA 3** for **SA 4**, which was read:

**SENATE SUBSTITUTE AMENDMENT NO. 3
FOR SENATE AMENDMENT NO. 4**

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 430, Pages 14-22, Section 313.812, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above substitute amendment be adopted.

At the request of Senator Shields, **SB 430**, with **SCS, SS No. 2** for **SCS, SA 4** and **SSA 3** for **SA 4** (pending), was placed on the Informal Calendar.

COMMUNICATIONS

Senator Green submitted the following:

Ms. Terry Spieler
Secretary of Senate
State Capitol Building
Room 325
Jefferson City, Missouri 65101

Dear Madame Secretary:

I respectfully request that Senate Committee Substitute for Senate Bill 542 be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45 and that it be returned to the Senate Financial & Governmental Organizations and Elections Committee from which it was reported for action in accordance with the rules of the Senate.

This bill, which modifies laws relating to the licensing of optometrists, renders substantive alterations to current law and seems too ambitious to be considered a consent bill.

Sincerely,
/s/ Timothy P. Green
Timothy P. Green
State Senator
District 13

Also,

March 27, 2007

Ms. Terry Spieler
Secretary of Senate
State Capitol Building
Room 325
Jefferson City, Missouri 65101

Dear Madame Secretary:

I respectfully request that Senate Committee Substitute for Senate Bill 592 be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45 and that it be returned to the Senate Financial & Governmental Organizations and Elections Committee from which it was reported for action in accordance with the rules of the Senate.

This bill, which modifies ethics filings, renders substantive alterations to current law and seems too ambitious to be considered a consent bill. I support certain provisions of this legislation and the bill deserves to be fully debated on the floor of the Senate.

Sincerely,
/s/ Timothy P. Green
Timothy P. Green
State Senator
District 13

INTRODUCTIONS OF GUESTS

Senator Shoemyer introduced to the Senate, students from Truman State University.

Senator Engler introduced to the Senate, Tom Dury and Rachelle Pinkston, Bloomsdale.

Senator Green introduced to the Senate, Sharon Wells, Loretta Davis, Arthur Visor and Gerry Cruce, St. Louis.

Senator Kennedy introduced to the Senate, Kathy Haarman, Kitty Quinn and Debi Mann, St. Louis.

Senator Kennedy introduced to the Senate, Brian Eyestone, St. Louis County.

Senator Barnitz introduced to the Senate, his daughter, Cami, Lake Spring.

Senator Shoemyer introduced to the Senate, Anna Henley, Hannibal; and Anna was made an honorary page.

Senator Rupp introduced to the Senate, nineteen members of Girl Scout Troop 3078, Wentzville.

Senator Loudon introduced to the Senate, Dr. Roxanne Knibb and her children, Alyssa, Ryan,

Andrea, Nathan, Tyler, Alexis and Ashley, Manchester; and Alyssa, Ryan, Andrea, Nathan, Tyler, Alexis and Ashley were made honorary pages.

Senator Griesheimer introduced to the Senate, Kent and Sara Cunningham, Labadie.

Senator Rupp introduced to the Senate, Allan and Laura Schwarb and their children, David, Anna Catherine, Thomas and Abigail, Troy.

Senator Loudon introduced to the Senate, Laurel Smith, Franklin County; Bonnie Hall, Boone County; Brian and Amanda Hicks, Butler County; Allan and Laura Schwarb, Lincoln County; Kristen Gordon, Clay County; Joy Pruiett, Webster County; Anna Christiansen, Greene County; Ericka Alten, Callaway County; Jessica Kerr, St. Louis County; and Jessica Mattingly, Jackson County.

Senator Koster introduced to the Senate, teachers, parents and sixth and eighth grade students from Harmony School, Rich Hill.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-FIFTH DAY—WEDNESDAY, MARCH 28, 2007

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SBs 239, 24 &
445-Stouffer (In Fiscal Oversight)
SS for SCS for SB 320-Clemens

SS for SCS for SB 3-Gibbons
SS for SB 112-Rupp
SS for SCS for SB 591-Scott

SENATE BILLS FOR PERFECTION

- | | |
|--|--|
| 1. SB 400-Crowell, et al | 18. SB 391-Days, with SCS |
| 2. SB 213-McKenna | 19. SB 53-Koster and Engler, with SCS |
| 3. SB 20-Griesheimer, with SCS | 20. SB 531-Gibbons, with SCS |
| 4. SB 85-Champion and Koster, with SCS | 21. SB 511-Scott, with SCS |
| 5. SB 429-Gibbons, with SCS | 22. SB 86-Champion, with SCS |
| 6. SB 5-Loudon, with SCS | 23. SB 153-Engler, et al, with SCS |
| 7. SB 368-Barnitz, et al, with SCS | 24. SB 168-Mayer and Crowell, with SCS |
| 8. SB 417-Goodman | 25. SB 428-Purgason, with SCS |
| 9. SB 534-Nodler | 26. SB 480-Ridgeway, et al, with SCS |
| 10. SB 254-Nodler, et al, with SCS | 27. SB 577-Shields and Gibbons, with SCS |
| 11. SJR 8-Ridgeway | 28. SB 433-Callahan and Rupp |
| 12. SBs 45 & 39-Mayer, with SCS | 29. SB 698-Ridgeway, et al, with SCS |
| 13. SB 17-Shields, with SCS | 30. SB 458-Gibbons |
| 14. SB 385-Gibbons, with SCS | 31. SB 341-Goodman, with SCS |
| 15. SB 66-Rupp, with SCS | 32. SB 252-Ridgeway and McKenna |
| 16. SB 313-Scott, with SCS | 33. SRB 613-Goodman, with SCA 1 |
| 17. SB 453-Scott, with SCS | |

HOUSE BILLS ON THIRD READING

HCS for HB 453 (Mayer)
(In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|-----------------------------------|---|
| SB 2-Gibbons, with SCS | SB 169-Rupp, with SCS, SS for SCS & SA 3 (pending) |
| SB 21-Griesheimer, with SCS | SB 204-Stouffer, with SCS & SS for SCS (pending) |
| SB 27-Bartle and Koster | SB 242-Nodler, with SCS |
| SB 31-Nodler | SB 250-Ridgeway and Vogel |
| SB 40-Ridgeway, with SS (pending) | SBs 260 & 71-Koster, et al, with SCS |
| SB 75-Coleman, et al, with SCS | SB 274-Shields |
| SB 82-Griesheimer, with SCS | SB 282-Griesheimer, with SCS & SS for SCS (pending) |
| SB 101-Mayer | SB 287-Crowell and Vogel |
| SB 131-Rupp | |
| SB 155-Engler, with SCS | |
| SB 160-Rupp, with SCS | |

SB 292-Mayer	SB 389-Nodler, et al, with SCS & SS#4 for SCS (pending)
SB 297-Loudon, with SCS	
SB 300-Bartle	SB 430-Shields, et al, with SCS, SS#2 for SCS, SA 4 & SSA 3 for SA 4 (pending)
SB 303-Loudon, et al	
SB 363-Bartle	SB 444-Goodman
SB 364-Koster, with SCS	SB 476-Crowell
SBs 370, 375 & 432-Scott and Koster, with SCS	SB 492-Crowell
	SB 570-Clemens

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Reported 2/15

SB 8-Kennedy

Reported 3/8

SB 593-Scott
SB 140-Rupp
SB 137-Bray, with SCS

SB 185-Green
SB 419-Kennedy

Reported 3/15

SB 477-Days, with SCS
SB 648-Vogel
SB 666-Scott
SB 582-Shoemyer
SB 520-Engler, with SCS
SB 530-Gibbons, with SCS
SB 338-Mayer
SB 302-Loudon, with SCS

SB 481-Ridgeway
SB 398-Crowell
SB 393-McKenna, with SCS
SB 605-Coleman and Gibbons
SB 638-Bray, with SCS
SB 513-Clemens
SB 328-Engler, with SCS
SB 306-Crowell

RESOLUTIONS

To be Referred

HCR 20-Guest, et al

T

Unofficial

Journal

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Journal of the Senate

FIRST REGULAR SESSION

FORTY-FIFTH DAY—WEDNESDAY, MARCH 28, 2007

The Senate met pursuant to adjournment.

Senator Scott in the Chair.

Reverend Carl Gauck offered the following prayer:

“Cultivators of the earth are the most valuable citizens.”
(Thomas Jefferson)

Creator Lord, we know that our “cultivators of the earth” are not considered statistically significant but we are thankful that You instill the gifts and talents in those few who till the land and provide that much needed healthy food for our people. Bless the efforts of their Spring planting and nourish the earth for its growth and our efforts to improve their endeavors. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler

Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

RESOLUTIONS

Senator Lager offered Senate Resolution No. 710, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Nelson Keever, Maryville, which was adopted.

Senator Lager offered Senate Resolution No. 711, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Fred Riggins, Chillicothe, which was adopted.

Senator Lager offered Senate Resolution No. 712, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Edwin Wright, Craig, which was adopted.

Senator Scott offered Senate Resolution No. 713, regarding Senior Chief Engineering Aide Michael Freeman, Hermitage, which was adopted.

Senator Rupp offered Senate Resolution No. 714, regarding the One Hundredth Birthday of

Dula Schnyder, which was adopted.

Senator Barnitz offered Senate Resolution No. 715, regarding the One Hundred Fiftieth Anniversary of the City of Cuba, which was adopted.

SENATE BILLS FOR PERFECTION

SB 400 was placed on the Informal Calendar.

SB 213 was placed on the Informal Calendar.

SB 20, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Champion, **SB 85**, with **SCS**, was placed on the Informal Calendar.

SB 429, with **SCS**, was placed on the Informal Calendar.

SB 5, with **SCS**, was placed on the Informal Calendar.

SB 368, with **SCS**, was placed on the Informal Calendar.

Senator Goodman moved that **SB 417** be taken up for perfection, which motion prevailed.

Senator Goodman offered **SS** for **SB 417**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 417

An Act to amend chapter 261, RSMo, by adding thereto one new section relating to the farm mentoring and education fund.

Senator Goodman moved that **SS** for **SB 417** be adopted, which motion prevailed.

On motion of Senator Goodman, **SS** for **SB 417** was declared perfected and ordered printed.

SB 534 was placed on the Informal Calendar.

SB 254, with **SCS**, was placed on the Informal Calendar.

SJR 8 was placed on the Informal Calendar.

Senator Mayer moved that **SB 45** and **SB 39**, with **SCS**, be taken up for perfection, which

motion prevailed.

SCS for **SBs 45** and **39**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 45 and 39

An Act to repeal section 390.030, RSMo, and to enact in lieu thereof three new sections relating to motor carriers.

Was taken up.

Senator Mayer moved that **SCS** for **SBs 45** and **39** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS** for **SBs 45** and **39** was declared perfected and ordered printed.

At the request of Senator Shields, **SB 17**, with **SCS**, was placed on the Informal Calendar.

SB 385, with **SCS**, was placed on the Informal Calendar.

Senator Rupp moved that **SB 66**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 66**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 66

An Act to repeal sections 375.320, 375.330, 375.340, 375.345, 375.480, 375.532, 375.534, 375.1070, 375.1072, 375.1075, 376.170, 376.190, 376.280, 376.300, 376.301, 376.303, 376.305, 376.307, 376.320, 376.672, 376.1012, 377.100, 377.200, 381.068, and 409.950, RSMo, and to enact in lieu thereof thirty-four new sections relating to insurance company investments, with penalty provisions.

Was taken up.

Senator Rupp moved that **SCS** for **SB 66** be adopted, which motion prevailed.

On motion of Senator Rupp, **SCS** for **SB 66** was declared perfected and ordered printed.

Senator Griesheimer moved that **SB 82**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 82**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 82

An Act to repeal sections 301.010, 301.020, 301.196, 301.227, 304.022, 304.170, and 407.815, RSMo, and section 301.190 as enacted by house committee substitute for senate substitute no. 2 for senate committee substitute for senate bill no. 583, ninety-third general assembly, second regular session and section 301.190 as enacted by senate substitute for senate committee substitute for house bill no. 487 merged with senate bill no. 488, ninety-third general assembly, first regular session, and to enact in lieu thereof eight new sections relating to the regulation of certain motor vehicles, with penalty provisions.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 82** be adopted.

Senator Bray offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 82, Pages 29-33, Section 304.170, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Griesheimer offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 82, Page 27, Section 301.227, Line 67, by inserting after all of said line the following:

"301.560. 1. In addition to the application forms prescribed by the department, each applicant shall submit the following to the department:

(1) Every application other than a renewal application for a motor vehicle franchise dealer shall include a certification that the applicant has

a bona fide established place of business. When the application is being made for licensure as a manufacturer, motor vehicle dealer, wholesale motor vehicle dealer, wholesale motor vehicle auction or a public motor vehicle auction, certification shall be performed by a uniformed member of the Missouri state highway patrol stationed in the troop area in which the applicant's place of business is located; except, that in counties of the first classification, certification may be performed by an officer of a metropolitan police department when the applicant's established place of business of distributing or selling motor vehicles or trailers is in the metropolitan area where the certifying metropolitan police officer is employed. When the application is being made for licensure as a boat manufacturer or boat dealer, certification shall be performed by a uniformed member of the Missouri state water patrol stationed in the district area in which the applicant's place of business is located or by a uniformed member of the Missouri state highway patrol stationed in the troop area in which the applicant's place of business is located or, if the applicant's place of business is located within the jurisdiction of a metropolitan police department in a first class county, by an officer of such metropolitan police department. A bona fide established place of business for any new motor vehicle franchise dealer or used motor vehicle dealer shall include a permanent enclosed building or structure, either owned in fee or leased and actually occupied as a place of business by the applicant for the selling, bartering, trading or exchanging of motor vehicles or trailers and wherein the public may contact the owner or operator at any reasonable time, and wherein shall be kept and maintained the books, records, files and other matters required and necessary to conduct the business. The applicant's place of business shall contain a working telephone which shall be maintained during the entire registration year. In order to qualify as a bona fide established place of business for all applicants licensed pursuant to this section there shall be an exterior

sign displayed carrying the name of the business set forth in letters at least six inches in height and clearly visible to the public and there shall be an area or lot which shall not be a public street on which one or more vehicles may be displayed, except when licensure is for a wholesale motor vehicle dealer, a lot and sign shall not be required. The sign shall contain the name of the dealership by which it is known to the public through advertising or otherwise, which need not be identical to the name appearing on the dealership's license so long as such name is registered as a fictitious name with the secretary of state, has been approved by its line-make manufacturer in writing in the case of a new motor vehicle franchise dealer and a copy of such fictitious name registration has been provided to the department. When licensure is for a boat dealer, a lot shall not be required. In the case of new motor vehicle franchise dealers, the bona fide established place of business shall include adequate facilities, tools and personnel necessary to properly service and repair motor vehicles and trailers under their franchisor's warranty. **Dealers who sell only emergency vehicles as defined in section 301.550 are exempt from maintaining a bona fide place of business, including the related law enforcement certification requirements, and from meeting the minimum yearly sales;**

(2) If the application is for licensure as a manufacturer, boat manufacturer, new motor vehicle franchise dealer, used motor vehicle dealer, wholesale motor vehicle auction, boat dealer or a public motor vehicle auction, a photograph, not to exceed eight inches by ten inches, showing the business building and sign shall accompany the initial application. In the case of a manufacturer, new motor vehicle franchise dealer or used motor vehicle dealer, the photograph shall include the lot of the business. A new motor vehicle franchise dealer applicant who has purchased a currently licensed new motor vehicle franchised dealership shall be allowed to submit a photograph of the existing dealership building, lot and sign but shall

be required to submit a new photograph upon the installation of the new dealership sign as required by sections 301.550 to 301.573. Applicants shall not be required to submit a photograph annually unless the business has moved from its previously licensed location, or unless the name of the business or address has changed, or unless the class of business has changed;

(3) If the application is for licensure as a wholesale motor vehicle dealer or as a boat dealer, the application shall contain the business address, not a post office box, and telephone number of the place where the books, records, files and other matters required and necessary to conduct the business are located and where the same may be inspected during normal daytime business hours. Wholesale motor vehicle dealers and boat dealers shall file reports as required of new franchised motor vehicle dealers and used motor vehicle dealers;

(4) Every applicant as a new motor vehicle franchise dealer, a used motor vehicle dealer, a wholesale motor vehicle dealer, or boat dealer shall furnish with the application a corporate surety bond or an irrevocable letter of credit as defined in section 400.5-103, RSMo, issued by any state or federal financial institution in the penal sum of twenty-five thousand dollars on a form approved by the department. The bond or irrevocable letter of credit shall be conditioned upon the dealer complying with the provisions of the statutes applicable to new motor vehicle franchise dealers, used motor vehicle dealers, wholesale motor vehicle dealers and boat dealers, and the bond shall be an indemnity for any loss sustained by reason of the acts of the person bonded when such acts constitute grounds for the suspension or revocation of the dealer's license. The bond shall be executed in the name of the state of Missouri for the benefit of all aggrieved parties or the irrevocable letter of credit shall name the state of Missouri as the beneficiary; except, that the aggregate liability of the surety or financial institution to the aggrieved parties shall, in no event, exceed the amount of the

bond or irrevocable letter of credit. The proceeds of the bond or irrevocable letter of credit shall be paid upon receipt by the department of a final judgment from a Missouri court of competent jurisdiction against the principal and in favor of an aggrieved party;

(5) Payment of all necessary license fees as established by the department. In establishing the amount of the annual license fees, the department shall, as near as possible, produce sufficient total income to offset operational expenses of the department relating to the administration of sections 301.550 to 301.573. All fees payable pursuant to the provisions of sections 301.550 to 301.573, other than those fees collected for the issuance of dealer plates or certificates of number collected pursuant to subsection 6 of this section, shall be collected by the department for deposit in the state treasury to the credit of the "Motor Vehicle Commission Fund", which is hereby created. The motor vehicle commission fund shall be administered by the Missouri department of revenue. [The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in such fund shall not be transferred and placed to the credit of the general revenue fund until the amount in the motor vehicle commission fund at the end of the biennium exceeds two times the amount of the appropriation from such fund for the preceding fiscal year or, if the department requires permit renewal less frequently than yearly, then three times the appropriation from such fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the multiple of the appropriation from such fund for the preceding fiscal year.] **At the end of each biennium and after all statutorily or constitutionally required transfer of funds have been made, the state treasurer shall transfer the balance in the motor vehicle commission fund, except for gifts, donations, bequests, or money received from a federal source, in excess of two hundred percent of the previous fiscal year's expenditures into the state**

general revenue fund.

2. In the event a new manufacturer, boat manufacturer, motor vehicle dealer, wholesale motor vehicle dealer, boat dealer, wholesale motor vehicle auction or a public motor vehicle auction submits an application for a license for a new business and the applicant has complied with all the provisions of this section, the department shall make a decision to grant or deny the license to the applicant within eight working hours after receipt of the dealer's application, notwithstanding any rule of the department.

3. Upon the initial issuance of a license by the department, the department shall assign a distinctive dealer license number or certificate of number to the applicant and the department shall issue one number plate or certificate bearing the distinctive dealer license number or certificate of number within eight working hours after presentment of the application. Upon the renewal of a boat dealer, boat manufacturer, manufacturer, motor vehicle dealer, public motor vehicle auction, wholesale motor vehicle dealer or wholesale motor vehicle auction, the department shall issue the distinctive dealer license number or certificate of number as quickly as possible. The issuance of such distinctive dealer license number or certificate of number shall be in lieu of registering each motor vehicle, trailer, vessel or vessel trailer dealt with by a boat dealer, boat manufacturer, manufacturer, public motor vehicle auction, wholesale motor vehicle dealer, wholesale motor vehicle auction or motor vehicle dealer.

4. Notwithstanding any other provision of the law to the contrary, the department shall assign the following distinctive dealer license numbers to:

New motor vehicle franchise
dealers

.....D-0 through D-999

New [motor vehicle franchise and commercial motor vehicle]

powersport dealers

.....D-1000 through D-1999

Used motor vehicle [dealers]

and used powersport dealers.....D2000 through
[D-5399] D-9999

[and D-6000 through D-9999]

Wholesale motor vehicle

dealers.....[W-1000] **W-0** through W-1999

Wholesale motor vehicle

auctions[W-2000]

WA-0 through [W-2999] **WA-999**

New and used trailer dealers

..... T-0 through T-9999

Motor vehicle [and], trailer, **and boat**

manufacturers.....[M-0] **DM-0**
 through [M-9999] **DM-999**

[Motorcycle dealers

..... D-5400 through D-5999]

Public motor vehicle

auctions..... [A-1000] **A-0** through A-1999

Boat dealers [and boat

manufacturers] [B-0]
M-0 through [B-9999] **M-9999**

New and used recreational motor

vehicle dealers RV-0 through RV-9999

The provisions of this subsection shall become effective on the date the director of the department of revenue begins to reissue new license plates under section 301.130, or on December 1, 2008, whichever occurs first. If the director of revenue begins reissuing new license plates under the authority granted under section 301.130 prior to December 1, 2008, the director of the department of revenue shall notify the revisor of statutes of such fact.

5. Upon the sale of a currently licensed new motor vehicle franchise dealership the department shall, upon request, authorize the new approved dealer applicant to retain the selling dealer's license number and shall cause the new dealer's records to indicate such transfer.

6. In the case of **new motor vehicle** manufacturers [and], motor vehicle dealers, **powersport dealers, recreational motor vehicle dealers, and trailer dealers**, the department shall [also] issue one number plate bearing the distinctive dealer license number **and two additional number plates** to the applicant upon payment by the manufacturer or dealer of a fifty dollar fee **for the number plate bearing the distinctive dealer license number and twenty-one dollar fee for the additional number plates**. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Boat dealers and boat manufacturers shall be entitled to one certificate of number bearing such number upon the payment of a fifty dollar fee. [As many] Additional number plates [as may be desired by manufacturers and motor vehicle dealers] and as many additional certificates of number [as may be desired by boat dealers and boat manufacturers] may be obtained upon payment of a fee of ten dollars and fifty cents for each additional plate or certificate. **New motor vehicle manufacturers shall not be issued or possess more than three hundred forty-seven additional number plates or certificates of number annually. New and used motor vehicle dealers, powersport dealers, wholesale motor vehicle dealers, boat dealers, and trailer dealers are limited to one additional plate or certificate of number per ten-unit qualified transactions annually. New and used recreational motor vehicle dealers are limited to two additional plates or certificate of number per ten-unit qualified transactions annually for their first fifty transactions and one additional plate or**

certificate of number per ten-unit qualified transactions thereafter. An applicant seeking the issuance of an initial license shall indicate on his or her initial application the applicant's proposed annual number of sales in order for the director to issue the appropriate number of additional plates or certificates of number. A motor vehicle dealer, **trailer dealer**, boat dealer, **powersport dealer**, **recreational motor vehicle dealer**, **motor vehicle** manufacturer, boat manufacturer, [public motor vehicle auction,] or wholesale motor vehicle dealer [or wholesale motor vehicle auction] obtaining a **distinctive** dealer license plate or certificate of number or additional license plate or additional certificate of number, throughout the calendar year, shall be required to pay a fee for such license plates or certificates of number computed on the basis of one-twelfth of the full fee prescribed for the original and duplicate number plates or certificates of number for such dealers' licenses, multiplied by the number of months remaining in the licensing period for which the dealer or manufacturers shall be required to be licensed. In the event of a renewing dealer, the fee due at the time of renewal shall not be prorated. **Wholesale and public auctions shall be issued a certificate of dealer registration in lieu of a dealer number plate. In order for dealers to obtain number plates or certificates under this section, dealers shall submit to the department of revenue on August first of each year a statement certifying, under penalty of perjury, the dealer's number of sales during the reporting period of July first of the immediately preceding year to July thirtieth of the present year.**

7. The plates issued pursuant to subsection 3 or 6 of this section may be displayed on any motor vehicle owned by a **new motor vehicle manufacturer**. The plates issued pursuant to subsection 3 or 6 of this section may be displayed on any motor vehicle or trailer owned and held for resale by [the] a motor vehicle dealer [or manufacturer, and used] **for use** by a customer

who is test driving the motor vehicle, [or is used] **for use and display purposes during, but not limited to, parades, private events, charitable events, or for use** by an employee or officer, but shall not be displayed on any motor vehicle or trailer hired or loaned to others or upon any regularly used service or wrecker vehicle. Motor vehicle dealers may display their dealer plates on a tractor, truck or trailer to demonstrate a vehicle under a loaded condition. Trailer dealers may display their dealer license plates in like manner, except such plates may only be displayed on trailers owned and held for resale by the trailer dealer.

8. The certificates of number issued pursuant to subsection 3 or 6 of this section may be displayed on any vessel or vessel trailer owned and held for resale by a boat manufacturer or a boat dealer, and used by a customer who is test driving the vessel or vessel trailer, or is used by an employee or officer **on a vessel or vessel trailer only**, but shall not be displayed on any **motor vehicle owned by a boat manufacturer, boat dealer, or trailer dealer, or** vessel or vessel trailer hired or loaned to others or upon any regularly used service vessel or vessel trailer. Boat dealers and **boat** manufacturers may display their certificate of number on a vessel or vessel trailer [which is being transported] **when transporting a vessel or vessels** to an exhibit or show.

9. (1) [Beginning August 28, 2006,] Every application for the issuance of a used motor vehicle dealer's license shall be accompanied by proof that the applicant, within the last twelve months, has completed an educational seminar course approved by the department as prescribed by subdivision (2) of this subsection. Wholesale and [retail] **public** auto auctions **and applicants currently holding a new or used license for a separate dealership** shall be exempt from the requirements of this subsection. The provisions of this subsection shall not apply to **current new motor vehicle franchise dealers or motor vehicle leasing agencies or applicants for a new motor vehicle franchise**

[dealers] or a motor vehicle leasing agency. The provisions of this subsection shall not apply to used motor vehicle dealers who were licensed prior to August 28, 2006.

(2) The educational seminar shall include, but is not limited to, the dealer requirements of sections 301.550 to 301.573, the rules promulgated to implement, enforce, and administer sections 301.550 to 301.570, and any other rules and regulations promulgated by the department.”; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 82, Page 13, Section 301.020, Line 105, by inserting immediately after all of said line the following:

“301.040. The director of revenue shall notify each registered motor vehicle owner by mail, at the last known address, within an appropriate period prior to the beginning of the registration period to which he has been assigned, of the date for reregistration. Such notice shall include an application blank for registration and shall specify the amount of license fees due and the registration period covered by such license. **No commercial inserts or other forms of advertising shall accompany the notice.** Application blanks shall also be furnished all branch offices of the department of revenue and license fee offices designated by the director of revenue under the provisions of section 136.055, RSMo, where they shall be made available to any person upon request. Failure of the owner to receive such notice shall not relieve the owner of the requirement to register pursuant to this chapter.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Days, Engler, Graham and Shoemyer.

SA 3 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Callahan	Coleman	Days
Engler	Goodman	Graham	Green
Justus	Kennedy	Mayer	McKenna
Purgason	Shoemyer	Smith	Wilson—16

NAYS—Senators

Bartle	Champion	Clemens	Crowell
Gibbons	Griesheimer	Gross	Koster
Lager	Loudon	Nodler	Ridgeway
Rupp	Scott	Shields	Stouffer
Vogel—17			

Absent—Senator Bray—1

Absent with leave—Senators—None

Vacancies—None

Senator Engler offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 82, Page 27, Section 301.227, Line 67, by inserting after all of said line the following:

“301.640. 1. [Upon] **Within five business days after** the satisfaction of any lien or encumbrance of a motor vehicle or trailer, the lienholder shall[, within ten business days] release the lien or encumbrance on the certificate or a separate document, and mail or deliver the certificate or a separate document to the owner or any person who delivers to the lienholder an authorization from the owner to receive the certificate or such documentation. The release on the certificate or separate document shall be notarized. Each perfected subordinate lienholder, if any, shall release such lien or encumbrance as provided in this section for the first lienholder. The owner may cause the certificate to be mailed or

delivered to the director of revenue, who shall issue a new certificate of ownership upon application and payment of the required fee. A lien or encumbrance shall be satisfied for the purposes of this section when a lienholder receives payment in full in the form of certified funds, as defined in section 381.410, RSMo, **or when the lienholder receives payment in full electronically or by way of electronic funds transfer, whichever first occurs.**

2. If the electronic certificate of ownership is in the possession of the director of revenue, the lienholder shall notify the director within [ten] **five business days [of] after** any release of a lien and provide the director with the most current address of the owner **or any person who delivers to the lienholder an authorization from the owner to receive the certificate or such documentation.** The director shall note such release on the electronic certificate and if no other lien exists the director shall mail or deliver the certificate free of any lien to the owner **or any person who has delivered to the lienholder an authorization from the owner to receive the certificate or such documentation from the director.**

3. If the purchase price of a motor vehicle or trailer did not exceed six thousand dollars at the time of purchase, a lien or encumbrance which was not perfected by a motor vehicle financing corporation whose net worth exceeds one hundred million dollars, or a depository institution, shall be considered satisfied within six years from the date the lien or encumbrance was originally perfected unless a new lien or encumbrance has been perfected as provided in section 301.600. This subsection does not apply to motor vehicles or trailers for which the certificate of ownership has recorded in the second lienholder portion the words "subject to future advances".

4. Any lienholder who fails to **timely** comply with subsection 1 or 2 of this section shall pay to the person or persons satisfying the lien or encumbrance [twenty-five dollars for the first ten

business days after expiration of the time period prescribed in subsection 1 or 2 of this section, and such payment shall double for each ten days thereafter in which there is continued noncompliance, up to a maximum of five hundred dollars for each lien] **liquidated damages up to a maximum of two thousand five hundred dollars for each lien. Liquidated damages shall be five hundred dollars if the lienholder does not comply within five business days after satisfaction of the lien or encumbrance. Liquidated damages shall be one thousand dollars if the lienholder does not comply within ten business days after satisfaction of the lien or encumbrance. Liquidated damages shall be two thousand dollars if the lienholder does not comply within fifteen business days after satisfaction of the lien or encumbrance. Liquidated damages shall be two thousand five hundred dollars if the lienholder does not comply within twenty business days after satisfaction of the lien or encumbrance.** If delivery of the certificate or other lien release is made by mail, the delivery date is the date of the postmark for purposes of this subsection. **In computing any period of time prescribed or allowed by this section, the day of the act or event after which the designated period of time begins to run is not to be counted. However, the last day of the period so computed is to be included, unless it is a Saturday, Sunday, or a legal holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday.**

5. Any person who knowingly and intentionally sends in a separate document releasing a lien of another without authority to do so shall be guilty of a class C felony.”; and

Further amend the title and enacting clause accordingly.

Senator Engler moved that the above amendment be adopted, which motion prevailed.

Senator Shoemyer offered SA 5, which was

read:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 82, Page 13, Section 301.020, Line 105, by inserting after all of said line the following:

“301.125. 1. Beginning on January 1, 2008, every motor vehicle owner who replaces the license plates on his or her motor vehicle may deposit the old, outdated, or expired license plates with the department of revenue or its agents in a manner determined by the director. The department of revenue may create a program that promotes recycling used or outdated license plates for the metal content. The director may enter into contractual agreements with nonprofit organizations for the collection, disposal, and recycling of used, expired, or outdated license plates. Such nonprofit organizations may be those whose primary mission is to prevent head injuries by promoting bicycle safety.

2. The director shall promulgate rules and regulations to effectuate the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.”; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Shoemyer moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer moved that **SCS for SB 82**, as amended, be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SCS for SB 82**, as amended, was declared perfected and ordered printed.

RESOLUTIONS

Senator Lager offered Senate Resolution No. 716, regarding the Eightieth Birthday of Lois Burge, Mound City, which was adopted.

Senator Lager offered Senate Resolution No. 717, regarding the Eightieth Birthday of Imo Long, Graham, which was adopted.

Senator Lager offered Senate Resolution No. 718, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. William J. Mantlo, Laredo, which was adopted.

Senator Lager offered Senate Resolution No. 719, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jim Neal, Linneus, which was adopted.

Senator Lager offered Senate Resolution No. 720, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Gordon Lemar, Graham, which was adopted.

Senator Mayer offered Senate Resolution No. 721, regarding Senior Master Sergeant Carl W. Blalock, Malden, which was adopted.

Senator Mayer offered Senate Resolution No. 722, regarding Rhiannon Wunderlich, Dexter, which was adopted.

Senator Mayer offered Senate Resolution No. 723, regarding Lois Bevill, Poplar Bluff, which was adopted.

Senator Shields offered Senate Resolution No. 724, regarding J. Cole McMillian, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 725, regarding Robert Bradley, Savannah, which was adopted.

Senator Shields offered Senate Resolution No. 726, regarding Ridge Drennen, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 727, regarding Ryley Drennen, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 728, regarding Dylan Parry, Helena, which was adopted.

Senator Shields offered Senate Resolution No. 729, regarding Brandon Fangman, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 730, regarding Patrick Graham, St. Joseph, which was adopted.

On motion of Senator Nodler, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Griesheimer.

RESOLUTIONS

Senator Purgason offered Senate Resolution No. 731, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dan Cargill, West Plains, which was adopted.

Senator Rupp offered Senate Resolution No. 732, regarding the Winfield Foley Fire Protection District, Winfield, which was adopted.

Senators Gibbons, Shields and Coleman offered Senate Resolution No. 733, regarding Public Service Recognition Week, which was adopted.

Senator Lager offered Senate Resolution No. 734, regarding Joshua Daniel Gott, Trenton, which was adopted.

Senator Lager offered Senate Resolution No. 735, regarding Jonathan McCulley, Trenton, which was adopted.

Senator Lager offered Senate Resolution No. 736, regarding Kile Brewer, Spickard, which was adopted.

Senator Vogel offered Senate Resolution No. 737, regarding Bishop Thomas McAdams, Jefferson City, which was adopted.

Senator Scott offered Senate Resolution No. 738, regarding Debra Ralston, Greenfield, which was adopted.

Senator Champion offered Senate Resolution No. 739, regarding Tom Trtan, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 740, regarding Don Wyatt, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 741, regarding Jeff Benscoter, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 742, regarding William G. Magers, Springfield, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 417**; **SCS** for **SB 66**; and **SCS** for **SBs 45** and **39**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Ridgeway moved that **SJR 8** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Ridgeway, **SJR 8** was declared perfected and ordered printed.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

HCR 20—Rules, Joint Rules, Resolutions and Ethics.

REFERRALS

President Pro Tem Gibbons referred **SS** for **SB 112** and **SS** for **SCS** for **SB 3** to the Committee on Governmental Accountability and Fiscal Oversight.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 82**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Scott moved that **SB 370**, **SB 375** and **SB 432**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 370**, **375** and **432**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 370, 375 and 432

An Act to repeal sections 170.015, 188.015, 188.075, and 197.200, RSMo, and to enact in lieu thereof six new sections relating to abortion, with penalty provisions.

Was taken up.

Senator Scott moved that **SCS** for **SBs 370**, **375** and **432** be adopted.

Senator Shields assumed the Chair.

Senator Bray offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 370, 375 and 432, Page 6, Section 188.325, Line 56, by inserting immediately after said line the following:

“6. Moneys expended under this section and section 188.335 shall not be granted to organizations or affiliates of organizations unless such organizations inform patients or clients, both orally and in writing, if their counseling or other services do not include abortion care or abortion referrals. Additionally, such organizations and affiliates shall disclose to patients or clients at the earliest contact whether their counseling or other services are provided with the goal of deterring abortion.”.

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Engler assumed the Chair.

Senator Wilson raised the point of order that **SCS** for **SBs 370**, **375** and **432** is out of order stating that Section 170.015 of the committee substitute violates the single subject provision of the constitution, in that it deals with sex education and not abortion.

The point of order was referred to the President Pro Tem who ruled it not well taken.

Senator Rupp assumed the Chair.

Senator Engler assumed the Chair.

Senator Callahan offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 370, 375 and 432, Page 4, Section 188.015, Lines 14-31, by striking all of said lines and by inserting in lieu thereof the following:

“(5) ‘Fertilization’, that point in time when

a male human sperm penetrates the zona pellucida of a female human ovum;

(6) “Gestational age”, length of pregnancy as measured from the first day of the woman's last menstrual period;

(7) **“Medical emergency”, a condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create a serious risk of substantial and irreversible impairment of a major bodily function of the pregnant woman;**

[(5)] (8) “Physician”, any person licensed to practice medicine in this state by the state board of registration of the healing arts;

(9) **“Pregnant”, the human female reproductive condition of having a live unborn human being within her body throughout the entire embryonic and fetal ages of the unborn child from fertilization to full gestation and child birth;**

[(6)] (10) “Unborn child”, the offspring of human beings from the moment of conception until birth and at every stage of its biological development, including the human conceptus, zygote, morula, blastocyst, embryo, and fetus;

[(7)] (11) “Viability”, that stage of fetal development when the life of the unborn child may be continued indefinitely outside the womb by natural or artificial life-supportive systems.

188.039. 1. [For purposes of this section, “medical emergency” means a condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create a serious risk of substantial and irreversible impairment of a major bodily function.

2.] Except in the case of medical emergency, no person shall perform or induce an abortion unless at least twenty-four hours prior thereto a treating physician has conferred with the patient and discussed with her the indicators and contraindicators, and risk factors including any physical, psychological, or situational factors for the proposed procedure and the use of medications, including but not limited to mifepristone, in light of her medical history and medical condition. For an abortion performed or an abortion induced by a drug or drugs, such conference shall take place at least twenty-four hours prior to the writing or communication of the first prescription for such drug or drugs in connection with inducing an abortion. Only one such conference shall be required for each abortion.

[3.] 2. The patient shall be evaluated by a treating physician during the conference for indicators and contraindicators, risk factors including any physical, psychological, or situational factors which would predispose the patient to or increase the risk of experiencing one or more adverse physical, emotional, or other health reactions to the proposed procedure or drug or drugs in either the short or long term as compared with women who do not possess such risk factors.

[4.] 3. At the end of the conference, and if the woman chooses to proceed with the abortion, a treating physician shall sign and shall cause the patient to sign a written statement that the woman gave her informed consent freely and without coercion after the physician had discussed with her the indicators and contraindicators, and risk factors, including any physical, psychological, or situational factors. All such executed statements shall be maintained as part of the patient's medical file, subject to the confidentiality laws and rules of this state.

[5.] 4. The director of the department of health and senior services shall disseminate a model form that physicians may use as the written statement

required by this section, but any lack or unavailability of such a model form shall not affect the duties of the physician set forth in subsections [2 to 4] **1 to 3** of this section.”; and

Further amend said bill and page, section 188.075, line 13, by inserting immediately after said line the following:

“188.275. 1. Sections 188.275 to 188.281 shall be known as the “Unborn Child Pain Prevention Act”.

2. Except in the case of a medical emergency, at least twenty-four hours before an abortion is performed on an unborn child whose probable gestation age is twenty weeks or more, the treating physician performing the abortion shall inform the pregnant woman that she has the right to review the printed materials described in section 188.281.

3. The treating physician shall inform the pregnant woman that the materials have been provided by the state of Missouri and they contain information on pain in relation to the unborn child.

4. If the pregnant woman chooses to view the materials other than on the Internet website, the materials shall either:

(1) Be given to her at least twenty-four hours before the abortion; or

(2) Mailed to her at least seventy-two hours before the abortion by certified mail, restricted delivery to addressee, so that the postal employee may deliver the mail only to the pregnant woman.

5. The pregnant woman shall certify in writing before the abortion that:

(1) The information described in subsection 2 of this section has been furnished her; and

(2) She has been informed of her opportunity to review the printed material described in section 188.281.

6. Before the abortion is performed, the treating physician who is to perform the abortion shall:

(1) Obtain a copy of the written certification required under subsection 5 of this section; and

(2) Retain it on file with the woman's medical record for at least three years following the date of receipt.

188.278. 1. Except in the case of a medical emergency, before an abortion is performed on an unborn child whose probable gestational age is twenty weeks or more, the treating physician performing the abortion shall inform the pregnant woman:

(1) Whether an anesthetic or analgesic would eliminate or alleviate organic pain to the unborn child that could be caused by the particular method of abortion to be employed; and

(2) Of the particular medical risks associated with the particular anesthetic or analgesic.

2. After presenting the information required in subsection 1 of this section and with the consent of the pregnant woman, the treating physician shall administer the anesthetic or analgesic.

188.281. 1. Within ninety days after the effective date of sections 188.275 to 188.281, the department of health and senior services shall publish printed materials with the following statement concerning unborn children of twenty weeks gestational age or more:

“By twenty weeks gestation, the unborn child has the physical structures necessary to experience pain. There is evidence that by twenty weeks gestation unborn children seek to evade certain stimuli in a manner that in an infant or an adult would be

interpreted to be a response to pain. Anesthesia is routinely administered to unborn children who are twenty weeks gestational age or more who undergo prenatal surgery.”

2. The materials shall be objective, nonjudgmental, and designed to convey only accurate scientific information about the human fetus at the various gestational ages.

3. The department shall make the materials available on the department's website.

4. The materials referred to in this section shall be printed in a typeface large enough to be clearly legible.

5. Upon request, the department shall make available to any person, facility, or hospital the materials required under this section. The department shall have the discretion to determine the appropriate cost and number of materials given.

6. The department of health and senior services shall include on its Internet website the information described in this section.

7. No information regarding persons who use the website shall be collected or maintained.

8. The department shall monitor the website on a daily basis to prevent and correct tampering.”; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Justus, Kennedy, Shoemyer and Smith.

SA 2 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Callahan	Crowell	Kennedy
McKenna	Rupp	Shoemyer—7	

NAYS—Senators

Bartle	Bray	Champion	Coleman
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Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Koster	Lager	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Smith	Stouffer	Vogel
Wilson—25			

Absent—Senator Clemens—1

Absent with leave—Senator Green—1

Vacancies—None

Senator Gross assumed the Chair.

Senator Justus offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 370, 375 and 432, Page 7, Section 188.335, Line 45, by inserting immediately after said line the following:

“197.032. 1. No physician or surgeon, registered nurse, practical nurse, **pharmacist, pharmacy technician**, midwife or hospital, public or private, shall be required to treat or admit for treatment any woman for the purpose of abortion **or abortifacient** if such treatment or admission for treatment is contrary to the established policy of, or the moral, ethical or religious beliefs of, such physician, surgeon, registered nurse, **pharmacist, pharmacy technician**, midwife, practical nurse or hospital. No cause of action shall accrue against any such physician, surgeon, registered nurse, **pharmacist, pharmacy technician**, midwife, practical nurse or hospital on account of such refusal to treat or admit for treatment any woman for abortion **or abortifacient** purposes.

2. No person or institution shall be denied or discriminated against in the reception of any public benefit, assistance or privilege whatsoever or in any employment, public or private, on the grounds that they refuse to undergo an abortion, to advise, consent to, assist in or perform an abortion **or**

supply an abortifacient.

3. Any person who shall deny or discriminate against another for refusal to perform or participate in an abortion **or supply an abortifacient** shall be liable to the party injured in an action at law, suit in equity or other redress.

4. For the purposes of this chapter, the term “abortifacient” shall mean “abortifacient” as defined by the federal Food and Drug Administration.”; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted.

Senator Rupp raised the point of order that **SA 3** is out of order as it goes beyond the scope of the underlying bill.

The point of order was referred to the President Pro Tem who ruled it not well taken.

At the request of Senator Scott, **SB 370**, **SB 375** and **SB 432**, with **SCS** and **SA 3** (pending), were placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SJR 8**, begs leave to report that it has examined the same and finds that the joint resolution has been truly perfected and that the printed copies furnished the Senators are correct.

INTRODUCTIONS OF GUESTS

Senator Smith introduced to the Senate, Ian Brickey, St. Louis.

Senator Champion introduced to the Senate, former State Senator Roseann Bentley, Springfield.

Senator Shoemyer introduced to the Senate,

Oral Francis, Kirksville.

Senator Vogel introduced to the Senate, Ryan Bax, Nick Jones, Erin Brocksmith, Dakota Martin, Christian Villanueva, Maryssa Rehagen, Kaitlyn Wideman and Sarah Verslues, members of St. Peter’s School Latin Club, Jefferson City; and Ryan, Erin, Christian and Kaitlyn were made honorary pages.

On behalf of Senator Kennedy and himself, Senator Shoemyer introduced to the Senate, Meghan Reid, St. Louis; and Nichole Friederich, Kirksville.

Senator Wilson introduced to the Senate, members of Upsilon Omega, St. Louis; Beta Omega, Kansas City; and Eta Alpha Omega, Jefferson City.

Senator Shields introduced to the Senate, members of the Missouri Nurses Association from around the state.

Senator Nodler introduced to the Senate, Diamond Police Chief Keith Brumfield and his family, and members of the Jasper/Newton County Young Republicans and their families.

Senator Rupp introduced to the Senate, Thom Shoemaker, his daughter, Morgan and students from Westhoff Elementary School, St. Charles County; and Morgan was made an honorary page.

Senator Champion introduced to the Senate, Bill Magers and Russell Marquart, Springfield.

Senator Bray introduced to the Senate, Christina Westerheide, Mary Marth, Karla Rigdon, Susan Hausdorf, Michelle Bokermann and sixty-five fourth grade students from Reed Elementary School, Ladue.

Senator Koster introduced to the Senate, Mary Jane Manley and eighth grade students from Leeton R-X School.

Senator Rupp introduced to the Senate,

Caroline and Peyton Dwyer, Wentzville; and
Caroline and Peyton were made honorary pages.

Pohlman and students from Clayton High School
Gay Straight Alliance.

Senator Bray introduced to the Senate,
Andrew Davidson, Rachel Dickens, Stephen

On motion of Senator Shields, the Senate
adjourned under the rules.

SENATE CALENDAR

FORTY-SIXTH DAY—THURSDAY, MARCH 29, 2007

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

- | | |
|---|--------------------------------|
| 1. SS for SCS for SBs 239, 24 &
445-Stouffer (In Fiscal Oversight) | 5. SS for SCS for SB 591-Scott |
| 2. SS for SCS for SB 320-Clemens | 6. SS for SB 417-Goodman |
| 3. SS for SCS for SB 3-Gibbons
(In Fiscal Oversight) | 7. SCS for SB 66-Rupp |
| 4. SS for SB 112-Rupp
(In Fiscal Oversight) | 8. SCS for SBs 45 & 39-Mayer |
| | 9. SCS for SB 82-Griesheimer |
| | 10. SJR 8-Ridgeway |

SENATE BILLS FOR PERFECTION

- | | |
|---------------------------------------|--|
| 1. SB 313-Scott, with SCS | 10. SB 428-Purgason, with SCS |
| 2. SB 453-Scott, with SCS | 11. SB 480-Ridgeway, et al, with SCS |
| 3. SB 391-Days, with SCS | 12. SB 577-Shields and Gibbons, with SCS |
| 4. SB 53-Koster and Engler, with SCS | 13. SB 433-Callahan and Rupp |
| 5. SB 531-Gibbons, with SCS | 14. SB 698-Ridgeway, et al, with SCS |
| 6. SB 511-Scott, with SCS | 15. SB 458-Gibbons |
| 7. SB 86-Champion, with SCS | 16. SB 341-Goodman, with SCS |
| 8. SB 153-Engler, et al, with SCS | 17. SB 252-Ridgeway and McKenna |
| 9. SB 168-Mayer and Crowell, with SCS | 18. SRB 613-Goodman, with SCA 1 |

HOUSE BILLS ON THIRD READING

HCS for HB 453 (Mayer)
(In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 2-Gibbons, with SCS	SB 287-Crowell and Vogel
SB 5-Loudon, with SCS	SB 292-Mayer
SB 17-Shields, with SCS	SB 297-Loudon, with SCS
SB 20-Griesheimer, with SCS	SB 300-Bartle
SB 21-Griesheimer, with SCS	SB 303-Loudon, et al
SB 27-Bartle and Koster	SB 363-Bartle
SB 31-Nodler	SB 364-Koster, with SCS
SB 40-Ridgeway, with SS (pending)	SB 368-Barnitz, et al, with SCS
SB 75-Coleman, et al, with SCS	SBs 370, 375 & 432-Scott and Koster,
SB 85-Champion and Koster, with SCS	with SCS & SA 3 (pending)
SB 101-Mayer	SB 385-Gibbons, with SCS
SB 131-Rupp	SB 389-Nodler, et al, with SCS & SS#4
SB 155-Engler, with SCS	for SCS (pending)
SB 160-Rupp, with SCS	SB 400-Crowell, et al
SB 169-Rupp, with SCS, SS for SCS & SA 3	SB 429-Gibbons, with SCS
(pending)	SB 430-Shields, et al, with SCS, SS#2
SB 204-Stouffer, with SCS & SS for SCS	for SCS, SA 4 & SSA 3 for SA 4
(pending)	(pending)
SB 213-McKenna	SB 444-Goodman
SB 242-Nodler, with SCS	SB 476-Crowell
SB 250-Ridgeway and Vogel	SB 492-Crowell
SB 254-Nodler, et al, with SCS	SB 534-Nodler
SBs 260 & 71-Koster, et al, with SCS	SB 570-Clemens
SB 274-Shields	
SB 282-Griesheimer, with SCS & SS for	
SCS (pending)	

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Reported 2/15

SB 8-Kennedy

Reported 3/8

SB 593-Scott
SB 140-Rupp
SB 137-Bray, with SCS

SB 185-Green
SB 419-Kennedy

Reported 3/15

SB 477-Days, with SCS
SB 648-Vogel
SB 666-Scott
SB 582-Shoemyer
SB 520-Engler, with SCS
SB 530-Gibbons, with SCS
SB 338-Mayer
SB 302-Loudon, with SCS

SB 481-Ridgeway
SB 398-Crowell
SB 393-McKenna, with SCS
SB 605-Coleman and Gibbons
SB 638-Bray, with SCS
SB 513-Clemens
SB 328-Engler, with SCS
SB 306-Crowell

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Journal of the Senate

FIRST REGULAR SESSION

FORTY-SIXTH DAY—THURSDAY, MARCH 29, 2007

The Senate met pursuant to adjournment.

Senator Engler in the Chair.

Reverend Carl Gauck offered the following prayer:

“I have found it impossible to carry the burden of responsibility and to discharge my duties as King as I would wish to without the help and support of the woman I love.” (Edward VIII, 1936)

Loving Father, we finish our week’s work here knowing the love and support of those who love us and make it possible for us to accomplish what is truly needed. We give You thanks for them and pray that we will be mindful to pour out our joy for them to them so they may know our love and joy. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon

Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

RESOLUTIONS

Senator Griesheimer offered Senate Resolution No. 743, regarding Nicholas G. Kellkamp, Washington, which was adopted.

Senator Lager offered Senate Resolution No. 744, regarding Crossroads Correctional Center, Cameron, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SS** for **SCS** for **SBs 239, 24** and **445**; **HCS** for **HB 453**; **SS** for **SB 112**; and **SS** for **SCS** for **SB 3**, begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SBs 239, 24** and **445**, introduced by Senator Stouffer, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 239, 24 and 445**

An Act to repeal sections 43.010, 43.030, 43.090, 43.110, 43.120, 43.140, 43.210, 43.220, 301.010, 301.040, 301.130, 301.144, 301.218, 301.221, 301.225, 301.229, 301.301, 301.444, 301.550, 301.560, 301.640, 302.010, 302.272, 302.275, 302.321, 302.545, 302.700, 302.720, 302.755, 302.775, 304.022, 304.070, 304.170, 304.281, 307.100, 307.179, 311.326, and 390.030, RSMo, and to enact in lieu thereof forty-seven new sections relating to the regulation of motor vehicles, with penalty provisions, an effective date for certain sections, and an emergency clause for certain sections.

Was taken up.

On motion of Senator Stouffer, **SS** for **SCS** for **SBs 239, 24** and **445** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators

Graham Smith—2

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Griesheimer
Gross	Justus	Kennedy	Koster
Lager	Loudon	Mayer	McKenna
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Stouffer
Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Barnitz Graham Smith—3

Absent with leave—Senator Green—1

Vacancies—None

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 320**, introduced by Senator Clemens, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 320**

An Act to repeal sections 340.335, 340.337, 340.339, 340.341, 340.343, 340.345, and 340.347, RSMo, and to enact in lieu thereof seventeen new sections relating to large animal veterinary student loan assistance.

Was taken up.

On motion of Senator Clemens, **SS** for **SCS** for **SB 320** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Graham
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators

Goodman	Smith—2
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Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for SCS for SB 3, introduced by Senator Gibbons, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 3

An Act to repeal sections 198.086, 565.184, 630.005, 630.165, 630.167, 630.725, and 630.755, RSMo, and to enact in lieu thereof twenty-one new sections relating to mental health, with penalty provisions.

Was taken up.

On motion of Senator Gibbons, **SS for SCS for SB 3** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
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Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for SB 112, introduced by Senator Rupp, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 112

An Act to repeal sections 160.900, 160.905, 160.910, 160.915, 160.920, 160.925, 160.930, 162.700, and 376.1218, RSMo, and to enact in lieu thereof eleven new sections relating to special education, with an expiration date for a certain section.

Was taken up.

On motion of Senator Rupp, **SS for SB 112** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Clemens	Crowell	Days	Engler

Gibbons	Goodman	Graham	Griesheimer	Graham	Griesheimer	Gross	Justus
Gross	Justus	Kennedy	Koster	Kennedy	Koster	Lager	Loudon
Lager	Loudon	Mayer	McKenna	Mayer	McKenna	Nodler	Purgason
Nodler	Purgason	Ridgeway	Rupp	Ridgeway	Rupp	Scott	Shields
Shields	Shoemyer	Smith	Stouffer	Shoemyer	Smith	Stouffer	Vogel
Vogel	Wilson—30			Wilson—33			

NAYS—Senators—None

Absent—Senators

Champion Coleman Scott—3

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 591**, introduced by Senator Scott, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 591

An Act to repeal sections 370.005, 370.071, 370.080, 370.081, and 370.082, RSMo, and to enact in lieu thereof six new sections relating to credit unions.

Was taken up.

On motion of Senator Scott, **SS** for **SCS** for **SB 591** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for **SB 417**, introduced by Senator Goodman, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 417

An Act to amend chapter 261, RSMo, by adding thereto one new section relating to the farm mentoring and education fund.

Was taken up.

On motion of Senator Goodman, **SS** for **SB 417** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields

Shoemyer Smith Stouffer Vogel
Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for SB 66, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 66

An Act to repeal sections 375.320, 375.330, 375.340, 375.345, 375.480, 375.532, 375.534, 375.1070, 375.1072, 375.1075, 376.170, 376.190, 376.280, 376.300, 376.301, 376.303, 376.305, 376.307, 376.320, 376.672, 376.1012, 377.100, 377.200, 381.068, and 409.950, RSMo, and to enact in lieu thereof thirty-four new sections relating to insurance company investments, with penalty provisions.

Was taken up by Senator Rupp.

On motion of Senator Rupp, **SCS for SB 66** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer

McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Barnitz—1

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for SBs 45 and 39, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 45 and 39

An Act to repeal section 390.030, RSMo, and to enact in lieu thereof three new sections relating to motor carriers.

Was taken up by Senator Mayer.

On motion of Senator Mayer, **SCS for SBs 45 and 39** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for **SB 82**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 82

An Act to repeal sections 301.010, 301.020, 301.196, 301.227, 301.560, 301.460, 304.022, 304.170, and 407.815, RSMo, and section 301.190 as enacted by house committee substitute for senate substitute no. 2 for senate committee substitute for senate bill no. 583, ninety-third general assembly, second regular session and section 301.190 as enacted by senate substitute for senate committee substitute for house bill no. 487 merged with senate bill no. 488, ninety-third general assembly, first regular session, and to enact in lieu thereof eleven new sections relating to the regulation of certain motor vehicles, with penalty provisions.

Was taken up by Senator Griesheimer.

On motion of Senator Griesheimer, **SCS** for **SB 82** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon

Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SJR 8, introduced by Senator Ridgeway, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 26(b) of article VI of the Constitution of Missouri, and adopting one new section in lieu thereof relating to bonded indebtedness of school districts.

Was taken up.

On motion of Senator Ridgeway, **SJR 8** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Smith—1

Absent with leave—Senator Green—1

Vacancies—None

The President declared the joint resolution passed.

On motion of Senator Ridgeway, title to the joint resolution was agreed to.

Senator Ridgeway moved that the vote by which the joint resolution passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Scott moved that **SB 593** be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Scott, **SB 593** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Barnitz—1

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which

the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 140, introduced by Senator Rupp, entitled:

An Act to repeal section 162.961, RSMo, and to enact in lieu thereof one new section relating to special education due process hearings.

Was called from the Consent Calendar and taken up.

On motion of Senator Rupp, **SB 140** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 137, with **SCS**, introduced by Senator Bray, entitled:

An Act to repeal section 169.560, RSMo, and to enact in lieu thereof one new section relating to

employment of retirees of the public school retirement system.

Was called from the Consent Calendar and taken up.

SCS for SB 137, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 137**

An Act to repeal section 169.596, RSMo, and to enact in lieu thereof one new section relating to employment of retirees of the public school retirement system.

Was taken up.

Senator Bray moved that **SCS for SB 137** be adopted.

Senator Bray requested unanimous consent of the Senate to suspend the rules for the purpose of offering an amendment, which request was granted.

Senator Bray offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 137, Page 1, Section 169.596, Line 14, by inserting immediately after the word “employed” the following: “**up to**”.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Bray moved that **SCS for SB 137**, as amended, be adopted, which motion prevailed.

Senator Gross assumed the Chair.

On motion of Senator Bray, **SCS for SB 137**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon

Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Bray, title to the bill was agreed to.

Senator Bray moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 419, introduced by Senator Kennedy, entitled:

An Act to repeal section 247.060, RSMo, and to enact in lieu thereof one new section relating to public water supply districts.

Was called from the Consent Calendar and taken up.

On motion of Senator Kennedy, **SB 419** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Barnitz—1

Absent with leave—Senator Green—1

Vacancies—None

McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel—31	

The President declared the bill passed.

On motion of Senator Kennedy, title to the bill was agreed to.

Senator Kennedy moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 477, with **SCS**, introduced by Senator Days, entitled:

An Act to repeal section 590.050, RSMo, and to enact in lieu thereof one new section relating to peace officer training.

Was called from the Consent Calendar and taken up.

Under the provisions of Senate Rule 91, Senator Wilson was excused from voting.

SCS for **SB 477**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 477

An Act to repeal sections 590.040 and 590.050, RSMo, and to enact in lieu thereof two new sections relating to peace officer training.

Was taken up.

Senator Days moved that **SCS** for **SB 477** be adopted, which motion prevailed.

On motion of Senator Days, **SCS** for **SB 477** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer

NAYS—Senators—None

Absent—Senator Barnitz—1

Absent with leave—Senator Green—1

Excused from voting—Senator Wilson—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Days, title to the bill was agreed to.

Senator Days moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 648, introduced by Senator Vogel, entitled:

An Act to repeal section 217.045, RSMo, and to enact in lieu thereof one new section relating to funds for the department of corrections.

Was called from the Consent Calendar and taken up.

On motion of Senator Vogel, **SB 648** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Vogel, title to the bill was agreed to.

Senator Vogel moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 666, introduced by Senator Scott, entitled:

An Act to repeal section 41.950, RSMo, and to enact in lieu thereof one new section relating to professional license renewals for military.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 666** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Scott moved that motion lay on the table, which motion prevailed.

SB 582, introduced by Senator Shoemyer, entitled:

An Act to repeal sections 140.230, 140.250, 140.260, 140.290, 140.310, 140.340, 140.405, and 140.420, RSMo, and to enact in lieu thereof eight new sections relating to collection of delinquent taxes.

Was called from the Consent Calendar and taken up.

On motion of Senator Shoemyer, **SB 582** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Shoemyer, title to the bill was agreed to.

Senator Shoemyer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the

table, which motion prevailed.

SB 520, with **SCS**, introduced by Senator Engler, entitled:

An Act to repeal sections 287.127 and 288.130, RSMo, and to enact in lieu thereof three new sections relating to labor posting requirements, with penalty provisions.

Was called from the Consent Calendar and taken up.

SCS for **SB 520**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 520

An Act to repeal sections 287.127 and 288.130, RSMo, and to enact in lieu thereof three new sections relating to labor posting requirements, with penalty provisions.

Was taken up.

Senator Engler moved that **SCS** for **SB 520** be adopted, which motion prevailed.

On motion of Senator Engler, **SCS** for **SB 520** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Bartle moved that motion lay on the table, which motion prevailed.

SB 530, with **SCS**, introduced by Senator Gibbons, entitled:

An Act to repeal section 198.086, RSMo, and to enact in lieu thereof one new section relating to the Alzheimer's demonstration project.

Was called from the Consent Calendar and taken up.

SCS for **SB 530**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 530

An Act to repeal section 198.086, RSMo, and to enact in lieu thereof one new section relating to the Alzheimer's demonstration project.

Was taken up.

Senator Gibbons moved that **SCS** for **SB 530** be adopted, which motion prevailed.

On motion of Senator Gibbons, **SCS** for **SB 530** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 338, introduced by Senator Mayer, entitled:

An Act to amend chapter 484, RSMo, by adding thereto one new section relating to allowing attorneys to provide legal services to needy persons without compensation.

Was called from the Consent Calendar and taken up.

On motion of Senator Mayer, **SB 338** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 302, with **SCS**, introduced by Senator Loudon, entitled:

An Act to repeal section 429.603, RSMo, and to enact in lieu thereof one new section relating to commercial real estate broker liens.

Was called from the Consent Calendar and taken up.

SCS for **SB 302**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 302

An Act to repeal sections 429.010, 429.080, and 429.603, RSMo, and to enact in lieu thereof three new sections relating to statutory liens against real estate.

Was taken up.

Senator Loudon moved that **SCS** for **SB 302** be adopted, which motion prevailed.

On motion of Senator Loudon, **SCS** for **SB 302** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 481, introduced by Senator Ridgeway, entitled:

An Act to repeal sections 621.250 and 640.013, RSMo, and to enact in lieu thereof two new sections relating to certain appeals to be heard by the administrative hearing commission.

Was called from the Consent Calendar and taken up.

On motion of Senator Ridgeway, **SB 481** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Ridgeway, title to the bill was agreed to.

Senator Ridgeway moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 398, introduced by Senator Crowell, entitled:

An Act to repeal section 456.5-501, RSMo, and to enact in lieu thereof one new section relating to the Missouri uniform trust code.

Was called from the Consent Calendar and taken up.

On motion of Senator Crowell, **SB 398** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the

table, which motion prevailed.

SB 605, introduced by Senators Coleman and Gibbons, entitled:

An Act to repeal section 94.660, RSMo, and to enact in lieu thereof one new section relating to a public transit sales tax.

Was called from the Consent Calendar and taken up by Senator Coleman.

On motion of Senator Coleman, **SB 605** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Coleman, title to the bill was agreed to.

Senator Coleman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 638, with **SCS**, introduced by Senator Bray, entitled:

An Act to repeal section 79.050, RSMo, and to enact in lieu thereof one new section relating to term of fourth class city mayors.

Was called from the Consent Calendar and taken up.

SCS for **SB 638**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 638

An Act to repeal section 79.050, RSMo, and to enact in lieu thereof one new section relating to term of fourth class city mayors.

Was taken up.

Senator Bray moved that **SCS** for **SB 638** be adopted, which motion prevailed.

On motion of Senator Bray, **SCS** for **SB 638** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Bray, title to the bill was agreed to.

Senator Bray moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 513, introduced by Senator Clemens, entitled:

An Act to repeal section 335.212, RSMo, and to enact in lieu thereof one new section relating to the professional and practical nursing student loan program.

Was called from the Consent Calendar and taken up.

On motion of Senator Clemens, **SB 513** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 328, with **SCS**, introduced by Senator Engler, entitled:

An Act to repeal section 260.200, RSMo, and to enact in lieu thereof two new sections relating to bio reactor landfills.

Was called from the Consent Calendar and taken up.

SCS for **SB 328**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 328

An Act to repeal sections 260.200 and 260.250, RSMo, and to enact in lieu thereof two new sections relating to bioreactors.

Was taken up.

Senator Engler moved that **SCS** for **SB 328** be adopted, which motion prevailed.

On motion of Senator Engler, **SCS** for **SB 328** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Crowell moved that motion lay on the table, which motion prevailed.

SB 306, introduced by Senator Crowell, entitled:

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to access to the dome of the state capitol.

Was called from the Consent Calendar and taken up.

On motion of Senator Crowell, **SB 306** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 393, with **SCS**, introduced by Senator McKenna, entitled:

An Act to amend chapter 321, RSMo, by adding thereto one new section relating to fire protection district consolidation.

Was called from the Consent Calendar and

taken up.

SCS for **SB 393**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 393

An Act to amend chapter 321, RSMo, by adding thereto one new section relating to fire protection district consolidation.

Was taken up.

Senator McKenna moved that **SCS** for **SB 393** be adopted, which motion prevailed.

On motion of Senator McKenna, **SCS** for **SB 393** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senator McKenna—1

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee

on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Roseann K. Bentley, as a member of the Coordinating Board for Early Childhood;

Also,

Raynel G. Schallert, Republican, as a member of the Missouri Community Service Commission;

Also,

Eugene J. Hites, Democrat, as a member of the Dam and Reservoir Safety Council;

Also,

Laurie B. Donovan, as a member of the Children's Trust Fund Board.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

SENATE BILLS FOR PERFECTION

SB 313, with **SCS**, was placed on the Informal Calendar.

SB 453, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Days, **SB 391**, with **SCS**, was placed on the Informal Calendar.

SB 53, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Gibbons, **SB 531**, with **SCS**, was placed on the Informal Calendar.

SB 511, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Champion, **SB 86**, with **SCS**, was placed on the Informal Calendar.

SB 153, with **SCS**, was placed on the Informal Calendar.

SB 168, with **SCS**, was placed on the Informal Calendar.

SB 428, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Ridgeway, **SB 480**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Shields, **SB 577**, with **SCS**, was placed on the Informal Calendar.

SB 433 was placed on the Informal Calendar.

At the request of Senator Ridgeway, **SB 698**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Gibbons, **SB 458** was placed on the Informal Calendar.

At the request of Senator Goodman, **SB 341**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Ridgeway, **SB 252** was placed on the Informal Calendar.

Senator Goodman moved that **SRB 613**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Goodman moved that the above amendment be adopted.

Senator Goodman offered **SSA 1** for **SCA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR
SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Revision Bill No. 613, Pages 16-19, Section 197.305, Lines 1-90, by striking all of said lines; and

Further amend said bill, pages 19-22, section 197.318, lines 1-110, by striking all of said lines;

Further amend said bill, pages 44-46, section 33.571, lines 1-73, by striking all of said lines;

Further amend said bill, pages 142-143, section 197.312, lines 1-27, by striking all of said lines;

Further amend said bill, pages 143-144, section 197.314, lines 1-19, by striking all of said lines;

Further amend said bill, page 144, section 197.345, lines 1-7, by striking all of said lines;

Further amend said bill, page 144, section 197.366, lines 1-12, by striking all of said lines; and

Further amend the title and enacting clause accordingly.

Senator Goodman moved that the above substitute amendment be adopted, which motion prevailed.

Senator Barnitz offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Revision Bill No. 613, Page 36, Section 644.102, Line 7, by inserting immediately after all of said line, the following:

“Section 1. The revisor of statutes is instructed, upon the effective date of this act, to repeal the provisions of law contained in volumes 1 to 10 of the Missouri Revised Statutes and, while they are at it, repeal the provisions of law contained in volumes 11-20 of the Missouri Revised Statutes.”; and

Further amend the title and enacting clause accordingly.

Senator Barnitz moved that the above amendment be adopted.

At the request of Senator Barnitz, **SA 1** was withdrawn.

Senator Goodman offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Revision Bill No. 613, Page 55, Section 105.268, Lines 56 and 57, by deleting all of said lines; and

Further amend said bill, Page 55, Section 115.177, Lines 1 to 6, by deleting all of said lines; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Goodman moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Goodman, **SRB 613**, as amended, was declared perfected and ordered printed.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 668**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Champion, Chairman of the Committee on Seniors, Families and Public Health, submitted the following report:

Mr. President: Your Committee on Seniors, Families and Public Health, to which was referred **SB 496**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the

Judiciary and Civil and Criminal Jurisprudence, to which were referred **SB 660**, **SB 553**, **SB 557**, **SB 167**, **SB 258**, **SB 114** and **SB 378**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which were referred **SB 555** and **SB 38**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 499**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Nodler, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 572**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HJR 7**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was

referred **SB 627**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 599**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 205**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 521**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 611**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 537**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 523**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 542**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 592**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 664**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 212**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to

which was referred **SB 654**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS** for **HB 327**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Engler, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 563**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1**, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund, and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2007 and ending June 30, 2008.

In which the concurrence of the Senate is

respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 2**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2007 and ending June 30, 2008.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 3**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2007 and ending June 30, 2008.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the

House has taken up and passed **HCS for HB 4**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2007 and ending June 30, 2008.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 5**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2007 and ending June 30, 2008.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 6**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural

Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2007 and ending June 30, 2008.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Shields, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Vogel.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 7**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, and Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2007 and ending June 30, 2008.

In which the concurrence of the Senate is

respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 8**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2007 and ending June 30, 2008.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 9**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2007 and ending June 30, 2008.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 10**, entitled:

An Act to appropriate money for the expenses,

grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2007 and ending June 30, 2008.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 11**, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the Office of Administration and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2007 and ending June 30, 2008.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 12**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement

Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2007 and ending June 30, 2008.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 13**, entitled:

An Act to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2007 and ending June 30, 2008.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTIONS OF GUESTS

Senator Clemens introduced to the Senate, the Physician of the Day, Dr. William R. Reynolds, M.D. and his daughter, Sarah, Nixa; and Sarah was made an honorary page.

On behalf of Senator McKenna and himself, Senator Clemens introduced to the Senate, Chris Connor, Barnhart.

Senator Stouffer introduced to the Senate, members of Farm Bureau Youth Leadership, Chariton, Howard and Macon Counties.

Senator Shoemyer introduced to the Senate, Chris Chinn and Kelsey Wilt, members of Farm Bureau Youth Leadership, Shelby County.

Senator Purgason introduced to the Senate, Cody Smith, Weston Gant, Robin Jordan, Rachel Hughey and Carol Johnson, members of Farm Bureau Youth Leadership, Howell County.

Senator Engler introduced to the Senate, Tony, Jan and Clayton Harbison, Nicholas Carrico, Dylan Lambert and Tyler Freund from Aracadia Valley High School, Ironton.

Senator Barnitz introduced to the Senate, Ashley Jones, Clayton Williams, Nate Cahill, Anna Duncan, Kate Hutchison, Crystal Wagner and Chris Brundick, members of Farm Bureau Youth Leadership, Maries County.

Senator Coleman introduced to the Senate, Reverend Derrick Perkins, Lillian Curlett, Gabrielle Hays and Houston Jackson from Jamison Memorial CME Church, St. Louis; and Lillian, Gabrielle and Houston were made honorary pages.

Senator Scott introduced to the Senate, Jeff Stacy, Zach Haines and Stephanie Tucker, members of Farm Bureau Youth Leadership, Cedar County.

Senator Scott introduced to the Senate, Jill Steffens, Erin Mabry, Brent Bell and Shelby Snelling, members of Farm Bureau Youth Leadership, Benton County.

Senator Lager introduced to the Senate, members of Farm Bureau Youth Leadership, Livingston, Linn, Daviess, DeKalb and Gentry Counties.

Senator Lager introduced to the Senate, members of Farm Bureau Youth Leadership, Sullivan and Caldwell Counties.

Senator Barnitz introduced to the Senate, Whitney Noltensmeyer, Randy Sachs, Regina Pritchett, Elizabeth Blaue, Sam Cope and William Waddell, members of Farm Bureau Leadership, Montgomery County.

Senator Purgason introduced to the Senate, David Crews, Brittany Reihm, Bridgett Brassfield, Hayley Honeycutt and Seth Lee, members of Farm Bureau Leadership, Oregon County.

Senator Crowell introduced to the Senate, students from St. Vincent De Paul School, Cape Girardeau.

Senator Barnitz introduced to the Senate, Ryan Tiefenthaler, Ryan Marlin, Amanda Fuller and Jim Rogers, members of Farm Bureau Leadership, Dent County.

Senator Barnitz introduced to the Senate, Kim Gibbs, Tyler Richter, Emily Borgman and Cody Wallen, members of Farm Bureau Leadership, Crawford County.

Senator Scott introduced to the Senate, Deborah Coble, Dave McCorkendale, Elijah Gilden, Kayla Hoover, Mindy Bershears, Greg Wood and Jade Call, members of Farm Bureau Leadership, Polk County.

Senator Scott introduced to the Senate, Leon Watson, Christopher Barnett, Roxanne Thompson, Kayla Clevenger, Rikki Thompson, Anna Babichena, members of Farm Bureau Leadership, Henry County.

Senator Lager introduced to the Senate, members of Farm Bureau Leadership, Nodaway County.

Senator Engler introduced to the Senate, Duane Melton and students, Ashley Berghans, Danyelle Harris, Jessica Bayless, Renee Hinkebein, Jenny Baird and Sara Biri from Farmington High School.

Senator Scott introduced to the Senate, Sarah Maynard, Seth Wommack, Jessica Dryer, Josh Stephans, Chelsey Autry and Logan Yearsley, members of Farm Bureau Youth Leadership, Dallas County.

Senator Bray introduced to the Senate, Jane Thal and her children, Molly and David, St. Louis County; and Molly and David were made honorary

pages.

Senator Crowell introduced to the Senate, seventh and eighth grade students from St. Augustine Middle School, Kelso.

Senator Barnitz introduced to the Senate, Darla Eggers, Mexico; Kasey Hunt, Braymer; Katie Allen, Marceline; and Markita Hackmann, Warrenton.

Senator Lager introduced to the Senate, students from St. Gregory School, Maryville.

On motion of Senator Vogel, the Senate adjourned until 2:00 p.m., Monday, April 2, 2007.

SENATE CALENDAR

FORTY-SEVENTH DAY—MONDAY, APRIL 2, 2007

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 1 (Icet)
HCS for HB 2
HCS for HB 3
HCS for HB 4
HCS for HB 5
HCS for HB 6
HCS for HB 7

HCS for HB 8
HCS for HB 9
HCS for HB 10
HCS for HB 11
HCS for HB 12
HCS for HB 13

SENATE BILLS FOR PERFECTION

1. SB 668-Loudon, with SCS
2. SB 496-Koster and Bartle, with SCS
3. SBs 660, 553, 557, 167, 258, 114 & 378-Mayer, with SCS
4. SBs 555 & 38-Gibbons, with SCS
5. SB 499-Engler and Clemens, with SCS

6. SB 572-Vogel
7. SB 627-Ridgeway
8. SB 599-Engler, with SCS
9. SB 205-Stouffer and Gibbons, with SCS
10. SB 521-Lager, et al, with SCS
11. SB 611-Goodman, with SCS

12. SB 537-Lager
 13. SB 523-Scott, with SCS
 14. SB 542-Scott, with SCS
 15. SB 592-Scott, with SCS

16. SB 664-Scott, with SCS
 17. SB 212-Goodman
 18. SB 654-Kennedy
 19. SB 563-Lager, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 453 (Mayer)
 HJR 7-Nieves, with SCS (Engler)

HCS for HB 327, with SCS (Griesheimer)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 2-Gibbons, with SCS
 SB 5-Loudon, with SCS
 SB 17-Shields, with SCS
 SB 20-Griesheimer, with SCS
 SB 21-Griesheimer, with SCS
 SB 27-Bartle and Koster
 SB 31-Nodler
 SB 40-Ridgeway, with SS (pending)
 SB 53-Koster and Engler, with SCS
 SB 75-Coleman, et al, with SCS
 SB 85-Champion and Koster, with SCS
 SB 86-Champion, with SCS
 SB 101-Mayer
 SB 131-Rupp
 SB 153-Engler, et al, with SCS
 SB 155-Engler, with SCS
 SB 160-Rupp, with SCS
 SB 168-Mayer and Crowell, with SCS
 SB 169-Rupp, with SCS, SS for SCS & SA 3
 (pending)
 SB 204-Stouffer, with SCS & SS for SCS
 (pending)
 SB 213-McKenna
 SB 242-Nodler, with SCS
 SB 250-Ridgeway and Vogel

SB 252-Ridgeway and McKenna
 SB 254-Nodler, et al, with SCS
 SBs 260 & 71-Koster, et al, with SCS
 SB 274-Shields
 SB 282-Griesheimer, with SCS & SS
 for SCS (pending)
 SB 287-Crowell and Vogel
 SB 292-Mayer
 SB 297-Loudon, with SCS
 SB 300-Bartle
 SB 303-Loudon, et al
 SB 313-Scott, with SCS
 SB 341-Goodman, with SCS
 SB 363-Bartle
 SB 364-Koster, with SCS
 SB 368-Barnitz, et al, with SCS
 SBs 370, 375 & 432-Scott and Koster,
 with SCS & SA 3 (pending)
 SB 385-Gibbons, with SCS
 SB 389-Nodler, et al, with SCS & SS#4
 for SCS (pending)
 SB 391-Days, with SCS
 SB 400-Crowell, et al
 SB 428-Purgason, with SCS
 SB 429-Gibbons, with SCS

SB 430-Shields, et al, with SCS, SS#2 for
SCS, SA 4 & SSA 3 for SA 4 (pending)
SB 433-Callahan and Rupp
SB 444-Goodman
SB 453-Scott, with SCS
SB 458-Gibbons
SB 476-Crowell
SB 480-Ridgeway, et al, with SCS

SB 492-Crowell
SB 511-Scott, with SCS
SB 531-Gibbons, with SCS
SB 534-Nodler
SB 570-Clemens
SB 577-Shields and Gibbons, with SCS
SB 698-Ridgeway, et al, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Reported 2/15

SB 8-Kennedy

Reported 3/8

SB 185-Green

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Journal of the Senate

FIRST REGULAR SESSION

FORTY-SEVENTH DAY—MONDAY, APRIL 2, 2007

The Senate met pursuant to adjournment.

Shields

Shoemyer

Smith

Stouffer

Senator Scott in the Chair.

Vogel

Wilson—34

Reverend Carl Gauck offered the following prayer:

Absent—Senators—None

“So let us not be weary in doing what is right, for we will reap at the harvest time, if we do not give up.” (Galatians 6:9)

Absent with leave—Senators—None

We begin a new week, O Lord, mindful that time is passing quickly and there is much for us to do here. Give us strength to persist in spite of all of the obstacles that lie before us. Let our efforts be for the best that can come out of conflict. Our love of the law only limited by our love of our fellow citizens. In Your Holy Name we pray. Amen.

Vacancies—None

RESOLUTIONS

Senator Vogel offered Senate Resolution No. 745, regarding Joyce F. Browner, Russellville, which was adopted.

The Pledge of Allegiance to the Flag was recited.

Senator Gibbons offered Senate Resolution No. 746, regarding Joe Shaver, Saint Louis, which was adopted.

A quorum being established, the Senate proceeded with its business.

Senator Vogel offered Senate Resolution No. 747, regarding the Eightieth Birthdays of Melba G. Willibrand and Norma G. Butler, Jefferson City, which was adopted.

The Journal for Thursday, March 29, 2007 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott

Senator Vogel offered Senate Resolution No. 748, regarding the Ninety-third Birthday of Henrietta Galbreath, Fulton, which was adopted.

Senator Graham offered Senate Resolution No. 749, regarding the University of Missouri-Columbia Wrestling Program, which was adopted.

Senator Graham offered Senate Resolution No. 750, regarding Tessa Vellek, Columbia, which

was adopted.

Senator Gross offered Senate Resolution No. 751, regarding Jacob Paul Layer, St. Peters, which was adopted.

Senator Gross offered Senate Resolution No. 752, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. John A. Bieda, St. Charles, which was adopted.

Senator Gibbons offered Senate Resolution No. 753, regarding the Missouri Youth/Adult Alliance, which was adopted.

Senator Coleman offered Senate Resolution No. 754, regarding the Missouri Alliance of Boys and Girls Clubs, which was adopted.

Senator Gibbons offered Senate Resolution No. 755, regarding Travis William Herd, Crestwood, which was adopted.

Senator Gibbons offered Senate Resolution No. 756, regarding Berry Door and Window, which was adopted.

Senator Wilson offered Senate Resolution No. 757, regarding Nicole Stamets, Kansas City, which was adopted.

Senator Stouffer offered Senate Resolution No. 758, regarding Greg Schmidt, Concordia, which was adopted.

Senator Stouffer offered Senate Resolution No. 759, regarding La Plata High School Boys Basketball Program, which was adopted.

Senator Green offered Senate Resolution No. 760, regarding Rosemary Cira, Florissant, which was adopted.

Senator Rupp offered Senate Resolution No. 761, regarding Christopher Snowden, O'Fallon, which was adopted.

Senator Mayer offered Senate Resolution No. 762, regarding the One Hundredth Birthday of Henry Barnes, Bernie, which was adopted.

Senator Crowell offered Senate Resolution

No. 763, regarding Dr. Mary V. Moore Johnson, which was adopted.

Senator Crowell offered Senate Resolution No. 764, regarding Mary Ann Stamp, which was adopted.

Senator Crowell offered Senate Resolution No. 765, regarding Monica Parsons, which was adopted.

Senator Crowell offered Senate Resolution No. 766, regarding Ruth Ann Orr, which was adopted.

Senator Crowell offered Senate Resolution No. 767, regarding Sydney Herbst, which was adopted.

Senator Shoemyer offered Senate Resolution No. 768, regarding the Fifty-fifth Wedding Anniversary of Robert and Vera Crandal, Wayland, which was adopted.

Senator Engler offered Senate Resolution No. 769, regarding Brant Nicholas Hubbs, Viburnum, which was adopted.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 1—Appropriations.

HCS for HB 2—Appropriations.

HCS for HB 3—Appropriations.

HCS for HB 4—Appropriations.

HCS for HB 5—Appropriations.

HCS for HB 6—Appropriations.

HCS for HB 7—Appropriations.

HCS for HB 8—Appropriations.

HCS for HB 9—Appropriations.

HCS for HB 10—Appropriations.

HCS for HB 11—Appropriations.

HCS for HB 12—Appropriations.

HCS for HB 13—Appropriations.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SRB 613**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Shields moved that **SB 577**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for SB 577, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 577

An Act to repeal sections 208.014, 208.151, 208.152, 208.153, 208.201, 208.631, 660.546, 660.547, 660.549, 660.551, 660.553, 660.555, and 660.557, RSMo, and to enact in lieu thereof sixteen new sections relating to the Missouri health improvement act of 2007, with an emergency clause for a certain section.

Was taken up.

Senator Shields moved that **SCS for SB 577** be adopted.

Senator Shields offered **SS for SCS for SB 577**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 577

An Act to repeal sections 191.411, 208.014, 208.151, 208.152, 208.153, 208.201, 208.212, 208.215, 208.217, 208.631, 208.930, 473.398, 660.546, 660.547, 660.549, 660.551, 660.553, 660.555, and 660.557, RSMo, and to enact in lieu thereof twenty-three new sections relating to the

creation of the MO HealthNet program in order to provide medical assistance for needy persons, with penalty provisions and an emergency clause for a certain section.

Senator Shields moved that **SS for SCS for SB 577** be adopted.

Senator Lager offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, page 55, section 208.670, lines 14-15, by deleting the words “to permit” on line 14 and inserting in lieu thereof the words “governing” and by deleting the words “state of Missouri” on line 15 and inserting in lieu thereof the words “MO HealthNet program”.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Lager offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, page 32, section 208.197, lines 20-21, by deleting the word “fifteen” on line 20 and inserting in lieu thereof the word “eighteen” and by deleting the words “at least” on lines 20-21.

Senator Lager moved that the above amendment be adopted.

Senator Days offered **SSA 1 for SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 32, Section 208.197, Line 20, by striking the words “fifteen members” and inserting in lieu thereof the following: “**eighteen members, geographically balanced,**”; and further amend lines 20-21 by striking the words “at least”; and further amend said line by inserting immediately

after the word “state” the following: **“and two patient advocates”**.

Senator Days moved that the above substitute amendment be adopted.

Senator Callahan offered **SA 1** to **SSA 1** for **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 1, Section 208.197, Line 6, by striking the word “and” and inserting in lieu thereof the following: “;”; and further amend line 7 by inserting immediately after the word “advocates” the following: **“and the attorney general, or his or her designee”**.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

SSA 1 for **SA 2**, as amended, was again taken up.

Senator Days moved that the above substitute amendment be adopted, which motion prevailed.

Senator Days offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 2, Section 191.411, Line 28 of said page, by striking “or psychologists” and inserting in lieu thereof the following: **“psychologists, or other mental health providers licensed under chapter 337, RSMo”**.

Senator Days moved that the above amendment be adopted, which motion prevailed.

Senator Rupp assumed the Chair.

Senator Kennedy offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 47, Section 208.215, Lines 26-28 of said page, by striking all of said lines and inserting in lieu thereof the following: “be recorded and indexed. The director or the”; and

Further amend said bill and section, Page 48, Lines 3 to 5 of said page, by striking all of said lines and inserting in lieu thereof the following: “recorder. **The department of social services, MO HealthNet division, shall provide payment to the recorder of deeds the fees set for similar filings in connection with the filing of a lien and any other necessary documents;**”.

Senator Kennedy moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 76, Section 208.955, Line 6, by striking the word “thirteen” and inserting in lieu thereof the following: **“fourteen”**; and further amend line 17 by striking the word “and”; and further amend line 20 by inserting immediately after the word “designee” the following:

**“; and
(7) The attorney general, or his or her designee”**.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Engler offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 69, Section 208.950, Line 14 of said page, by inserting after “8.” the following: **“The department shall engage in a public process for the design, development, and implementation of the health improvement plans, health advocates,**

and health improvement points, and other provisions of MO HealthNet; such public process shall include but not be limited to processes to allow for input from consumers, health advocates, disability advocates, and other key stakeholders parties.

9.”; and further amend said section by renumbering the remaining subsections accordingly.

Senator Engler moved that the above amendment be adopted, which motion prevailed.

Senator Barnitz offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 67, Section 208.950, Line 25 of said page, by striking said line and inserting in lieu thereof the following: **“choice of which health improvement plans to enroll in. The three access choices for”**; and further amend line 28 of said page, by inserting after all of said line the following: **“The state shall provide to applicants information on all three health improvement plans prior to the applicant choosing a plan. The participant shall also choose between available vendors in the health improvement plan.”**; and

Further amend said bill and section, Page 68, Line 6 of said page, by striking “2013” and inserting in lieu thereof the following: **“2016”**; and further amend line 13 of said page, by inserting after all of said line the following:

“5. No provision of any statute shall be construed as to require any aged, blind or disabled person to enroll in a capitated managed care plan.”; and further amend said section by renumbering the remaining subsections accordingly; and

Further amend said bill and section, Page 75, Lines 10 to 14 of said page, by striking all of said lines and inserting in lieu thereof the following: **“of aged, blind, or disabled, as specified in**

subdivision (24) of subsection 1 of section 208.151, in a health improvement plan. One-half of the aged, blind and disabled participants shall be enrolled in their choice of health improvement plan by July 1, 2013. Participants shall have the ability to opt-out of enrolling in a health improvement plan prior to 2013. Participants who opt-out will continue to receive medical assistance, Title XIX, under the Missouri Medicaid rules in place on June 30, 2007.”; and further amend lines 15 to 19 of said page, by striking all of said lines and inserting in lieu thereof the following:

“13. By July 1, 2016, the remainder of recipients of MO HealthNet benefits who receive such assistance on the basis of being aged, blind, or disabled, as specified in subdivision (24) of section 208.151 shall choose their health improvement plan.”

Senator Barnitz moved that the above amendment be adopted.

Senator Shields offered SSA 1 for SA 7:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 67, Section 208.950, Line 25 of said page, by striking said line and inserting in lieu thereof the following: **“choice of which health improvement plans to enroll in. The three access choices for”**; and further amend line 28 of said page, by inserting after all of said line the following: **“The state shall provide to applicants information on all three health improvement plans prior to the applicant choosing a plan. The participant shall also choose between available vendors in the health improvement plan.”**; and

Further amend said bill and section, Page 68, Line 13 of said page, by inserting after all of said line the following:

“5. No provision of any statute shall be construed as to require any aged, blind or

disabled person to enroll in a risk-bearing care coordination plan unless there is no other health improvement plan available in the area.”; and further amend said section by renumbering the remaining subsections accordingly.

Senator Shields moved that the above substitute amendment be adopted.

Senator Shields announced that photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

Senator Barnitz requested a roll call vote be taken on the adoption of **SSA 1** for **SA 7** and was joined in his request by Senators Callahan, Days, Graham and Kennedy.

SSA 1 for **SA 7** was adopted by the following vote:

YEAS—Senators

Bartle	Champion	Engler	Gibbons
Goodman	Griesheimer	Gross	Koster
Lager	Loudon	Mayer	Nodler
Purgason	Rupp	Scott	Shields
Stouffer	Vogel—18		

NAYS—Senators

Barnitz	Bray	Callahan	Coleman
Crowell	Days	Graham	Green
Justus	Kennedy	McKenna	Shoemyer
Smith	Wilson—14		

Absent—Senator Clemens—1

Absent with leave—Senator Ridgeway—1

Vacancies—None

At the request of Senator Shields, **SB 577**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

INTRODUCTIONS OF GUESTS

Senator Griesheimer introduced to the Senate, Darin Gilley, Pacific; Cindy Downing, Beaufort; Carol Straatmann, Washington; and Kelly Knehans, Villa Ridge.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-EIGHTH DAY—TUESDAY, APRIL 3, 2007

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SRB 613-Goodman

SENATE BILLS FOR PERFECTION

1. SB 668-Loudon, with SCS
2. SB 496-Koster and Bartle, with SCS
3. SBs 660, 553, 557, 167, 258, 114 & 378-Mayer, with SCS

4. SBs 555 & 38-Gibbons, with SCS
5. SB 499-Engler and Clemens, with SCS
6. SB 572-Vogel
7. SB 627-Ridgeway

- | | |
|--|----------------------------|
| 8. SB 599-Engler, with SCS | 14. SB 542-Scott, with SCS |
| 9. SB 205-Stouffer and Gibbons, with SCS | 15. SB 592-Scott, with SCS |
| 10. SB 521-Lager, et al, with SCS | 16. SB 664-Scott, with SCS |
| 11. SB 611-Goodman, with SCS | 17. SB 212-Goodman |
| 12. SB 537-Lager | 18. SB 654-Kennedy |
| 13. SB 523-Scott, with SCS | 19. SB 563-Lager, with SCS |

HOUSE BILLS ON THIRD READING

HCS for HB 453 (Mayer)	HCS for HB 327, with SCS (Griesheimer)
HJR 7-Nieves, with SCS (Engler)	

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 2-Gibbons, with SCS	SB 242-Nodler, with SCS
SB 5-Loudon, with SCS	SB 250-Ridgeway and Vogel
SB 17-Shields, with SCS	SB 252-Ridgeway and McKenna
SB 20-Griesheimer, with SCS	SB 254-Nodler, et al, with SCS
SB 21-Griesheimer, with SCS	SBs 260 & 71-Koster, et al, with SCS
SB 27-Bartle and Koster	SB 274-Shields
SB 31-Nodler	SB 282-Griesheimer, with SCS & SS for SCS (pending)
SB 40-Ridgeway, with SS (pending)	SB 287-Crowell and Vogel
SB 53-Koster and Engler, with SCS	SB 292-Mayer
SB 75-Coleman, et al, with SCS	SB 297-Loudon, with SCS
SB 85-Champion and Koster, with SCS	SB 300-Bartle
SB 86-Champion, with SCS	SB 303-Loudon, et al
SB 101-Mayer	SB 313-Scott, with SCS
SB 131-Rupp	SB 341-Goodman, with SCS
SB 153-Engler, et al, with SCS	SB 363-Bartle
SB 155-Engler, with SCS	SB 364-Koster, with SCS
SB 160-Rupp, with SCS	SB 368-Barnitz, et al, with SCS
SB 168-Mayer and Crowell, with SCS	SBs 370, 375 & 432-Scott and Koster, with SCS & SA 3 (pending)
SB 169-Rupp, with SCS, SS for SCS & SA 3 (pending)	SB 385-Gibbons, with SCS
SB 204-Stouffer, with SCS & SS for SCS (pending)	SB 389-Nodler, et al, with SCS & SS#4 for SCS (pending)
SB 213-McKenna	

SB 391-Days, with SCS
SB 400-Crowell, et al
SB 428-Purgason, with SCS
SB 429-Gibbons, with SCS
SB 430-Shields, et al, with SCS, SS#2 for
SCS, SA 4 & SSA 3 for SA 4 (pending)
SB 433-Callahan and Rupp
SB 444-Goodman
SB 453-Scott, with SCS
SB 458-Gibbons

SB 476-Crowell
SB 480-Ridgeway, et al, with SCS
SB 492-Crowell
SB 511-Scott, with SCS
SB 531-Gibbons, with SCS
SB 534-Nodler
SB 570-Clemens
SB 577-Shields and Gibbons, with SCS &
SS for SCS (pending)
SB 698-Ridgeway, et al, with SCS

Unofficial
CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Journal
Reported 2/15

SB 8-Kennedy

Reported 3/8

SB 185-Green

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Journal of the Senate

FIRST REGULAR SESSION

FORTY-EIGHTH DAY—TUESDAY, APRIL 3, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“It is well with those who deal generously and lend, who conduct their affairs with Justice.” (Psalm 112:2)

Gracious God, provide us opportunities to show love and generosity in our actions today and let kindness and fairness be expressed in all we do this challenging day. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager

Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Barnitz offered Senate Resolution No. 770, regarding Mike Milliot, Montgomery City, which was adopted.

Senator Lager offered Senate Resolution No. 771, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Ralph Veale, King City, which was adopted.

Senator Lager offered Senate Resolution No. 772, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Bill G. Butler, Bethany, which was adopted.

Senator Vogel offered Senate Resolution No. 773, regarding the Fulton Reception and Diagnostic Center, which was adopted.

Senator Vogel offered Senate Resolution No. 774, regarding James Lea, Eugene, which was adopted.

Senator Griesheimer offered Senate Resolution No. 775, regarding Mike Thomas, which was adopted.

Senator Griesheimer offered Senate Resolution No. 776, regarding Sergeant Jerry W. Stroud, Warrenton, which was adopted.

Senator Griesheimer offered Senate Resolution No. 777, regarding the Rotary Club of Union, which was adopted.

Senator Mayer offered Senate Resolution No. 778, regarding Rachel Franklin, Dexter, which was adopted.

Senator Mayer offered Senate Resolution No. 779, regarding Susan P. Carrier, Poplar Bluff, which was adopted.

Senator Lager offered Senate Resolution No. 780, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. John T. Engle, Hopkins, which was adopted.

Senator Lager offered Senate Resolution No. 781, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Woodrow Farley, Elmo, which was adopted.

Senator Lager offered Senate Resolution No. 782, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Carl Steidel, Merriam Village, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Koster moved that **SB 364**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for SB 364, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 364

An Act to repeal sections 192.300, 537.295, and 640.710, RSMo, and to enact in lieu thereof

three new sections relating to agricultural operations, with penalty provisions.

Was taken up.

Senator Koster moved that **SCS** for **SB 364** be adopted.

Senator Koster offered **SS** for **SCS** for **SB 364**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 364

An Act to repeal sections 192.300, 537.295, 640.710, and 640.740, RSMo, and to enact in lieu thereof ten new sections relating to agricultural operations, with penalty provisions.

Senator Koster moved that **SS** for **SCS** for **SB 364** be adopted.

Senator Griesheimer assumed the Chair.

Senator Bray offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 364, Page 12, Section 537.295, Line 7 of said page, by inserting immediately after said line the following:

“640.707. No class IA facility shall be permitted, constructed, or located within five miles of the nearest property line of any state park, state historic site, or property listed on the National Register of Historic Landmarks.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Bray offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 364,

Page 12, Section 537.295, Line 7 of said page, by inserting immediately after said line the following:

“640.707. No class IA facility, class IB facility, or class IC facility shall be permitted, constructed, or located within five miles of the nearest property line of any state park, state historic site, or property listed on the National Register of Historic Landmarks.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above substitute amendment be adopted.

Senator Bray offered **SA 1 to SSA 1 for SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 364, Page 1, Section 640.707, Line 6, by striking “five” and inserting in lieu thereof **“ten”**.

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Callahan, Graham, Green and Justus.

President Kinder assumed the Chair.

Senator Engler assumed the Chair.

SA 1 to SSA 1 for SA 1 failed of adoption by the following vote:

YEAS—Senators

Bray	Coleman	Days	Graham
Green	Justus	Kennedy	Smith
Wilson—9			

NAYS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Griesheimer	Gross	Koster
Lager	Loudon	Mayer	McKenna

Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Stouffer
Vogel—25			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

At the request of Senator Koster, **SB 364**, with **SCS, SS for SCS, SA 1 and SSA 1 for SA 1** (pending), was placed on the Informal Calendar.

On motion of Senator Shields, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Engler.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 783, regarding the Dalhousie Golf Club, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 784, regarding Jim and Brandy Trickey, Cape Girardeau, which was adopted.

Senator Gibbons offered Senate Resolution No. 785, regarding Charles Fobian, Kirkwood, which was adopted.

Senator Lager offered Senate Resolution No. 786, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Dale Florea, Maryville, which was adopted.

THIRD READING OF SENATE BILLS

SRB 613, introduced by Senator Goodman, entitled:

An Act to repeal sections 7.240, 8.835, 21.435, 21.770, 28.085, 28.163, 30.900, 31.010, 32.069, 32.117, 32.379, 32.380, 32.382, 32.384, 33.831, 42.160, 44.237, 52.276, 58.755, 72.424,

82.1050, 94.580, 103.081, 105.268, 128.350, 128.352, 128.354, 128.356, 128.358, 128.360, 128.362, 128.364, 128.366, 128.345, 128.346, 135.095, 137.423, 138.236, 140.015, 143.122, 143.171, 143.172, 143.1010, 143.1011, 143.1012, 144.014, 144.030, 144.036, 144.041, 144.048, 144.514, 144.749, 152.032, 160.300, 160.302, 160.304, 160.306, 160.308, 160.310, 160.312, 160.314, 160.316, 160.318, 160.320, 160.322, 160.324, 160.326, 160.328, 160.510, 161.205, 161.655, 169.710, 191.938, 192.255, 197.121, 198.014, 198.540, 205.380, 205.390, 205.400, 205.410, 205.420, 205.430, 205.440, 205.450, 205.900, 208.177, 208.307, 208.574, 210.879, 210.930, 215.050, 253.022, 253.561, 260.037, 260.038, 260.826, 263.263, 277.200, 277.201, 277.202, 277.206, 277.209, 277.212, 277.215, 287.490, 292.040, 292.150, 292.170, 292.260, 292.270, 292.550, 302.295, 302.782, 313.301, 311.178, 313.055, 313.300, 319.022, 319.023, 321.121, 339.860, 351.025, 354.065, 375.065, 375.700, 376.530, 376.550, 376.1399, 382.410, 388.650, 391.010, 391.020, 391.030, 391.040, 391.050, 391.060, 391.070, 391.080, 391.090, 391.100, 391.110, 391.120, 391.130, 391.140, 391.150, 391.160, 391.170, 391.180, 391.190, 391.230, 391.240, 391.250, 391.260, 400.9-629, 415.430, 417.066, 442.050, 447.721, 454.808, 454.997, 476.016, 493.050, 516.060, 516.065, 537.040, 600.094, 620.528, 620.1310, 632.484, 643.360, 644.102, and 650.216, RSMo, and to enact in lieu thereof twenty-two new sections for the sole purpose of repealing expired, sunset, terminated, and ineffective provisions of law.

Was taken up.

On motion of Senator Goodman, **SRB 613** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus

Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Rupp	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators

Days Ridgeway Scott—3

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Shields moved that **SB 577**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS**, as amended, was again taken up.

Senator Callahan offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 73, Section 208.950, Line 14, by inserting immediately after the word “vitamins” the following:

“Nothing in this subdivision shall be construed to deny medically necessary services if such participant fails or is unable to follow their health improvement participation agreement”.

Senator Callahan moved that the above amendment be adopted.

Senator Callahan offered **SSA 1** for **SA 8**, which was read:

**SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 8**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 73, Section 208.950, Line 14, by inserting immediately after the word “vitamins” the following:

“Nothing in this subdivision shall be construed to deny a currently covered eligible service if such participant fails or is unable to follow their health improvement participation agreement”.

Senator Callahan moved that the above substitute amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 4, Section 208.001, Line 23 of said page, by inserting immediately after said line the following:

“208.145. 1. For the purposes of the application of section 208.151, individuals shall be deemed to be recipients of aid to families with dependent children and individuals shall be deemed eligible for [such assistance] the medical assistance authorized under section 208.151 if:

(1) The individual meets eligibility requirements which are no more restrictive than the July 16, 1996, eligibility requirements for aid to families with dependent children, as established by the family support division [of family services]; or

(2) Each dependent child, and each relative with whom such a child is living including the spouse of such relative as described in 42 U.S.C.

606(b), as in effect on July 16, 1996, who ceases to meet the eligibility criteria set forth in subdivision (1) of this [section] subsection as a result of the collection or increased collection of child or spousal support under part IV-D of the Social Security Act, 42 U.S.C. 651 et seq., and who has received such aid in at least three of the six months immediately preceding the month in which ineligibility begins, shall be deemed eligible for an additional four calendar months beginning with the month in which such ineligibility begins.

2. For determinations of eligibility under subsection 1 of this section, less restrictive income methodologies as authorized in 42 U.S.C. Section 1396u1(b)(2)(C), shall be used to disregard two-thirds of earned income in place of the disregard of thirty dollars of earned income plus one-third of remaining earned income. This disregard shall not be time limited and shall be applied on all income eligibility tests except gross income.”; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted and requested a roll vote be taken. He was joined in his request by Senators Coleman, Days, Green and Justus.

Senator Shields announced that photographers from KMIZ-TV were given permission to take pictures in the Senate Chamber today.

SA 9 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman
Crowell	Days	Engler	Green
Justus	Kennedy	Shoemyer	Wilson—12

NAYS—Senators

Bartle	Clemens	Gibbons	Goodman
Griesheimer	Gross	Koster	Lager
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel—18		

Absent—Senators

Champion Graham Smith—3

Absent with leave—Senator McKenna—1

Vacancies—None

Senator Griesheimer assumed the Chair.

Senator Green offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 1, Section A, Line 9, by inserting immediately after all of said line the following:

“147.010. 1. [For the transitional year defined in subsection 4 of this section and each taxable year beginning on or after January 1, 1980, but before January 1, 2000, every corporation organized pursuant to or subject to chapter 351, RSMo, or pursuant to any other law of this state shall, in addition to all other fees and taxes now required or paid, pay an annual franchise tax to the state of Missouri equal to one-twentieth of one percent of the par value of its outstanding shares and surplus if its outstanding shares and surplus exceed two hundred thousand dollars, or if the outstanding shares of such corporation or any part thereof consist of shares without par value, then, in that event, for the purpose contained in this section, such shares shall be considered as having a value of five dollars per share unless the actual value of such shares exceeds five dollars per share, in which case the tax shall be levied and collected on the actual value and the surplus if the actual value and the surplus exceed two hundred thousand dollars. If such corporation employs a part of its outstanding shares in business in another state or country, then such corporation shall pay an annual franchise tax equal to one-twentieth of one percent of its outstanding shares and surplus employed in this state if its outstanding shares and surplus employed in this state two hundred thousand dollars, and for the purposes of sections

147.010 to 147.120, such corporation shall be deemed to have employed in this state that proportion of its entire outstanding shares and surplus that its property and assets employed in this state bears to all its property and assets wherever located. A foreign corporation engaged in business in this state, whether pursuant to a certificate of authority issued pursuant to chapter 351, RSMo, or not, shall be subject to this section. Any corporation whose outstanding shares and surplus as calculated in this subsection does not exceed two hundred thousand dollars shall state that fact on the annual report form prescribed by the secretary of state.] For all taxable years beginning on or after January 1, 2000, **but ending on or before December 31, 2007**, the annual franchise tax shall be equal to one-thirtieth of one percent of the corporation's outstanding shares and surplus if the outstanding shares and surplus exceed one million dollars. Any corporation whose outstanding shares and surplus do not exceed one million dollars shall state that fact on the annual report form prescribed by the director of revenue. **For taxable years beginning on or after January 1, 2008, the annual franchise tax for any corporation that pays at least fifty percent of their year-round, full-time employees' healthcare insurance premiums not including any employee voluntarily choosing not to participate in the corporation's insurance plan shall be equal to the percentage rate prescribed in this subsection for the corresponding taxable year of the corporation's outstanding shares and surplus if the outstanding shares and surplus exceed the corresponding minimum threshold amount prescribed as follows:**

(1) For tax year 2008, the rate shall be one-thirtieth of one percent and the threshold amount shall be fifteen million dollars;

(2) For tax year 2009, the rate shall be one-sixtieth of one percent and the threshold amount shall be fifteen million dollars;

(3) For tax years beginning on or after

January 1, 2010, no annual franchise tax shall be imposed under this section. For taxable years beginning on or after January 1, 2008, the annual franchise tax for any corporation that does not pay at least fifty percent of their year-round, full-time employees' healthcare insurance premiums shall be equal to one-thirtieth of one percent of the corporation's outstanding shares and surplus if the outstanding shares and surplus exceed one million dollars. Any corporation whose outstanding shares and surplus do not exceed one million dollars shall state that fact on the annual report form prescribed by the director of revenue.

2. Sections 147.010 to 147.120 shall not apply to corporations not organized for profit, nor to corporations organized pursuant to the provisions of chapter 349, RSMo, nor to express companies, which now pay an annual tax on their gross receipts in this state, nor to insurance companies, which pay an annual tax on their premium receipts in this state, nor to state, district, county, town and farmers' mutual companies now organized or that may be hereafter organized pursuant to any of the laws of this state, organized for the sole purpose of writing fire, lightning, windstorm, tornado, cyclone, hail and plate glass and mutual automobile insurance and for the purpose of paying any loss incurred by any member by assessment, nor to any mutual insurance corporation not having shares, nor to a company or association organized to transact business of life or accident insurance on the assessment plan for the purpose of mutual protection and benefit to its members and the payment of stipulated sums of moneys to the family, heirs, executors, administrators or assigns of the deceased member, nor to foreign life, fire, accident, surety, liability, steam boiler, tornado, health, or other kind of insurance company of whatever nature coming within the provisions of section 147.050 and doing business in this state, nor to savings and loan associations and domestic and foreign regulated

investment companies as defined by Section 170 of the Act of Congress commonly known as the "Revenue Act of 1942", nor to electric and telephone corporations organized pursuant to chapter 351, RSMo, and chapter 392, RSMo, prior to January 1, 1980, which have been declared tax exempt organizations pursuant to Section 501(c) of the Internal Revenue Code of 1986, nor for taxable years beginning after December 31, 1986, to banking institutions subject to the annual franchise tax imposed by sections 148.010 to 148.110, RSMo; but bank deposits shall be considered as funds of the individual depositor left for safekeeping and shall not be considered in computing the amount of tax collectible pursuant to the provisions of sections 147.010 to 147.120.

3. A corporation's "taxable year" for purposes of sections 147.010 to 147.120 shall be its taxable year as provided in section 143.271, RSMo.

4. A corporation's "transitional year" for the purposes of sections 147.010 to 147.120 shall be its taxable year which includes parts of each of the years 1979 and 1980.

5. The franchise tax payable for a corporation's transitional year shall be computed by multiplying the amount otherwise due for that year by a fraction, the numerator of which is the number of months between January 1, 1980, and the end of the taxable year and the denominator of which is twelve. The franchise tax payable, if a corporation's taxable year is changed as provided in section 143.271, RSMo, shall be similarly computed pursuant to regulations prescribed by the director of revenue.

6. All franchise reports and franchise taxes shall be returned to the director of revenue. All checks and drafts remitted for payment of franchise taxes shall be made payable to the director of revenue.

7. Pursuant to section 32.057, RSMo, the director of revenue shall maintain the confidentiality of all franchise tax reports returned

to the director.

8. The director of the department of revenue shall honor all existing agreements between taxpayers and the director of the department of revenue.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

Senator Shields raised the point of order that SA 10 is out of order as it goes beyond the scope and title of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Green offered SA 11:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 54, Section 208.217, Line 8 of said page, by inserting immediately after said line the following:

“208.230. 1. This section shall be known and may be cited as the “Public Assistance Beneficiary Employer Disclosure Act”.

2. Any applicant for health care benefits under public assistance programs, including, but not limited to, state Medicaid assistance under this chapter, or any person requesting uncompensated care in a hospital, shall identify the employer or employers of the proposed beneficiary of the health care benefits. If the proposed beneficiary is not employed, the applicant must identify the employer or employers of any adult who is responsible for providing all or some of the proposed beneficiary's support.

3. (1) The department of social services shall annually prepare a public assistance program beneficiary employer report to be submitted to the governor and general assembly. For the purposes of this section, a

“public assistance program beneficiary” means a person who receives medical assistance under the state Medicaid system, Title XIX, P.L. 89-97, 1965, amendments to the federal Social Security Act, 42 U.S.C. Section 30, et. seq., as amended. The report shall provide the following information for each employer who has more than fifty employees and twenty-five or more public assistance program beneficiaries:

(a) The name and address of the qualified employer;

(b) The number of public assistance program beneficiaries;

(c) The number of public assistance program beneficiaries who are spouses or dependents of employees of the employer;

(d) Information on whether the employer offers health insurance benefits to employees and their dependents;

(e) Information on whether the employer receives health insurance benefits through the company;

(f) Whether an employer offers health insurance benefits, and, if so, information on the level of premium subsidies for such health insurance;

(g) The cost to the state of Missouri of providing public assistance program benefits for the employer's employees and enrolled dependents.

(2) The report shall not include the names of any individual public assistance program beneficiary and shall be subject to privacy standards both in the Health Insurance Portability and Accountability Act of 1996, P.L. 104-191, and in Title XIX of the federal Social Security Act.

(3) The report shall be issued within thirty days of the end of each calendar year, starting with calendar year 2008. The department of social services shall make the report available to

the public through the department's Internet website. Any member of the public shall have the right to request and receive a copy of the report published under this subsection. The department shall have the discretion to determine the appropriate cost and number of copies given.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Shoemyer offered **SA 12**, which was read:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 79, Section 208.955, Line 13 of said page, by inserting after “(10)” the following: **“The director of the Alzheimer's Association, or his or her designee;**

(11)”; and further amend said section by renumbering the remaining subdivisions accordingly.

Senator Shoemyer moved that the above amendment be adopted.

At the request of Senator Shields, **SB 577**, with **SCS**, **SS** for **SCS** and **SA 12** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 3, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Kenneth “Ken” Keesaman to the State Fair Commission, submitted

on March 22, 2007. Line 3 should be amended as follows:

“Commission, for a term ending December 29, 2009, and until his”

Respectfully submitted,

MATT BLUNT

REFERRALS

President Pro Tem Gibbons referred the above addendum to the Committee on Gubernatorial Appointments.

On motion of Senator Shields, the Senate recessed until 6:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Gibbons.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 933**, entitled:

An Act to repeal section 302.171, RSMo, and to enact in lieu thereof one new section relating to driver's licenses for military personnel.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1014**, entitled:

An Act to amend chapter 34, RSMo, by adding thereto one new section relating to state purchasing.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 41**, entitled:

An Act to repeal section 86.365, RSMo, relating to special advisors to police departments.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 428**, entitled:

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to the state fair escrow fund.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 616**, entitled:

An Act to repeal sections 138.010 and 138.135, RSMo, and to enact in lieu thereof two new sections relating to county boards of equalization.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 684**, entitled:

An Act to authorize the conveyance of certain state properties, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 740**, entitled:

An Act to authorize the conveyance of property owned by the state in Johnson County to the City of Warrensburg.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 941**, entitled:

An Act to amend chapter 172, RSMo, by adding thereto one new section relating to financial records of University of Missouri donors and potential donors.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTIONS OF GUESTS

Senator Griesheimer introduced to the Senate, Karen Tucker, Father Finbarr Dowling, parents and twenty fifth and sixth grade students from St. Ignatius Catholic School, Concord Hill.

Senator Ridgeway introduced to the Senate, Mr. and Mrs. Hagen, their son, Eagle Scout Dane Hagen and Life Scout Tommy Price, members of Kearney High School Boy Scout Troop 397.

Senator Loudon introduced to the Senate, his wife, Gina, Lisa Turvey and Bob Budenholzer, Chesterfield; Joe Raybuck, Brentwood; Eileen Schechter, Ladue; Wendy Sullivan, Kirkwood; Katie Smallen, Oakville; and Greg Kramer,

Webster Groves, members of Life Skills Foundation.

Senator Wilson introduced to the Senate, members of Swope Health Services, Swope Community Builders, Samuel Rogers Health Center, Kansas City.

The President introduced to the Senate, his sister-in-law, Barbara Kinder, his nieces, Hannah and Molly, and Paige Pritchard, Cape Girardeau.

Senator Rupp introduced to the Senate, Chrissy Schaeffer and Nicole Spencer, Lake St. Louis; and Anita Honse, Wentzville; and Chrissy and Nicole were made honorary pages.

Senator Nodler introduced to the Senate, Michael Loveless and Luke Clark, Joplin.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-NINTH DAY—WEDNESDAY, APRIL 4, 2007

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 933-Grisamore, et al
HB 1014-Wright, et al
HB 41-Portwood
HB 428-Cox

HCS for HB 616
HB 684-Bruns
HB 740-Pearce
HB 941-Kingery, et al

SENATE BILLS FOR PERFECTION

1. SB 668-Loudon, with SCS
2. SB 496-Koster and Bartle, with SCS
3. SBs 660, 553, 557, 167, 258, 114 & 378-Mayer, with SCS
4. SBs 555 & 38-Gibbons, with SCS
5. SB 499-Engler and Clemens, with SCS
6. SB 572-Vogel
7. SB 627-Ridgeway
8. SB 599-Engler, with SCS
9. SB 205-Stouffer and Gibbons, with SCS

10. SB 521-Lager, et al, with SCS
11. SB 611-Goodman, with SCS
12. SB 537-Lager
13. SB 523-Scott, with SCS
14. SB 542-Scott, with SCS
15. SB 592-Scott, with SCS
16. SB 664-Scott, with SCS
17. SB 212-Goodman
18. SB 654-Kennedy
19. SB 563-Lager, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 453 (Mayer)
HJR 7-Nieves, with SCS (Engler)

HCS for HB 327, with SCS (Griesheimer)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 2-Gibbons, with SCS	SB 300-Bartle
SB 5-Loudon, with SCS	SB 303-Loudon, et al
SB 17-Shields, with SCS	SB 313-Scott, with SCS
SB 20-Griesheimer, with SCS	SB 341-Goodman, with SCS
SB 21-Griesheimer, with SCS	SB 363-Bartle
SB 27-Bartle and Koster	SB 364-Koster, with SCS, SS for SCS,
SB 31-Nodler	SA 1 & SSA 1 for SA 1 (pending)
SB 40-Ridgeway, with SS (pending)	SB 368-Barnitz, et al, with SCS
SB 53-Koster and Engler, with SCS	SBs 370, 375 & 432-Scott and Koster,
SB 75-Coleman, et al, with SCS	with SCS & SA 3 (pending)
SB 85-Champion and Koster, with SCS	SB 385-Gibbons, with SCS
SB 86-Champion, with SCS	SB 389-Nodler, et al, with SCS & SS#4
SB 101-Mayer	for SCS (pending)
SB 131-Rupp	SB 391-Days, with SCS
SB 153-Engler, et al, with SCS	SB 400-Crowell, et al
SB 155-Engler, with SCS	SB 428-Purgason, with SCS
SB 160-Rupp, with SCS	SB 429-Gibbons, with SCS
SB 168-Mayer and Crowell, with SCS	SB 430-Shields, et al, with SCS, SS#2
SB 169-Rupp, with SCS, SS for SCS &	for SCS, SA 4 & SSA 3 for SA 4
SA 3 (pending)	(pending)
SB 204-Stouffer, with SCS & SS for	SB 433-Callahan and Rupp
SCS (pending)	SB 444-Goodman
SB 213-McKenna	SB 453-Scott, with SCS
SB 242-Nodler, with SCS	SB 458-Gibbons
SB 250-Ridgeway and Vogel	SB 476-Crowell
SB 252-Ridgeway and McKenna	SB 480-Ridgeway, et al, with SCS
SB 254-Nodler, et al, with SCS	SB 492-Crowell
SBs 260 & 71-Koster, et al, with SCS	SB 511-Scott, with SCS
SB 274-Shields	SB 531-Gibbons, with SCS
SB 282-Griesheimer, with SCS & SS for	SB 534-Nodler
SCS (pending)	SB 570-Clemens
SB 287-Crowell and Vogel	SB 577-Shields and Gibbons, with SCS,
SB 292-Mayer	SS for SCS & SA 12 (pending)
SB 297-Loudon, with SCS	SB 698-Ridgeway, et al, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Reported 2/15

SB 8-Kennedy

Reported 3/8

SB 185-Green

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Journal

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Journal of the Senate

FIRST REGULAR SESSION

FORTY-NINTH DAY—WEDNESDAY, APRIL 4, 2007

The Senate met pursuant to adjournment.

Senator Rupp in the Chair.

Reverend Carl Gauck offered the following prayer:

“Man stands to revere, he kneels to pray.” (Henry David Thoreau, 1841)

We began this morning in prayer and fellowship and ask that we might be known as a people of prayer. Give us strength to kneel before You this day, O God, and help us to carry out our duties through the burdens we face and offer ourselves in service to You and our fellow citizens. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from KOMU-TV and KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell

Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Barnitz offered Senate Resolution No. 787, regarding Lucas Showalter, Rolla, which was adopted.

Senator Smith offered Senate Resolution No. 788, regarding Mr. and Mrs. Aaron Gordon, Miami, Florida, which was adopted.

Senator Scott offered Senate Resolution No. 789, regarding Jeri Lynn Smith Short, Buffalo, which was adopted.

Senator Scott offered Senate Resolution No. 790, regarding Bill Hadlow, which was adopted.

Senator Crowell offered Senate Resolution No. 791, regarding Karen C. Hendrickson, EdD, RN, CNAA, BC, Cape Girardeau, which was adopted.

Senator Gibbons offered Senate Resolution No. 792, regarding the American Heart Association Heartland Affiliate, Jefferson City, which was adopted.

Senator Stouffer offered Senate Resolution No. 793, regarding Shirley Marie Coplin Maier, Boonville, which was adopted.

Senator Engler offered Senate Resolution No. 794, regarding Derek Moellering, Viburnum, which was adopted.

Senator Purgason offered Senate Resolution No. 795, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ron White, Willow Springs, which was adopted.

Senator Purgason offered Senate Resolution No. 796, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Bud McMahan, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Shields moved that **SB 577**, with **SCS**, **SS** for **SCS** and **SA 12** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 12 was again taken up.

Senator Shoemyer offered **SSA 1** for **SA 12**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 79, Section 208.955, Line 13 of said page, by inserting after “(10)” the following: **“One member from an association or organization with expertise in Alzheimer's disease or related dementia;**

(11)”; and further amend said section by renumbering the remaining subdivisions accordingly.

Senator Shoemyer moved that the above substitute amendment be adopted.

Senator Shields offered **SA 1** to **SSA 1** for **SA 12**, which was read:

SENATE AMENDMENT NO. 1 TO SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 12

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 12 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 1, Section 208.955, Line 5 of said amendment, by inserting after “(11)” the following: **“One member from a county developmental disability board, designated by the governor;**

(12)”.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

SSA 1 for **SA 12**, as amended, was again taken up.

Senator Shoemyer moved that the above substitute amendment be adopted, which motion prevailed.

Senator Loudon offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 39, Section 208.215, Lines 9-13, by striking all of said lines and inserting in lieu thereof the following:

“may be entitled. **Any health benefit plan as defined in section 376.1350, third party administrator, administrative services organization, and pharmacy benefit manager, shall process and pay all properly submitted medical assistance subrogation claims or MO**

HealthNet subrogation claims for a period of three years from the date the services were provided or rendered, regardless of any other timely filing requirement otherwise imposed by such entity and the entity shall not deny such claims on the basis of the type or format of the claim form, or a failure to present proper documentation of coverage at the point of sale.”; and

Further amend said bill and section, page 42, line 20, by inserting after “Act” the following: “, **except that third party payers shall not include accident-only, specified disease, disability income, hospital indemnity, or other fixed indemnity insurance policies**”; and

Further amend said bill and section, page 43, lines 15-20, by striking all of said lines and inserting in lieu thereof the following:

“suit from and after the time of the service of the notice. **If the third party and its liability insurer, if any, receives notice or knows that the individual is eligible for MO HealthNet benefits prior to release or satisfaction then no release or satisfaction of any cause of action, suit, claim, counterclaim, demand, judgment, settlement, or settlement agreement shall be valid or effectual as against a claim created under this chapter unless the division joins in the release or satisfaction or executes a release of its claim.**”

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered SA 14, which was read:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 84, Section 473.398, Line 9, by inserting immediately after all of said line the following:

“**Section 1. Notwithstanding any other provision of this act to the contrary, no request for proposal for an administrative services**

organization plan, as established in section 208.950, RSMo, shall be permitted or no contract for an administrative services organization plan shall be awarded prior to August 28, 2007. Any request for proposal or contract for an administrative services organization plan shall be limited to the portions of the state which are not covered by a Medicaid managed care program.”; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted.

At the request of Senator Callahan, SA 14 was withdrawn.

Senator Callahan offered SA 15:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 84, Section 473.398, Line 9, by inserting immediately after all of said line the following:

“**Section 1. Notwithstanding any other provision of this act to the contrary, no request for proposal for an administrative services organization plan, as established in section 208.950, RSMo, shall be permitted or no contract for an administrative services organization plan shall be awarded prior to August 28, 2007. Any request for proposal or contract for an administrative services organization plan shall be limited to the portions of the state which are not covered by a Medicaid managed care program. For purposes of a request for proposal for health improvement plans, as defined in section 208.950, RSMo, there shall be a request for proposal for at least six regions in the state, however in no case shall there be a single provider for the state. Counties with a risk bearing care coordination plan as of July 1, 2007, shall continue as risk bearing care coordination plans for the categories of aid in**

such program as of July 1, 2007.”; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Shields, **SB 577**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 796**, entitled:

An Act to repeal section 301.142, RSMo, and to enact in lieu thereof one new section relating to disabled license plates, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 16**.

HOUSE CONCURRENT RESOLUTION NO. 16

Whereas, Section 21.760 of the Missouri Revised Statutes provides that during the regular legislative session which convenes in an odd-numbered year, the General Assembly shall, by concurrent resolution, employ an independent certified public accountant or certified public accounting firm to conduct an audit examination of the accounts, functions, programs, and management of the State Auditor's office:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-fourth General Assembly, First Regular Session, the Senate concurring therein, hereby authorize the employment of an independent certified public accountant or certified public accounting firm pursuant to the aforesaid provisions of Section 21.760; and

Be it further resolved that the audit examination be made in

accordance with generally accepted auditing standards, including such reviews and inspections of books, records and other underlying data and documents as are necessary to enable the independent certified public accountant performing the audit to reach an informed opinion on the condition and performance of the accounts, functions, programs, and management of the State Auditor's Office; and

Be it further resolved that upon completion of the audit, the independent certified public accountant make a written report of his or her findings and conclusions, and supply each member of the General Assembly, the Governor, and the State Auditor with a copy of the report; and

Be it further resolved that the cost of the audit and report be paid out of the joint contingent fund of the General Assembly; and

Be it further resolved that the Commissioner of Administration bid these services, at the direction of the General Assembly, pursuant to state purchasing laws; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Commissioner of Administration.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 17**.

HOUSE CONCURRENT RESOLUTION NO. 17

Whereas, the western part of Missouri is a growing, vital part of Missouri's commerce and economic development; and

Whereas, U.S. Highway 71 is an important link for communities, companies, and citizens along this corridor; and

Whereas, the Missouri I-49 Coalition is a nonprofit organization consisting of concerned citizens, organizations, and communities organized for the sole purpose of improving U.S. Highway 71 to interstate standards and designating it as part of Interstate 49; and

Whereas, designation of U.S. Highway 71 as a part of I-49 will provide western Missouri with the shortest direct route into international commerce by way of the Gulf of Mexico at New Orleans:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-fourth General Assembly, First Regular Session, the Senate concurring therein, hereby:

(1) Recognize the Missouri I-49 Coalition as the official organization for this project in the State of Missouri;

(2) Recognize the importance of I-49 to the State of Missouri;

(3) Support the upgrading of U.S. Highway 71 to interstate standards;

(4) Encourage the Missouri Department of Transportation to support conceptually the idea of an I-49 corridor;

(5) Encourage the Missouri Congressional Delegation to pursue federal funds to assist with this project; and

(6) Urge the United States Department of Transportation to support the designation of U.S. Highway 71 in Missouri as a part of Interstate 49; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for Mary E. Peters, the Secretary of the United States Department of Transportation, Pete Rahn, the Director of the Missouri Department of Transportation, each member of the Missouri Highways and Transportation Commission, and each member of the Missouri Congressional Delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 8**.

HOUSE CONCURRENT RESOLUTION NO. 8

Whereas, Chamois, Missouri, is a community located along the Missouri River in northern Osage County which has no means to cross the river except by way of bridges located approximately 45 miles to the west and 30 miles to the east; and

Whereas, the people who live in Chamois incur increasingly high costs using present routes in order to reach destinations on the north side of the Missouri River for employment, recreation, and business; and

Whereas, people who live on the north side of the Missouri River are equally restricted from accessing destinations on the south side of the Missouri River, respectively; and

Whereas, locating a ferryboat on the Missouri River at Chamois would allow residents on both sides to cross the River, reducing travel times and travel costs, provide a safer route, and conserve fuel; and

Whereas, locating a ferryboat at Chamois would establish the only reported ferry on the Missouri River and would thereby promote tourism on both sides of the River by attracting more visitors to the area and creating a driving destination for tourists visiting such communities as Hermann, Fulton, and Jefferson City; and

Whereas, locating a ferryboat at Chamois would likewise give residents on the south side of the River access to the Katy Trail

located on the north side of the River; and

Whereas, numerous organizations have endorsed the ferryboat at Chamois, including but not limited to the Hermann Area Chamber of Commerce, the Fulton Area Chamber of Commerce, the county commissions for Osage and Callaway counties, the City of Mokane, the City of Chamois, and the Missouri Division of Tourism; and

Whereas, the promoters of the ferryboat at Chamois have requested federal and state funding for the project:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-fourth General Assembly, First Regular Session, the Senate concurring therein, hereby express support for the Chamois ferryboat and urge the Missouri Department of Economic Development and the Missouri Department of Transportation, along with other state agencies and the Missouri Congressional Delegation, to assist in securing moneys for locating and construction of the ferryboat; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for Governor Matt Blunt, Gregory A. Steinhoff, the Director of the Department of Economic Development, Peter Rahn, the Director of the Missouri Department of Transportation, and each member of the Missouri Congressional Delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 30**.

HOUSE CONCURRENT RESOLUTION NO. 30

WHEREAS, there are 45 global or U.S. headquarters and over 120 companies involved in the animal health industry including four of the 10 largest global animal health companies and one of the five largest animal nutrition companies located in Missouri and Kansas; and

WHEREAS, leading veterinary colleges and animal research centers are located in Missouri and Kansas including the University of Missouri College of Veterinary Medicine, the University of Missouri's \$60 million Life Sciences Center and Swine Research Center, the Kansas State University College of Veterinary Medicine, and the Kansas State University's \$54 million Biosecurity Research Institute; and

WHEREAS, Missouri is 2nd and Kansas is 7th in cattle and calf inventory in the United States; and

WHEREAS, there are nationally-recognized publishers within the animal health industry located in Missouri and Kansas; and

WHEREAS, Missouri and Kansas have historical roots in the livestock industry and are home to many prominent national and international associations within the animal health industry; and

WHEREAS, retaining and growing existing animal health companies, attracting new animal health companies, increasing animal health research capacity, and developing commercialization infrastructure will create quality jobs and wealth for the states of Missouri and Kansas:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri House of Representatives, Ninety-Fourth General Assembly, First Regular Session, the Senate concurring therein, hereby recognize the region from Manhattan, Kansas, to Columbia, Missouri, including the metropolitan Kansas City area and St. Joseph, Missouri, as the “KC Animal Health Corridor”; and

BE IT FURTHER RESOLVED that the Missouri General Assembly recognizes the KC Animal Health Corridor as the national center of the animal health industry based on the unmatched concentration of animal health and nutrition businesses, and educational, and research assets; and

BE IT FURTHER RESOLVED that the Missouri General Assembly resolves to establish a favorable business environment and support animal health research to foster the continued growth of the animal health industry for the benefit of the economy, universities, businesses, and young people hoping to pursue an animal health career in the KC Animal Health Corridor; and

BE IT FURTHER RESOLVED that the chief clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Governors of Missouri and Kansas.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 11**.

HOUSE CONCURRENT RESOLUTION NO. 11

Whereas, Missouri is pleased to be home to the six-state regional Taipei Economic and Cultural Office in Kansas City; and

Whereas, Missouri has demonstrated its commitment to trade with Taiwan by maintaining a Trade Office in Taipei since 1990; and

Whereas, trade between Taiwan and the United States has increased significantly during the past decades, with the United States being Taiwan's second-largest source of imports, and Taiwan being the eighth-largest trading partner of the United States; and

Whereas, Taiwan ranks the fifth-largest overseas markets for United States agricultural products in general, including the third-

largest buyer of United States beef and corn products, the fifth-largest buyer of United States soybean products, the eighth-largest buyer of United States wheat, and the second-largest customer of United States agricultural products worldwide in terms of per capita consumption; and

Whereas, the United States International Trade Commission found that, with a Taiwan-United States free trade agreement in place, United States exports to Taiwan would increase by 16%, or roughly \$3.4 billion annually, and the broader interests of the United States in the Asia-Pacific region would be served:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-fourth General Assembly, First Regular Session, the Senate concurring therein, hereby support the negotiations of a Taiwan-United States free trade agreement; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for George W. Bush, President of the United States; Condoleezza Rice, United States Secretary of State; Carlos M. Gutierrez, United States Secretary of Commerce; Ambassador Susan C. Schwab, the United States Trade Representative, each member of the Missouri Congressional delegation, and the Taipei Economic and Cultural Office in Kansas City.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 24**.

HOUSE CONCURRENT RESOLUTION NO. 24

Whereas, the federal No Child Left Behind (NCLB) Act requires states to assess all students in their state's assessment program; and

Whereas, the Act provides for a limited number of students with disabilities to be assessed with an alternate assessment, but only 1% of a school district's tested population may be counted as proficient or above using the alternate assessment; and

Whereas, this limitation results in some special needs students being included in the regular state assessment system when, in fact, their cognitive disabilities are such that they should not be assessed with their age or grade-level peers; and

Whereas, a more appropriate assessment for them might be a test that was developed for use in some grade-level below the grade in which they are classified, but the United States Department of Education regulations governing the implementation of the NCLB Act prohibit this “out of grade-level” testing; and

Whereas, the United States Department of Education has

recently allowed for the inclusion of an additional 2% of students with disabilities to be assessed with a modified grade-level assessment, but this additional flexibility still prohibits “out of grade-level” testing; and

Whereas, the Individuals with Disabilities Education Improvement Act (IDEA), which predates the NCLB Act, contains requirements for assessment that must be included in the student’s individualized educational program (IEP), which may not meet the requirements of the NCLB Act for assessment and thus may place the IEP team at odds with the overall NCLB assessment process and may create confusion for parents; and

Whereas, certain accommodations written into an IEP, such as reading out loud or paraphrasing, are currently not acceptable for certain assessments under NCLB procedures, thus making the student’s performance on the assessment not count for NCLB purposes and denying the student an accommodation that the IEP team has documented as necessary to the child’s best chances for a proficient performance; and

Whereas, Secretary Margaret Spellings has shown an admirable flexibility in permitting experimentation with alternative approaches to the NCLB Act while keeping the focus on accountability:

Now, therefore, be it resolved by the members of the House of Representatives of the Ninety-fourth General Assembly, First Regular Session, the Senate concurring therein, that the interests of the special needs students of the state would best be served by reviewing the assessment provisions of IDEA and the NCLB Act together to eliminate contradictory objectives, so that accommodations that are appropriate to a student with an IEP do not invalidate the student’s assessment results for the purposes of No Child Left Behind assessments; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for Margaret Spellings, Secretary of the United States Department of Education and each member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 933—Transportation.

HB 1014—Financial and Governmental Organizations and Elections.

HB 41—Economic Development, Tourism

and Local Government.

HB 428—Agriculture, Conservation, Parks and Natural Resources.

HCS for HB 616—Economic Development, Tourism and Local Government.

HB 684—Economic Development, Tourism and Local Government.

HB 740—Economic Development, Tourism and Local Government.

HB 941—Education.

On motion of Senator Shields, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kinder.

RESOLUTIONS

Senator Lager offered Senate Resolution No. 797, regarding David Tolen, Gallatin, which was adopted.

Senator Lager offered Senate Resolution No. 798, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Gerald Puls, Bethany, which was adopted.

Senator Lager offered Senate Resolution No. 799, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jack Miller, Trenton, which was adopted.

Senator Coleman offered Senate Resolution No. 800, regarding the Jamison 21st Century After-School Enrichment Program, which was adopted.

Senator McKenna offered Senate Resolution No. 801, regarding Marshall Faulk, Saint Louis, which was adopted.

Senator McKenna offered Senate Resolution No. 802, regarding James Edward Chellew,

Imperial, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Shields moved that **SB 577**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Kennedy offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 55, Section 208.631, Line 4 of said page, by inserting immediately after said line the following:

“208.659. The division of medical services shall revise the eligibility requirements for the uninsured women's health program, as established in 13 C.S.R. Section 70-4.090, to include women who are at least eighteen years of age and with a net family income of at or below one hundred eighty-five percent of the federal poverty level. Such change in eligibility requirements shall not result in any change in services provided under the program.”; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted.

Senator Shields offered **SSA 1** for **SA 16**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 55, Section 208.631, Line 4, by inserting immediately after said line the following:

“208.659. The division of medical services shall revise the eligibility requirements for the uninsured women's health program, as established in 13 C.S.R. Section 70-4.090, to include women who are at least eighteen years

of age and with a net family income of at or below one hundred eighty-five percent of the federal poverty level. In order to be eligible for such program, the applicant shall not have assets in excess of two hundred and fifty thousand dollars, nor shall the applicant have access to employer-sponsored health insurance. Such change in eligibility requirements shall not result in any change in services provided under the program.”; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above substitute amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 17**:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 3, Section 191.411, Line 18 of said page, by inserting after all of said line the following:

“191.900. As used in sections 191.900 to 191.910, the following terms mean:

(1) “Abuse”, the infliction of physical, sexual or emotional harm or injury. “Abuse” includes the taking, obtaining, using, transferring, concealing, appropriating or taking possession of property of another person without such person's consent;

(2) “Claim”, any attempt to cause a health care payer to make a health care payment;

(3) “False”, wholly or partially untrue. A false statement or false representation of a material fact means the failure to reveal material facts in a manner which is intended to deceive a health care payer with respect to a claim;

(4) “Health care”, any service, assistance, care, product, device or thing provided pursuant to a medical assistance program, or for which payment is requested or received, in whole or part, pursuant to a medical assistance program;

(5) “Health care payer”, a medical assistance program, or any person reviewing, adjusting, approving or otherwise handling claims for health care on behalf of or in connection with a medical assistance program;

(6) “Health care payment”, a payment made, or the right under a medical assistance program to have a payment made, by a health care payer for a health care service;

(7) “Health care provider”, any person delivering, or purporting to deliver, any health care, and including any employee, agent or other representative of such a person;

(8) “**Knowing**” and “**knowingly**”, that a person, with respect to information:

(a) **Has actual knowledge of the information;**

(b) **Acts in deliberate ignorance of the truth or falsity of the information; or**

(c) **Acts in reckless disregard of the truth or falsity of the information;**

Proof of specific intent to defraud is not required;

(9) “Medical assistance program”, **MO HealthNet**, or any program to provide or finance health care to recipients which is established pursuant to title 42 of the United States Code, any successor federal health insurance program, or a waiver granted thereunder. A medical assistance program may be funded either solely by state funds or by state and federal funds jointly. The term “medical assistance program” shall include the medical assistance program provided by section 208.151, RSMo, et seq., and any state agency or agencies administering all or any part of such a program;

[(9)] (10) “Person”, a natural person, corporation, partnership, association or any legal entity.

191.907. 1. A person may bring a civil

action for a violation of subsections 1 to 4 of section 191.905 on behalf of the person and the state. The action shall be brought in the name of the person and of the state.

2. In an action brought under this section, a person who violates subsection 1 to 4 of section 191.905 is liable as provided by subsection 11 of section 191.905.

3. Contemporaneous with the filing of the action, a person bringing an action under this section shall deliver a copy of the petition upon the attorney general and shall disclose, in writing, all material evidence and information in the person's possession to the attorney general.

4. The petition shall be filed in camera and, except as provided by subsection 5 or 6 of this section, shall remain under seal until at least sixty days following the date the petition is filed, or until the date the state elects to intervene, whichever occurs first. The petition shall not be served upon the defendant until ordered by the court.

5. The attorney general, on behalf of the state, may elect to intervene and proceed with the action not later than the sixtieth day following the date the petition is filed. The attorney general may, for good cause shown, move the court to extend this deadline, and may support such motion by affidavits or other submissions in camera.

6. Contemporaneous with the decision to intervene, the attorney general may move the court to keep the petition under seal for an extended period of time.

7. An action brought under this section may be dismissed before the end of the period during which the petition remains under seal if the court and the attorney general consent in writing to the dismissal, and state in writing the reasons for consenting.

8. A defendant in any action brought under

this section shall not be required to file an answer to the petition until thirty days following the date the petition is served on the defendant.

9. Not later than the last day of the period prescribed by subsection 4 of this section, or an extension of that period granted by the court under subsection 5 of this section, the state shall:

(1) Proceed with the action; or

(2) Notify the court that the state declines to intervene in the action.

10. If the state elects not to intervene in the action, the person who initiated the action shall be entitled to conduct the action. If the state so requests, it shall be served with copies of all pleadings filed and shall be supplied with copies of all deposition transcripts at the state's expense. If the state chooses not to intervene within the period prescribed by subsection 4 of this section, the court, without limiting the status and rights of the person initiating the action, may nevertheless permit the state to intervene at a later date upon a showing of good cause.

11. A person other than the state may not intervene or bring a related action based on the facts underlying a pending action brought under this section.

12. If the state elects to intervene in the action, it shall have the primary responsibility for conducting the action and shall not be bound by any act of the person who initiated the action. The person who initiated the action shall have the right to continue as a party in the proceeding, subject to the limitations set forth in this section.

13. The state may dismiss any action brought under this section notwithstanding an objection by the person who initiated the action, but only if:

(1) The attorney general has notified the

person who initiated the action that the state has filed a motion to dismiss; and

(2) The court provides the person with an opportunity for a hearing on the motion.

14. The state may settle the action with the defendant, notwithstanding an objection by the person who initiated the action, if the court determines, after a hearing, that the proposed settlement is fair, adequate, and reasonable, considering all relevant circumstances. Upon a showing of good cause, the hearing may be held in camera.

15. Upon a showing by the state that unrestricted participation during the course of litigation by the person who initiated the action would cause harassment of the defendant, or would interfere with or unduly delay the state's investigation or prosecution of the case, or would be repetitious or irrelevant, the court may impose limitations on the person's participation, including:

(1) Limiting the number of witnesses the person may call;

(2) Limiting the length of the testimony of witnesses called by the person;

(3) Limiting the person's cross-examination of witnesses; or

(4) Any other limitation on participation that the court deems necessary or appropriate.

16. Upon a showing by the defendant that unrestricted participation during the course of litigation by the person bringing the action would be for the purposes of harassment, or would cause the defendant undue burden or unnecessary expense, the court may limit the participation by the person in the litigation.

17. Upon a showing by the state that certain actions of discovery by the person bringing the action would interfere with the state's investigation or prosecution of a criminal or civil matter arising out of the same facts, the

court may stay the discovery for a period not to exceed sixty days. The court shall hear a motion to stay discovery under this subsection in camera.

18. The court may extend the stay of discovery prescribed by subsection 17 of this section upon a further showing in camera that the state has pursued the criminal or civil investigation or proceedings with reasonable diligence and that any proposed discovery in the civil action would interfere with the ongoing investigation or proceedings.

19. Notwithstanding subsection 1 of this section, the state may elect to pursue its claim through any alternate remedy available to the state, including any administrative proceeding to determine an administrative penalty. If an alternate remedy is pursued in another proceeding, the person who initiated the action shall have the same rights in the other proceeding as the person would have had if the action brought under this section had continued. Any finding of fact or conclusion of law made in the other proceeding that has become final shall be conclusive on all parties to an action brought under this section. For the purposes of this subsection, a finding or conclusion is final if the finding or conclusion has been finally determined on appeal to the appropriate court of jurisdiction, if no appeal has been filed with respect to the finding or conclusion and all time for filing an appeal has expired, or if the finding or conclusion is not subject to judicial review.

20. If the state proceeds with an action under this section, the person bringing the action shall be entitled, except as provided by subsection 21 of this section, to receive at least fifteen percent but not more than twenty-five percent of the proceeds of the action, depending on the extent to which the person substantially contributed to the prosecution of the action. Except as provided by subsection 21 of this

section, if the person who initiated an action under this section conducts the action without state intervention, the court shall award the person at least twenty-five but no more than thirty percent of the proceeds of the action. If the court finds that the action is based primarily on disclosures of specific information, other than information provided by the person bringing the action, relating to allegations or transactions in a criminal or civil hearing, in a legislative or administrative report, hearing, audit, or investigation, or from the news media, the court may award the amount the court considers appropriate but not more than ten percent of the proceeds of the action, taking into account the significance of the information and the role of the person bringing the action in advancing the case to litigation. A payment to a person under this subsection shall be made from the proceeds of the action or proceeds of a settlement of the action. A person receiving a payment under this subsection shall also be entitled to receive from the defendant an amount for reasonable expenses, reasonable attorney's fees, and costs that the court finds to have been necessarily incurred. The court's determination of expenses, fees, and costs to be awarded under this subsection shall be made only after the defendant has been found liable in the action. In addition, the defendant shall be required to reimburse the reasonable costs attributable to the attorney general's investigation and prosecution of the action. The office of the attorney general may retain a reasonable portion of recoveries under this section for the enforcement of sections 191.900 to 191.910.

21. If the court finds that the action was brought by a person who planned and initiated the violation of subsections 1 to 4 of section 191.905 on which the action was brought, the court may, to the extent the court considers appropriate, reduce the share of the proceeds of the action the person would otherwise receive

under subsection 20 of this section, taking into account the person's role in advancing the case to litigation and any relevant circumstances pertaining to the violation. If the person bringing the action is convicted of criminal conduct arising from the person's role in the violation of subsections 1 to 4 of section 191.905, the court shall dismiss the person from the action, and the person may not receive any share of the proceeds of the action. A dismissal under this subsection does not prejudice the right of the state to continue the action.

22. If the state does not proceed with the action and the person bringing the action conducts the action, the court may award to the defendant its reasonable attorney's fees and expenses if the defendant prevails in the action and the court finds that the claim of the person bringing the action was clearly frivolous, clearly vexatious, or brought primarily for purposes of harassment.

23. A person may not bring an action under this section that is based on allegations or transactions that are the subject of a civil suit or an administrative penalty proceeding in which the state is already a party.

24. A person may not bring an action under this section that is based on the public disclosure of allegations or transactions in a criminal or civil hearing, in a legislative or administrative report, hearing, audit, or investigation, or from the news media, unless the person bringing the action is an original source of the information. In this subsection, "original source" means an individual who has direct and independent knowledge of the information on which the allegations are based and has voluntarily provided the information to the state before filing an action under this section that is based on the information.

25. The state shall not be liable for expenses that a person incurs in bringing an action under this section.

26. A person who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms of employment by the person's employer because of a lawful act taken by the person in furtherance of an action under this section, including investigation for, initiation of, testimony for, or assistance in an action filed or to be filed under this section, shall be entitled to reinstatement with the same seniority status the person would have had but for the discrimination, not less than two times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorney's fees. A person may bring an action in the appropriate circuit court for the relief provided in this subsection.

27. An action brought under this section shall not be brought more than six years after the date on which the violation was committed, or three years after the date when facts material to the cause of action are known or reasonably known by the attorney general's office or the department of social services, whichever occurs last.

28. In any action brought under this section, the state or the person initiating the action shall be required to prove all essential elements of the cause of action, including damages, by a preponderance of the evidence."; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted.

Senator Ridgeway raised the point of order that SA 17 is out of order as it is not germane, is outside the title and beyond the scope of the underlying bill.

The point of order was referred to the President Pro Tem who ruled it not well taken.

SA 17 was again taken up.

Senator Engler assumed the Chair.

Senator Ridgeway offered **SSA 1** for **SA 17**:
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 3, Section 191.411, Line 18 of said page, by inserting after all of said line the following:

“191.900. As used in sections 191.900 to 191.910, the following terms mean:

(1) “Abuse”, the infliction of physical, sexual or emotional harm or injury. “Abuse” includes the taking, obtaining, using, transferring, concealing, appropriating or taking possession of property of another person without such person's consent;

(2) “Claim”, any attempt to cause a health care payer to make a health care payment;

(3) “False”, wholly or partially untrue. A false statement or false representation of a material fact means the failure to reveal material facts in a manner which is intended to deceive a health care payer with respect to a claim;

(4) “Health care”, any service, assistance, care, product, device or thing provided pursuant to a medical assistance program, or for which payment is requested or received, in whole or part, pursuant to a medical assistance program;

(5) “Health care payer”, a medical assistance program, or any person reviewing, adjusting, approving or otherwise handling claims for health care on behalf of or in connection with a medical assistance program;

(6) “Health care payment”, a payment made, or the right under a medical assistance program to have a payment made, by a health care payer for a health care service;

(7) “Health care provider”, any person

delivering, or purporting to deliver, any health care, and including any employee, agent or other representative of such a person[;], **and further including any employee, representative or subcontractor of the State of Missouri delivering, purporting to deliver or arranging for the delivery of any health care;**

(8) “**Knowing**” and “**knowingly**”, that a person, with respect to information:

(a) **Has actual knowledge of the information;**

(b) **Acts in deliberate ignorance of the truth or falsity of the information; or**

(c) **Acts in reckless disregard of the truth or falsity of the information;**

Use of the terms “knowing” or “knowingly” shall be construed to include the term “intentionally”, which means that a person, with respect to information, intended to act in violation of the law;

(9) “Medical assistance program”, **MO HealthNet, or** any program to provide or finance health care to recipients which is established pursuant to title 42 of the United States Code, any successor federal health insurance program, or a waiver granted thereunder. A medical assistance program may be funded either solely by state funds or by state and federal funds jointly. The term “medical assistance program” shall include the medical assistance program provided by section 208.151, RSMo, et seq., and any state agency or agencies administering all or any part of such a program;

[(9)] (10) “Person”, a natural person, corporation, partnership, association or any legal entity.

191.905. 1. No health care provider shall knowingly make or cause to be made a false statement or false representation of a material fact in order to receive a health care payment, including but not limited to:

(1) **Knowingly presenting to a health care**

payer a claim for a health care payment that falsely represents that the health care for which the health care payment is claimed was medically necessary, if in fact it was not;

(2) Knowingly concealing the occurrence of any event affecting an initial or continued right under a medical assistance program to have a health care payment made by a health care payer for providing health care;

(3) Knowingly concealing or failing to disclose any information with the intent to obtain a health care payment to which the health care provider or any other health care provider is not entitled, or to obtain a health care payment in an amount greater than that which the health care provider or any other health care provider is entitled;

(4) Knowingly presenting a claim to a health care payer that falsely indicates that any particular health care was provided to a person or persons, if in fact health care of lesser value than that described in the claim was provided.

2. No person shall knowingly solicit or receive any remuneration, including any kickback, bribe, or rebate, directly or indirectly, overtly or covertly, in cash or in kind in return for:

(1) Referring another person to a health care provider for the furnishing or arranging for the furnishing of any health care; or

(2) Purchasing, leasing, ordering or arranging for or recommending purchasing, leasing or ordering any health care.

3. No person shall knowingly offer or pay any remuneration, including any kickback, bribe, or rebate, directly or indirectly, overtly or covertly, in cash or in kind, to any person to induce such person to refer another person to a health care provider for the furnishing or arranging for the furnishing of any health care.

4. Subsections 2 and 3 of this section shall not apply to a discount or other reduction in price obtained by a health care provider if the reduction

in price is properly disclosed and appropriately reflected in the claim made by the health care provider to the health care payer, or any amount paid by an employer to an employee for employment in the provision of health care.

5. Exceptions to the provisions of subsections 2 and 3 of this subsection shall be provided for as authorized in 42 U.S.C. Section 1320a-7b(3)(E), as may be from time to time amended, and regulations promulgated pursuant thereto.

6. No person shall knowingly abuse a person receiving health care.

7. A person who violates subsections 1 to [4] 3 of this section is guilty of a class [D] C felony upon his **or her** first conviction, and shall be guilty of a class [C] B felony upon his **or her** second and subsequent convictions. **Any person who has been convicted of such violations shall be referred to the Office of Inspector General within the United States Department of Health and Human Services.** A prior conviction shall be pleaded and proven as provided by section 558.021, RSMo. A person who violates subsection 6 of this section shall be guilty of a class C felony, unless the act involves no physical, sexual or emotional harm or injury and the value of the property involved is less than five hundred dollars, in which event a violation of subsection 6 of this section is a class A misdemeanor.

8. Any natural person who willfully prevents, obstructs, misleads, delays, or attempts to prevent, obstruct, mislead, or delay the communication of information or records relating to a violation of sections 191.900 to 191.910 is guilty of a class D felony, and, upon conviction, forever shall be excluded from participation as a provider for the medical assistance program.

[8.] 9. Each separate false statement or false representation of a material fact proscribed by subsection 1 of this section or act proscribed by subsection 2 or 3 of this section shall constitute a separate offense and a separate violation of this

section, whether or not made at the same or different times, as part of the same or separate episodes, as part of the same scheme or course of conduct, or as part of the same claim.

[9.] **10.** In a prosecution pursuant to subsection 1 of this section, circumstantial evidence may be presented to demonstrate that a false statement or claim was knowingly made. Such evidence of knowledge may include but shall not be limited to the following:

(1) A claim for a health care payment submitted with the health care provider's actual, facsimile, stamped, typewritten or similar signature on the claim for health care payment;

(2) A claim for a health care payment submitted by means of computer billing tapes or other electronic means;

(3) A course of conduct involving other false claims submitted to this or any other health care payer.

[10.] **11.** Any person convicted of a violation of this section, in addition to any fines, penalties or sentences imposed by law, shall be required to make restitution to the federal and state governments, in an amount at least equal to that unlawfully paid to or by the person, and shall be required to reimburse the reasonable costs attributable to the investigation and prosecution pursuant to sections 191.900 to 191.910. All of such restitution shall be paid and deposited to the credit of the “[Medicaid] **MO HealthNet** Fraud Reimbursement Fund”, which is hereby established in the state treasury. Moneys in the [Medicaid] **MO HealthNet** fraud reimbursement fund shall be divided and appropriated to the federal government and affected state agencies in order to refund moneys falsely obtained from the federal and state governments. All of such cost reimbursements attributable to the investigation and prosecution shall be paid and deposited to the credit of the “[Medicaid] **MO HealthNet** Fraud Prosecution Revolving Fund”, which is hereby established in the state treasury. Moneys in the [Medicaid] **MO**

HealthNet fraud prosecution revolving fund may be appropriated to the attorney general, or to any prosecuting or circuit attorney who has successfully prosecuted an action for a violation of sections 191.900 to 191.910 and been awarded such costs of prosecution, in order to defray the costs of the attorney general and any such prosecuting or circuit attorney in connection with their duties provided by sections 191.900 to 191.910. No moneys shall be paid into the [Medicaid] **MO HealthNet** fraud protection revolving fund pursuant to this subsection unless the attorney general or appropriate prosecuting or circuit attorney shall have commenced a prosecution pursuant to this section, and the court finds in its discretion that payment of attorneys' fees and investigative costs is appropriate under all the circumstances, and the attorney general and prosecuting or circuit attorney shall prove to the court those expenses which were reasonable and necessary to the investigation and prosecution of such case, and the court approves such expenses as being reasonable and necessary. The provisions of section 33.080, RSMo, notwithstanding, moneys in the [Medicaid] **MO HealthNet** fraud prosecution revolving fund shall not lapse at the end of the biennium.

[11.] **12.** A person who violates subsections 1 to [4] **3** of this section shall be liable for a civil penalty of not less than five thousand dollars and not more than ten thousand dollars for each separate act in violation of such subsections, plus three times the amount of damages which the state and federal government sustained because of the act of that person, except that the court may assess not more than two times the amount of damages which the state and federal government sustained because of the act of the person, if the court finds:

(1) The person committing the violation of this section furnished personnel employed by the attorney general and responsible for investigating violations of sections 191.900 to 191.910 with all information known to such person about the violation within thirty days after the date on which

the defendant first obtained the information;

(2) Such person fully cooperated with any government investigation of such violation; and

(3) At the time such person furnished the personnel of the attorney general with the information about the violation, no criminal prosecution, civil action, or administrative action had commenced with respect to such violation, and the person did not have actual knowledge of the existence of an investigation into such violation.

[12.] **13.** Upon conviction pursuant to this section, the prosecution authority shall provide written notification of the conviction to all regulatory or disciplinary agencies with authority over the conduct of the defendant health care provider.

[13.] **14.** The attorney general may bring a civil action against any person who shall receive a health care payment as a result of a false statement or false representation of a material fact made or caused to be made by that person. The person shall be liable for up to double the amount of all payments received by that person based upon the false statement or false representation of a material fact, and the reasonable costs attributable to the prosecution of the civil action. All such restitution shall be paid and deposited to the credit of the [Medicaid] **MO HealthNet** fraud reimbursement fund, and all such cost reimbursements shall be paid and deposited to the credit of the [Medicaid] **MO HealthNet** fraud prosecution revolving fund. No reimbursement of such costs attributable to the prosecution of the civil action shall be made or allowed except with the approval of the court having jurisdiction of the civil action. No civil action provided by this subsection shall be brought if restitution and civil penalties provided by subsections 10 and 11 of this section have been previously ordered against the person for the same cause of action.

15. Any person who discovers a violation by himself or herself or such person's organization and who reports such information voluntarily

before such information is public or known to the attorney general shall not be prosecuted for a criminal violation.

191.907. 1. Any person who is the original source of the information used by the attorney general to bring an action under subsection 14 of section 191.905 shall receive ten percent of any recovery by the attorney general. As used in this section, "original source of information" means information no part of which has been previously disclosed to or known by the government or public. If the court finds that the person who was the original source of the information used by the attorney general to bring an action under subsection 14 of section 191.905 planned, initiated, or participated in the conduct upon which the action is brought, such person shall not be entitled to any percentage of the recovery obtained in such action.

2. Any person who is the original source of information about the willful violation by any person of section 36.460, RSMo, shall receive ten percent of the amount of compensation that would have been paid the employee forfeiting his or her position under section 36.460, RSMo, if the employee was found to have acted fraudulently in connection with the state medical assistance program.

191.908. 1. An employer shall not discharge, demote, suspend, threaten, harass, or otherwise discriminate against an employee in the terms and conditions of employment because the employee initiates, assists in, or participates in a proceeding or court action under sections 191.900 to 191.910. Such prohibition shall not apply to an employment action against an employee who:

(1) The court finds brought a frivolous or clearly vexatious claim;

(2) The court finds to have planned, initiated, or participated in the conduct upon which the action is brought; or

(3) Is convicted of criminal conduct arising from a violation of sections 191.900 to 191.910.

2. An employer who violates this section is liable to the employee for all of the following:

(1) Reinstatement to the employee's position without loss of seniority;

(2) Two times the amount of lost back pay;

(3) Interest on the back pay.

191.909. 1. By January 1, 2008, and annually thereafter, the attorney general's office shall report to the general assembly and the governor the following:

(1) The number of provider investigations due to allegations of violations under sections 191.900 to 191.910 conducted by the attorney general's office and completed within the reporting year, including the age and type of cases;

(2) The number of referrals due to allegations of violations under sections 191.900 to 191.910 received by the attorney general's office;

(3) The total amount of overpayments identified as the result of completed investigations;

(4) The amount of fines and restitutions ordered to be reimbursed, with a delineation between amounts the provider has been ordered to repay, including whether or not such repayment will be completed in a lump sum payment or installment payments, and any adjustments or deductions ordered to future provider payments;

(5) The total amount of monetary recovery as the result of completed investigations;

(6) The total number of arrests, indictments, and convictions as the result of completed investigations.

An annual financial audit of the MO HealthNet fraud unit within the attorney general's office

shall be conducted and completed by the state auditor in order to quantitatively determine the amount of money invested in the unit and the amount of money actually recovered by such office.

2. By January 1, 2008, and annually thereafter, the department of social services shall report to the general assembly and the governor the following:

(1) The number of MO HealthNet provider and recipient investigations and audits relating to allegations of violations under sections 191.900 to 191.910 completed within the reporting year, including the age and type of cases;

(2) Number of MO HealthNet long-term care facility reviews;

(3) Number of MO HealthNet provider and recipient utilization reviews;

(4) The number of referrals sent by the department to the attorney general's office;

(5) The total amount of overpayments identified as the result of completed investigations, reviews, or audits;

(6) The amount of fines and restitutions ordered to be reimbursed, with a delineation between amounts the provider has been ordered to repay, including whether or not such repayment will be completed in a lump sum payment or installment payments, and any adjustments or deductions ordered to future provider payments;

(7) The total amount of monetary recovery as the result of completed investigation, reviews, or audits;

(8) The number of administrative sanctions against MO HealthNet providers, including the number of providers excluded from the program.

An annual financial audit of the program integrity unit within the department of social

services shall be conducted and completed by the state auditor in order to quantitatively determine the amount of money invested in the unit and the amount of money actually recovered by such office.

191.910. 1. The attorney general shall have authority to investigate alleged or suspected violations of sections 191.900 to 191.910, and shall have all powers provided by sections 407.040 to 407.090, RSMo, in connection with investigations of alleged or suspected violations of sections 191.900 to 191.910, as if the acts enumerated in subsections 1 to 3 of section 191.905 are unlawful acts proscribed by chapter 407, RSMo, provided that if the attorney general exercises such powers, the provisions of section 407.070, RSMo, shall also be applicable; and may exercise all of the powers provided by subsections 1 and 2 of section 578.387, RSMo, in connection with investigations of alleged or suspected violations of sections 191.900 to 191.910, as if the acts enumerated in subsections 1 to 3 of section 191.905 involve “public assistance” as defined by section 578.375, RSMo. The attorney general and his or her authorized investigators shall be authorized to serve all subpoenas and civil process related to the enforcement of sections 191.900 to 191.910 and chapter 407, RSMo. In order for the attorney general to commence a state prosecution for violations of sections 191.900 to 191.910, the attorney general shall prepare and forward a report of the violations to the appropriate prosecuting attorney. Upon receiving a referral, the prosecuting attorney shall either commence a prosecution based on the report by the filing of a complaint, information, or indictment within sixty days of receipt of said report or shall file a written statement with the attorney general explaining why criminal charges should not be brought. This time period may be extended by the prosecuting attorney with the agreement of the attorney general for an additional sixty days. If the prosecuting attorney commences a criminal prosecution, the attorney general or his designee shall be permitted

by the court to participate as a special assistant prosecuting attorney in settlement negotiations and all court proceedings, subject to the authority of the prosecuting attorney, for the purpose of providing such assistance as may be necessary. If the prosecuting attorney fails to commence a prosecution and fails to file a written statement listing the reasons why criminal charges should not be brought within the appropriate time period, or declines to prosecute on the basis of inadequate office resources, the attorney general shall have authority to commence prosecutions for violations of sections 191.900 to 191.910. In cases where a defendant pursuant to a common scheme or plan has committed acts which constitute or would constitute violations of sections 191.900 to 191.910 in more than one state, the attorney general shall have the authority to represent the state of Missouri in any plea agreement which resolves all criminal prosecutions within and without the state, and such agreement shall be binding on all state prosecutors.

2. In any investigation, hearing or other proceeding pursuant to sections 191.900 to 191.910, any record in the possession or control of a health care provider, or in the possession or control of another person on behalf of a health care provider, including but not limited to any record relating to patient care, business or accounting records, payroll records and tax records, whether written or in an electronic format, shall be made available by the health care provider to the attorney general or the court, and shall be admissible into evidence, regardless of any statutory or common law privilege which such health care provider, record custodian or patient might otherwise invoke or assert. The provisions of section 326.151, RSMo, shall not apply to actions brought pursuant to sections 191.900 to 191.910. The attorney general shall not disclose any record obtained pursuant to this section, other than in connection with a proceeding instituted or pending in any court or administrative agency. The access, provision, use, and disclosure of records or

material subject to the provisions of 42 U.S.C. section 290dd-2 shall be subject to said section, as may be amended from time to time, and to regulations promulgated pursuant to said section.

3. No person knowingly with the intent to defraud the medical assistance program shall destroy or conceal such records as are necessary to fully disclose the nature of the health care for which a claim was submitted or payment was received under a medical assistance program, or such records as are necessary to fully disclose all income and expenditures upon which rates of payment were based under a medical assistance program. Upon submitting a claim for or upon receiving payment for health care under a medical assistance program, a person shall not destroy or conceal any records for five years after the date on which payment was received, if payment was received, or for five years after the date on which the claim was submitted, if payment was not received. Any provider who knowingly destroys or conceals such records is guilty of a class A misdemeanor.

4. Sections 191.900 to 191.910 shall not be construed to prohibit or limit any other criminal or civil action against a health care provider for the violation of any other law. Any complaint, investigation or report received or completed pursuant to sections 198.070 and 198.090, RSMo, subsection 2 of section 205.967, RSMo, sections 375.991 to 375.994, RSMo, section 578.387, RSMo, or sections 660.300 and 660.305, RSMo, which indicates a violation of sections 191.900 to 191.910, shall be referred to the attorney general. A referral to the attorney general pursuant to this subsection shall not preclude the agencies charged with enforcing the foregoing sections from conducting investigations, providing protective services or taking administrative action regarding the complaint, investigation or report referred to the attorney general, as may be provided by such sections; provided that all material developed by the attorney general in the course of an investigation pursuant to sections 191.900 to

191.910 shall not be subject to subpoena, discovery, or other legal or administrative process in the course of any such administrative action. Sections 191.900 to 191.910 take precedence over the provisions of sections 198.070 and 198.090, RSMo, subsection 2 of section 205.967, RSMo, sections 375.991 to 375.994, RSMo, section 578.387, RSMo, and sections 660.300 and 660.305, RSMo, to the extent such provisions are inconsistent or overlap.

191.914. 1. Any person who intentionally files a false report or claim alleging a violation of sections 191.900 to 191.910 is guilty of a class A misdemeanor. Any person who previously has been convicted of making a false report or claim under this section and who is subsequently convicted of making a false report or claim under this section is guilty of a class D felony and shall be punished as provided by law.

2. Any person who receives any compensation in exchange for knowingly failing to report any violation of subsections 1 to 3 of section 191.905 is guilty of a class D felony.”; and

Further amend said bill, page 84, section 473.398, line 9 of said page, by inserting after all of said line the following:

“Section 1. 1. Beginning September 1, 2007, an advisory working group is hereby created for the purpose of conducting a study to determine whether an office of inspector general shall be established. Such office would be responsible for oversight, auditing, investigation, and performance review to provide increased accountability, integrity, and oversight of state medical assistance programs, to assist in improving agency and program operations, and to deter and identify fraud, abuse, and illegal acts. The working group shall review the experience of all states that have created a similar office to determine the impact of creating a similar office in this state. The advisory working group shall consist of the

following:

(1) Five members of the house of representatives appointed by the speaker; and

(2) Five members of the senate appointed by the pro tem.

No more than three members from each house shall be of the same political party. The directors of the department of social services, the department of health and senior services, and the department of mental health or the directors' designees shall serve as ex officio members of the advisory working group.

2. Members of the advisory working group shall be reimbursed for the actual and necessary expenses incurred in the discharge of the member's official duties.

3. A chair of the advisory working group shall be selected by the members of the advisory working group.

4. The advisory working group shall meet as necessary.

Section 2. Any funds remaining after the appropriation of funds to the attorney general or the prosecuting or circuit attorney pursuant to 191.905.11, which have been appropriated to the state agency responsible for administering the medical assistance program, shall be used to increase MO HealthNet provider reimbursement until the average MO HealthNet provider reimbursement equals the average Medicare provider reimbursement for comparable services.”; and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above substitute amendment be adopted, which motion prevailed.

Senator Justus offered SA 18:

SENATE AMENDMENT NO. 18

Amend Senate Substitute for Senate

Committee Substitute for Senate Bill No. 577, Page 5, Section 208.151, Line 10 of said page, by inserting immediately after “208.040.” the following: “. **Participants under this subdivision who are participating in drug court, as defined in section 478.001, RSMo, shall have their eligibility automatically extended sixty days from the time the dependent child or children are removed from the custody of the participant**”.

Senator Justus moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered SA 19:

SENATE AMENDMENT NO. 19

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 18, Section 208.152, Line 11 of said page, by inserting after “(7)” the following: “**Dental services;**

(8) **Services of podiatrists as defined in section 330.010, RSMo;**

(9)”; and

Further amend said bill and section, Page 23, Line 22 of said page, by inserting after all of said line the following:

“(20) **Comprehensive day rehabilitation services beginning early posttrauma as part of a coordinated system of care for individuals with disabling impairments. Rehabilitation services must be based on an individualized, goal-oriented, comprehensive and coordinated treatment plan developed, implemented, and monitored through an interdisciplinary assessment designed to restore an individual to optimal level of physical, cognitive and behavioral function. The division of medical services shall establish by administrative rule the definition and criteria for designation of a comprehensive day rehabilitation service facility, benefit limitations and payment mechanism;**

(21) Hospice care. As used in this subsection, the term “hospice care” means a coordinated program of active professional medical attention within a home, outpatient and inpatient care which treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The program provides relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social and economic stresses which are experienced during the final stages of illness, and during dying and bereavement and meets the Medicare requirements for participation as a hospice as are provided in 42 CFR Part 418. Beginning July 1, 1990, the rate of reimbursement paid by the division of medical services to the hospice provider for room and board furnished by a nursing home to an eligible hospice patient shall not be less than ninety-five percent of the rate of reimbursement which would have been paid for facility services in that nursing home facility for that patient, in accordance with subsection (c) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

(22) Subject to appropriations, the department of social services shall conduct demonstration projects for nonemergency, physician-prescribed transportation for pregnant women who are recipients of medical assistance under this chapter in counties selected by the director of the division of medical services. The funds appropriated pursuant to this subdivision shall be used for the purposes of this subdivision and for no other purpose. The department shall not fund such demonstration projects with revenues received for any other purpose. This subdivision shall not authorize transportation of a pregnant woman in active labor. The division of medical services shall notify recipients of nonemergency transportation services under this subdivision of such other transportation services which may

be appropriate during active labor or other medical emergency;” and further amend said section, by renumbering the subdivisions accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Shields offered SSA 1 for SA 19:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 19

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 23, Section 208.152, Line 22, by inserting immediately after the word “need” the following:

“;

(20) Hospice care. As used in this subsection, the term “hospice care” means a coordinated program of active professional medical attention within a home, outpatient and inpatient care which treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The program provides relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social and economic stresses which are experienced during the final stages of illness, and during dying and bereavement and meets the Medicare requirements for participation as a hospice as are provided in 42 CFR Part 418. The rate of reimbursement paid by the Mo HealthNet division to the hospice provider for room and board furnished by a nursing home to an eligible hospice patient shall not be less than ninety-five percent of the rate of reimbursement which would have been paid for facility services in that nursing home facility for that patient, in accordance with subsection (c) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989)”.

Senator Shields moved that the above substitute amendment be adopted, which motion

prevailed.

Senator Ridgeway offered **SA 20**:

SENATE AMENDMENT NO. 20

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 4, Section 208.001, Line 10, by inserting immediately after all of said line the following:

“4. When construing the provisions of the “Missouri Health Improvement Act of 2007” and any rules promulgated thereunder, the department shall ensure that any rules are promulgated consistent with the principles of transparency, personal responsibility, prevention and wellness, performance-based assessments, and achievement of improved health outcomes and cost-effective delivery through the use of technology and coordination of care.”; and

Further renumber the remaining subsection accordingly.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Shoemyer offered **SA 21**:

SENATE AMENDMENT NO. 21

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 84, Section 473.398, Line 9, by inserting immediately after said line the following:

“Section 1. Centers for independent living, as defined in section 178.651, RSMo, that assist eligible MO HealthNet participants in the refurbishing of prescribed, medically necessary durable medical equipment, in place of purchasing new durable medical equipment shall receive twenty percent of the savings generated by such actions.”; and

Further amend the title and enacting clause accordingly.

Senator Shoemyer moved that the above amendment be adopted, which motion prevailed.

Senator Kennedy offered **SA 22**, which was read:

SENATE AMENDMENT NO. 22

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 23, Section 208.152, Line 22, by inserting immediately after “need” the following: “;

(20) Services providing counseling on medication usage and delivery systems”.

Senator Kennedy moved that the above amendment be adopted.

At the request of Senator Kennedy, **SA 22** was withdrawn.

Senator Coleman offered **SA 23**:

SENATE AMENDMENT NO. 23

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 29, Section 208.152, Line 8, by inserting immediately after said line the following:

“12. (1) Notwithstanding any other provision of law, eligibility requirements in the state Medicaid program shall be no more restrictive than those in effect on January 1, 2005; except that, for Medicaid eligibility for custodial parents, noncustodial parents, extended transitional medical assistance, and extended women's health services, the eligibility requirements shall be no more restrictive than the January 1, 2002, eligibility requirements; and

(2) Notwithstanding any other provision of law, state Medicaid services, cost-sharing, including co-payments and premiums, long-term care services criteria, and MC+ for kids affordability standards shall be no more restrictive than the state Medicaid program requirements in effect on January 1, 2005.”.

Senator Coleman moved that the above amendment be adopted and requested a roll call

vote be taken. She was joined in her request by Senators Barnitz, Bray, Days and Graham.

Senator Bartle assumed the Chair.

SA 23 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman
Crowell	Days	Engler	Graham
Green	Justus	Kennedy	Mayer
McKenna	Shoemyer	Smith	Wilson—16

NAYS—Senators

Bartle	Champion	Clemens	Gibbons
Goodman	Griesheimer	Gross	Koster
Lager	Loudon	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel—18		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Graham offered **SA 24**, which was read:

SENATE AMENDMENT NO. 24

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 69, Section 208.950, Line 28 of said page, by striking the word “spend” and inserting in lieu thereof the following: “**allocate**”; and

Further amend said bill and section, page 70, line 3 of said page, by striking the word “spend” and inserting in lieu thereof the following: “**allocate**”; and further amend line 16 of said page, by inserting at the end of said line the following: “**If members do not participate in the wellness programs, the risk-bearing care coordination plan shall not be financially penalized.**”

Senator Graham moved that the above

amendment be adopted, which motion failed.

Senator Shields moved that **SS** for **SCS** for **SB 577**, as amended, be adopted, which motion prevailed.

On motion of Senator Shields, **SS** for **SCS** for **SB 577**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 4, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Kimberley J. Mathis, 5322 Tamm Avenue, Saint Louis, Saint Louis City, Missouri 63109, as a member of the Children’s Trust Fund Board, for a term ending September 15, 2009, and until her successor is duly appointed and qualified; vice, Linda Reed term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 4, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Betty A. Knight, 22 Gates Drive, Platte City, Platte County, Missouri 64079, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2009, and until her successor is duly appointed and qualified; vice, Gregory S. Ballentine, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

March 22, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Robert C. Kramer, Democrat, 9545 Dana Avenue, Saint Louis, Saint Louis County, Missouri 63123, as a member of the Environmental Improvement and Energy Resources Authority, for a term ending December 29, 2008, and until his successor is duly appointed and qualified; vice, William Worley, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

April 4, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Christina L. Bruning, 9227 Lemona Drive, Saint Louis, Saint Louis City, Missouri 63123, as a member of the Missouri Advisory Commission for Physicians Assistants, for a term ending March 27, 2009, and until her successor is duly appointed and qualified; vice, Lynn Catrett, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

April 4, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

The following addendum should be made to the commission of Lori A. Clark to the Organ Donation Advisory Committee, submitted February 1, 2005. Line 1 should be amended as follows: "Lori A. Hodges, 2022 Stadium Boulevard, Jefferson City, Cole County, Missouri"

Respectfully submitted,

MATT BLUNT

President Pro Tem Gibbons referred the above appointments and addendum to the Committee on Gubernatorial Appointments.

RESOLUTIONS

Senator Shoemyer offered Senate Resolution No. 803, regarding Sam Gunter, Edina, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Zack Shawver, Granby.

Senator Shields introduced to the Senate, Thom McNamara and members of Cornerstone of Care, Kansas City.

Senator Purgason introduced to the Senate, members of Missouri Hospice and Palliative Care Association.

Senator Champion introduced to the Senate, Reverend Edgar McElhannon and Anna Davis, Springfield; and Regina and Jeffrey Lang, Benton, Louisiana.

Senator Barnitz introduced to the Senate, Mr. Petrie, Billy Rawlins, Fred Simmens, John Money and students Randa, Madonna, Renee, Thomas, Christian and Stanley from Boys and Girls Town of Missouri, St. James.

Senator Coleman introduced to the Senate, representatives of Boys and Girls Clubs of Missouri.

Senator Champion introduced to the Senate, members of Community Hospice of Springfield.

Senator Wilson introduced to the Senate, David A. Smith, President, Boys and Girls Clubs of Greater Kansas City.

Senator Loudon introduced to the Senate, his father, Bob Loudon and Art Morey, Ballwin.

Senator Green introduced to the Senate, former State Representative John Kauffman, Excello.

Senator Gibbons introduced to the Senate, Cathy Schwegmann and her children, Kate, Elizabeth, Emily and Karl, Kirkwood; and Kate, Elizabeth and Emily were made honorary pages.

Senator Gibbons introduced to the Senate, Darrel St. Aubin, Laura Hoffman, Brenda Ryan and children from Edgewood Children's Center,

St. Louis; and Evan Hester, Scott Harris and Zack Allen were made honorary pages.

Senator Shoemyer introduced to the Senate, Wayne Hatfield and Todd Caraway of Rural Advocates for Independent Living.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTIETH DAY—THURSDAY, APRIL 5, 2007

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 796

SENATE BILLS FOR PERFECTION

- | | |
|--|-----------------------------------|
| 1. SB 668-Loudon, with SCS | 10. SB 521-Lager, et al, with SCS |
| 2. SB 496-Koster and Bartle, with SCS | 11. SB 611-Goodman, with SCS |
| 3. SBs 660, 553, 557, 167, 258, 114 &
378-Mayer, with SCS | 12. SB 537-Lager |
| 4. SBs 555 & 38-Gibbons, with SCS | 13. SB 523-Scott, with SCS |
| 5. SB 499-Engler and Clemens, with SCS | 14. SB 542-Scott, with SCS |
| 6. SB 572-Vogel | 15. SB 592-Scott, with SCS |
| 7. SB 627-Ridgeway | 16. SB 664-Scott, with SCS |
| 8. SB 599-Engler, with SCS | 17. SB 212-Goodman |
| 9. SB 205-Stouffer and Gibbons, with SCS | 18. SB 654-Kennedy |
| | 19. SB 563-Lager, with SCS |

HOUSE BILLS ON THIRD READING

HCS for HB 453 (Mayer)
HJR 7-Nieves, with SCS (Engler)

HCS for HB 327, with SCS (Griesheimer)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 2-Gibbons, with SCS

SB 5-Loudon, with SCS

SB 17-Shields, with SCS	SB 300-Bartle
SB 20-Griesheimer, with SCS	SB 303-Loudon, et al
SB 21-Griesheimer, with SCS	SB 313-Scott, with SCS
SB 27-Bartle and Koster	SB 341-Goodman, with SCS
SB 31-Nodler	SB 363-Bartle
SB 40-Ridgeway, with SS (pending)	SB 364-Koster, with SCS, SS for SCS, SA 1 & SSA 1 for SA 1 (pending)
SB 53-Koster and Engler, with SCS	SB 368-Barnitz, et al, with SCS
SB 75-Coleman, et al, with SCS	SBs 370, 375 & 432-Scott and Koster, with SCS & SA 3 (pending)
SB 85-Champion and Koster, with SCS	SB 385-Gibbons, with SCS
SB 86-Champion, with SCS	SB 389-Nodler, et al, with SCS & SS#4 for SCS (pending)
SB 101-Mayer	SB 391-Days, with SCS
SB 131-Rupp	SB 400-Crowell, et al
SB 153-Engler, et al, with SCS	SB 428-Purgason, with SCS
SB 155-Engler, with SCS	SB 429-Gibbons, with SCS
SB 160-Rupp, with SCS	SB 430-Shields, et al, with SCS, SS#2 for SCS, SA 4 & SSA 3 for SA 4 (pending)
SB 168-Mayer and Crowell, with SCS	SB 433-Callahan and Rupp
SB 169-Rupp, with SCS, SS for SCS & SA 3 (pending)	SB 444-Goodman
SB 204-Stouffer, with SCS & SS for SCS (pending)	SB 453-Scott, with SCS
SB 213-McKenna	SB 458-Gibbons
SB 242-Nodler, with SCS	SB 476-Crowell
SB 250-Ridgeway and Vogel	SB 480-Ridgeway, et al, with SCS
SB 252-Ridgeway and McKenna	SB 492-Crowell
SB 254-Nodler, et al, with SCS	SB 511-Scott, with SCS
SBs 260 & 71-Koster, et al, with SCS	SB 531-Gibbons, with SCS
SB 274-Shields	SB 534-Nodler
SB 282-Griesheimer, with SCS & SS for SCS (pending)	SB 570-Clemens
SB 287-Crowell and Vogel	SB 698-Ridgeway, et al, with SCS
SB 292-Mayer	
SB 297-Loudon, with SCS	

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Reported 2/15

SB 8-Kennedy

Reported 3/8

SB 185-Green

RESOLUTIONS

To be Referred

HCR 16-Deeken
HCR 17-Fisher, et al
HCR 8-Loehner, et al

HCR 30-Pratt, et al
HCR 11-Ervin, et al
HCR 24-Wilson (130), et al

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Journal

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Journal of the Senate

FIRST REGULAR SESSION

FIFTIETH DAY—THURSDAY, APRIL 5, 2007

The Senate met pursuant to adjournment.

Senator Koster in the Chair.

Reverend Carl Gauck offered the following prayer:

“My soul is satisfied as with a rich feast, and my mouth praises you with joyful lips...” (Psalm 63:5)

Merciful God, as we finish another challenging week we give You thanks and praise and are increasingly mindful of this special time to remember what this coming weekend and its particular meaning has for so many in our world. Help us hear anew Your promise of victory over death and the hope that springs forth in our souls. May this time with family and friends be truly extraordinary and may we learn its lessons well. And may we witness to the joy we receive daily from Your merciful hand. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman

Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Loudon offered Senate Resolution No. 804, regarding the Eightieth Birthday of Robert Brewster Loudon, Ballwin, which was adopted.

Senator Shields offered Senate Resolution No. 805, regarding Mark Pettegrew, which was adopted.

Senator Mayer offered Senate Resolution No. 806, regarding the death of Lamar Hunt, Kansas City, which was adopted.

Senator Vogel offered Senate Resolution No. 807, regarding Karen Lueckenotte, Jefferson City, which was adopted.

Senator Stouffer offered Senate Resolution No. 808, regarding Carol Y. Hough, Wellington, which was adopted.

Senator Rupp offered Senate Resolution No. 809, regarding Jessica Gump, O'Fallon, which was adopted.

Senator Crowell offered Senate Resolution No. 810, regarding Charlotte Craig, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 811, regarding Dolly Jewel, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 812, regarding Julia Howes Jorgensen, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 813, regarding Cheryl Mothes, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 814, regarding Marybeth Williams, Jackson, which was adopted.

Senators Crowell and Green offered Senate Resolution No. 815, regarding the Missouri State Employees' Retirement System, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 577**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 527**, entitled:

An Act to repeal section 355.151, RSMo, and to enact in lieu thereof one new section relating to corporate name revisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 579**, entitled:

An Act to repeal section 44.045 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 58, ninety-third general assembly, first regular session and section 44.045 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 420 & 344, ninety-third general assembly, first regular session, and to enact in lieu thereof one new section relating to civil defense, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 431**, entitled:

An Act to repeal sections 347.137, 351.015, and 351.459, RSMo, and to enact in lieu thereof four new sections relating to business organizations.

In which the concurrence of the Senate is

respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 894**, entitled:

An Act to repeal section 115.329, RSMo, and to enact in lieu thereof one new section relating to independent candidates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 233**, entitled:

An Act to repeal section 331.010, RSMo, and to enact in lieu thereof one new section relating to the practice of chiropractic.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 482**, entitled:

An Act to repeal section 570.103, RSMo, and to enact in lieu thereof one new section relating to counterfeiting, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 583**,

entitled:

An Act to amend chapter 455, RSMo, by adding thereto one new section relating to orders of protection.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 497**, entitled:

An Act to repeal section 334.735, RSMo, and to enact in lieu thereof one new section relating to physician assistants.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 224**, entitled:

An Act to repeal sections 302.060, 302.177, 302.181, 589.400, 589.410, 589.417, RSMo, and to enact in lieu thereof six new sections relating to driver's licenses for convicted sex offenders, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 104**, entitled:

An Act to repeal sections 144.070 and 144.440, RSMo, and to enact in lieu thereof three new sections relating to sales and use tax on

purchased or leased motor vehicles.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 181**, entitled:

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to captioning of electronic video instructional materials.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 574**, entitled:

An Act to repeal section 577.051, RSMo, and to enact in lieu thereof one new section relating to Missouri uniform law enforcement system records, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 554**, entitled:

An Act to amend chapter 337, RSMo, by adding thereto one new section relating to licensed professional counselors.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 596**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to annual bid bonds for state highways and transportation commission construction and maintenance projects.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 555**, entitled:

An Act to amend chapter 337, RSMo, by adding thereto two new sections relating to licensed professional counselors and licensed clinical social workers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 795**, entitled:

An Act to repeal sections 67.2500, 67.2510, 89.010, 89.400, and 94.837, RSMo, and section 67.2505 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill nos. 795, 972, 1128 & 1161 merged with house substitute for senate committee substitute for senate bill no. 1155, ninety-second general assembly, second regular

session, and section 67.2505, as enacted by senate substitute for senate committee substitute for house committee substitute for house bill no. 833 merged with house committee substitute for senate substitute for senate bill no. 732, ninety-second general assembly, second regular session, and to enact in lieu thereof six new sections relating to local public improvements.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 184**, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to sales tax affecting certain taxing districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2** for **HB 28**, entitled:

An Act to repeal section 390.030, RSMo, and to enact in lieu thereof two new sections relating to carriers of household goods.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 182**, entitled:

An Act to amend chapter 190, RSMo, by adding thereto eight new sections relating to outside the hospital do-not-resuscitate orders, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 462**, entitled:

An Act to repeal sections 476.083, 571.030, 571.080, 571.090, 571.095, and 571.111 RSMo, and to enact in lieu thereof five new sections relating to the criminal justice system, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

HOUSE BILLS ON THIRD READING

HCS for **HB 453**, entitled:

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to income tax credits for donations to food pantries.

Was taken up by Senator Mayer.

President Kinder assumed the Chair.

Senator Mayer offered **SS** for **HCS** for **HB 453**, entitled:

SENATE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 453

An Act to repeal section 135.1150, RSMo, and to enact in lieu thereof two new sections relating to tax credits for certain contributions.

Senator Mayer moved that **SS** for **HCS** for **HB 453** be adopted.

Senator Shields announced that photographers

from the Columbia Missourian and KOMU-TV were given permission to take pictures in the Senate Chamber today.

Senator Kennedy offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 453, Page 1, In the Title, Lines 3-4, by striking “tax credits for certain contributions” and inserting in lieu thereof the following: “certain tax credit programs”; and

Further amend said bill and page, Section A, line 3 of said page, by inserting immediately after all of said line the following:

“135.535. 1. A corporation, limited liability corporation, partnership or sole proprietorship, which moves its operations from outside Missouri or outside a distressed community into a distressed community, or which commences operations in a distressed community on or after January 1, 1999, and in either case has more than seventy-five percent of its employees at the facility in the distressed community, and which has fewer than one hundred employees for whom payroll taxes are paid, and which is a manufacturing, biomedical, medical devices, scientific research, animal research, computer software design or development, computer programming, including Internet, web hosting, and other information technology, wireless or wired or other telecommunications or a professional firm shall receive a forty percent credit against income taxes owed pursuant to chapter 143, 147 or 148, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo, for each of the three years after such move, if approved by the department of economic development, which shall issue a certificate of eligibility if the department determines that the taxpayer is eligible for such credit. The maximum amount of credits per taxpayer set forth in this subsection shall not exceed one hundred twenty-five thousand dollars

for each of the three years for which the credit is claimed. The department of economic development, by means of rule or regulation promulgated pursuant to the provisions of chapter 536, RSMo, shall assign appropriate North American Industry Classification System numbers to the companies which are eligible for the tax credits provided for in this section. Such three-year credits shall be awarded only one time to any company which moves its operations from outside of Missouri or outside of a distressed community into a distressed community or to a company which commences operations within a distressed community. A taxpayer shall file an application for certification of the tax credits for the first year in which credits are claimed and for each of the two succeeding taxable years for which credits are claimed.

2. Employees of such facilities physically working and earning wages for that work within a distressed community whose employers have been approved for tax credits pursuant to subsection 1 of this section by the department of economic development for whom payroll taxes are paid shall also be eligible to receive a tax credit against individual income tax, imposed pursuant to chapter 143, RSMo, equal to one and one-half percent of their gross salary paid at such facility earned for each of the three years that the facility receives the tax credit provided by this section, so long as they were qualified employees of such entity. The employer shall calculate the amount of such credit and shall report the amount to the employee and the department of revenue.

3. A tax credit against income taxes owed pursuant to chapter 143, 147 or 148, RSMo, other than the taxes withheld pursuant to sections 143.191 to 143.265, RSMo, in lieu of the credit against income taxes as provided in subsection 1 of this section, may be taken by such an entity in a distressed community in an amount of forty percent of the amount of funds expended for computer equipment and its maintenance, medical

laboratories and equipment, research laboratory equipment, manufacturing equipment, fiber optic equipment, high speed telecommunications, wiring or software development expense up to a maximum of seventy-five thousand dollars in tax credits for such equipment or expense per year per entity and for each of three years after commencement in or moving operations into a distressed community.

4. A corporation, partnership or sole partnership, which has no more than one hundred employees for whom payroll taxes are paid, which is already located in a distressed community and which expends funds for such equipment pursuant to subsection 3 of this section in an amount exceeding its average of the prior two years for such equipment, shall be eligible to receive a tax credit against income taxes owed pursuant to chapters 143, 147 and 148, RSMo, in an amount equal to the lesser of seventy-five thousand dollars or twenty-five percent of the funds expended for such additional equipment per such entity. Tax credits allowed pursuant to this subsection or subsection 1 of this section may be carried back to any of the three prior tax years and carried forward to any of the five tax years.

5. An existing corporation, partnership or sole proprietorship that is located within a distressed community and that relocates employees from another facility outside of the distressed community to its facility within the distressed community, and an existing business located within a distressed community that hires new employees for that facility may both be eligible for the tax credits allowed by subsections 1 and 3 of this section. To be eligible for such tax credits, such a business, during one of its tax years, shall employ within a distressed community at least twice as many employees as were employed at the beginning of that tax year. A business hiring employees shall have no more than one hundred employees before the addition of the new employees. This subsection shall only apply to a

business which is a manufacturing, biomedical, medical devices, scientific research, animal research, computer software design or development, computer programming or telecommunications business, or a professional firm.

6. Tax credits shall be approved for applicants meeting the requirements of this section in the order that such applications are received. Certificates of tax credits issued in accordance with this section may be transferred, sold or assigned by notarized endorsement which names the transferee.

7. The tax credits allowed pursuant to subsections 1, 2, 3, 4 and 5 of this section shall be for an amount of no more than ten million dollars for each year beginning in 1999. **To the extent there are available tax credits remaining under the ten million dollar cap provided in this section, up to one hundred thousand dollars in the remaining credits shall first be used for tax credits authorized under section 135.562.** The total maximum credit for all entities already located in distressed communities and claiming credits pursuant to subsection 4 of this section shall be seven hundred and fifty thousand dollars. The department of economic development in approving taxpayers for the credit as provided for in subsection 6 of this section shall use information provided by the department of revenue regarding taxes paid in the previous year, or projected taxes for those entities newly established in the state, as the method of determining when this maximum will be reached and shall maintain a record of the order of approval. Any tax credit not used in the period for which the credit was approved may be carried over until the full credit has been allowed.

8. A Missouri employer relocating into a distressed community and having employees covered by a collective bargaining agreement at the facility from which it is relocating shall not be eligible for the credits in subsection 1, 3, 4 or 5 of this section, and its employees shall not be eligible

for the credit in subsection 2 of this section if the relocation violates or terminates a collective bargaining agreement covering employees at the facility, unless the affected collective bargaining unit concurs with the move.

9. Notwithstanding any provision of law to the contrary, no taxpayer shall earn the tax credits allowed in this section and the tax credits otherwise allowed in section 135.110, or the tax credits, exemptions, and refund otherwise allowed in sections 135.200, 135.220, 135.225 and 135.245, respectively, for the same business for the same tax period.

135.562. 1. If any taxpayer with a federal adjusted gross income of thirty thousand dollars or less incurs costs for the purpose of making all or any portion of such taxpayer's principal dwelling accessible to an individual with a disability who permanently resides with the taxpayer, such taxpayer shall receive a tax credit against such taxpayer's Missouri income tax liability in an amount equal to the lesser of one hundred percent of such costs or two thousand five hundred dollars per taxpayer, per tax year.

2. Any taxpayer with a federal adjusted gross income greater than thirty thousand dollars but less than sixty thousand dollars who incurs costs for the purpose of making all or any portion of such taxpayer's principal dwelling accessible to an individual with a disability who permanently resides with the taxpayer, shall receive a tax credit against such taxpayer's Missouri income tax liability in an amount equal to the lesser of fifty percent of such costs or two thousand five hundred dollars per taxpayer, per tax year.

3. Tax credits issued pursuant to this section may be refundable in an amount not to exceed two thousand five hundred dollars per tax year.

4. Eligible costs for which the credit may be

claimed include:

- (1) Constructing entrance or exit ramps;**
- (2) Widening exterior or interior doorways;**
- (3) Widening hallways;**
- (4) Installing handrails or grab bars;**
- (5) Moving electrical outlets and switches;**
- (6) Installing stairway lifts;**
- (7) Installing or modifying fire alarms, smoke detectors, and other alerting systems;**
- (8) Modifying hardware of doors; or**
- (9) Modifying bathrooms.**

5. The tax credits allowed, including the maximum amount that may be claimed, pursuant to this section shall be reduced by one-third to the extent a taxpayer has already deducted such costs from such taxpayer's federal adjusted gross income or applied any other state or federal income tax credit to such costs.

6. A taxpayer shall claim a credit allowed by this section in the same taxable year as the credit is issued, and at the time such taxpayer files his or her Missouri income tax return; provided that, such return is timely filed.

7. The department may, in consultation with the department of social services, promulgate such rules or regulations as are necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held

unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

8. The provisions of this section shall apply to all tax years beginning on or after January 1, 2008.

9. The provisions of this section shall expire December 31, 2013.

10. In no event shall the aggregate amount of all tax credits allowed pursuant to this section exceed one hundred thousand dollars in any given fiscal year. The tax credits issued pursuant to this section shall be on a first-come, first-served filing basis.”; and

Further amend the enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted, which motion failed.

Senator Scott assumed the Chair.

President Kinder assumed the Chair.

Senator Graham offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Committee Substitute for House Bill No. 453, Page 8, In the Title, Lines 3-4, by striking all of said lines and inserting in lieu thereof the following: **“thereof three new sections relating to certain tax credit programs”**; and

Further amend said bill, page 8, section 135.1150, line 10, by inserting immediately after all of said line following:

“Section 1. If any taxpayer incurs costs for tuition and required fees at any public or private institution of higher education, as such term is defined under section 173.205 RSMo, such taxpayer shall receive a tax credit against such taxpayer's Missouri income tax liability in an amount equal to one hundred percent of such expenses and fees incurred. The tax credit

amount shall not exceed an amount equal to the average tuition and required fees for incoming freshmen at the University of Missouri - Columbia during the year in which the tax credit is claimed.”; and

Further amend the enacting clause accordingly.

Senator Graham moved that the above amendment be adopted.

At the request of Senator Mayer, **HCS** for **HB 453**, with **SS** and **SA 2** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 15**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR HOUSE CONCURRENT RESOLUTION NO. 15

WHEREAS, chronic obstructive pulmonary disease (COPD), also known as chronic bronchitis and emphysema, is the fourth leading cause of death in the United States and the only one of the top five causes of death whose prevalence and death rate are rising; and

WHEREAS, COPD is a chronic progressive disease which impacts over 175,000 residents of Missouri and 24 million Americans; and

WHEREAS, the annual cost to the nation for COPD in 2004 was estimated to be approximately 37 billion dollars; and

WHEREAS, early diagnosis and management of COPD can effectively reduce the overall financial burden of the illness within public programs such as Medicaid; and

WHEREAS, proper management of COPD can lead to improved quality of life and self-sufficiency on the part of patients with COPD cared for within public programs; and

WHEREAS, disease management has been demonstrated to reduce overall costs of care and increase quality of life for patients with chronic diseases, especially when targeted to appropriate

conditions and patients; and

WHEREAS, November is COPD awareness month and November 21, 2007, is COPD awareness day; and

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-Fourth General Assembly, First Regular Session, the Senate concurring therein, hereby recognize November 21, 2007, as COPD awareness day, and November as COPD awareness month in Missouri; and

BE IT FURTHER RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby support and encourage the Department of Social Services, Division of Medical Services in its efforts with regard to disease management and including COPD in the department's chronic care improvement program in an effort to reduce the financial and clinical burden of COPD on the Medicaid program and the citizens of Missouri.

BE IT FURTHER RESOLVED that the Secretary of Senate be instructed to prepare properly inscribed copies of this resolution for the Department of Social Services.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 10**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 25**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

INTRODUCTIONS OF GUESTS

The President introduced U.S. Senator Christopher “Kit” Bond, who assumed the dais and addressed the members of the Senate.

President Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were

referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Katherine Suzanne Bradley, Republican, as a member of the Missouri Gaming Commission;

Also,

Nela E. Beetem, as a member of the Children’s Trust Fund Board;

Also,

William Dale Finke, Republican, as a member of the State Lottery Commission;

Also,

Elizabeth M. Schlueter, Republican, and Kenneth “Ken” Kessaman, Democrat, as members of the State Fair Commission.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HCS** for **HB 221**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 635**, begs leave to report

that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 586**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 358**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 62**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 405**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 754**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 616**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Economical Development, Tourism and Local Government, to which was referred **SB 644**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Champion, Chairman of the Committee on Seniors, Families and Public Health, submitted the following report:

Mr. President: Your Committee on Seniors, Families and Public Health, to which was referred **HB 454**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which were referred **SB 372** and **SB 366**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HJR 1**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clemens, Chairman of the Committee

on Agriculture, Conservation, Parks and Natural Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 388**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 225**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 571**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HCS** for **HB 346**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HB 576**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Nodler, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 678**, begs leave to report that it has considered the same and

recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 264**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 652**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Engler, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 699**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 11**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 536**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce, Energy and the Environment, to which

was referred **SB 552**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 484**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 155**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 732**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 364**, entitled:

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof one new section relating to Missouri adjusted gross income calculations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 131**,

entitled:

An Act to repeal sections 142.817, 144.030, 144.062, and 144.518, RSMo, and to enact in lieu thereof seven new sections relating to sales and use taxes on manufacturing.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 851**, entitled:

An Act to amend chapters 28 and 43, RSMo, by adding thereto two new sections relating to highway patrol enforcement of federal immigration laws.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 448**, entitled:

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof two new sections relating to automobiles.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 338**, entitled:

An Act to amend chapter 217, RSMo, by adding thereto one new section relating to

minimum pay for certain corrections employees.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 551**, entitled:

An Act to amend chapter 287, RSMo, by adding thereto one new section relating to compensation to public safety workers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 915**, entitled:

An Act to repeal section 313.055, RSMo, and to enact in lieu thereof one new section relating to an exemption for veteran's, service and fraternal organizations from certain bingo taxes.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 56**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto seven new sections relating to the designation of a memorial highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 42**, entitled:

An Act to repeal section 84.240, RSMo, relating to duties of the board of police commissioners.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 619** and **118**, entitled:

An Act to amend chapter 41, RSMo, by adding thereto one new section relating to the civil air patrol.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 791**, entitled:

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to the provision of certain claims information by health carriers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 741**, entitled:

An Act to amend chapter 99, RSMo, by adding thereto twenty-six new sections relating to

the Missouri economic development code.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 987**, entitled:

An Act to repeal sections 339.519 and 339.525, RSMo, and to enact in lieu thereof three new sections relating to real estate appraisers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Senator Goodman assumed the Chair.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HCS for HB 796—Transportation.

REFERRALS

President Pro Tem Gibbons referred **HCR 16**, **HCR 17**, **HCR 8**, **HCR 30**, **HCR 11** and **HCR 24** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Gibbons referred **SS** for **SCS** for **SB 577** to the Committee on Governmental Accountability and Fiscal Oversight.

On motion of Senator Shields, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Mayer.

MESSAGES FROM THE HOUSE

The following messages were received from

the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 820**, entitled:

An Act to repeal section 546.720, RSMo, and to enact in lieu thereof one new section relating to administration of the death penalty, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 267**, entitled:

An Act to repeal section 162.961, RSMo, and to enact in lieu thereof one new section relating to special education due process hearings.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 265**, entitled:

An Act to repeal section 162.963, RSMo, and to enact in lieu thereof one new section relating to special education due process hearings.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 744**, entitled:

An Act to repeal sections 226.530, 226.580,

302.545, 302.700, 302.755, 302.775, 311.326, 390.071, 390.136, and 622.095, RSMo, and to enact in lieu thereof nine new sections relating to transportation, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 245**, entitled:

An Act to repeal section 302.720, RSMo, and to enact in lieu thereof one new section relating to commercial driver's licenses.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 165**,

entitled:

An Act to repeal sections 71.675, 92.074, 92.077, 92.080, 92.083, 92.086, 92.089, 92.092, and 92.095, RSMo, and to enact in lieu thereof eight new sections relating to assessment and collection of various taxes on telecommunications companies.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, forty-five members of the Class of 2007 Leadership Joplin.

Senator Gross introduced to the Senate, Chelsea Kliethermes, Linn.

Senator Graham introduced to the Senate, the Physician of the Day, Dr. Joel Johnson, M.D., Columbia.

On motion of Senator Mayer, the Senate adjourned until 12:00 p.m., Tuesday, April 10, 2007.

SENATE CALENDAR

FIFTY-FIRST DAY—TUESDAY, APRIL 10, 2007

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 527-Cooper (120)
HB 579-Dempsey, et al
HCS for HB 431
HCS for HB 894
HB 233-Tilley
HB 482-Walton, et al
HCS for HB 583
HCS for HB 497

HB 224-Franz
HCS for HB 104
HCS for HB 181
HB 574-St. Onge
HB 554-Cooper (155), et al
HB 596-St. Onge
HCS for HB 555
HCS for HB 795

HCS for HB 184
HCS#2 for HB 28
HCS for HB 182
HB 462-Munzlinger, et al
HCS for HB 364
HCS for HB 131
HCS for HB 851
HCS for HB 448
HCS for HB 338
HCS for HB 551
HB 915-Dougherty, et al
HB 56-Sater, et al

HB 42-Portwood
HCS for HBs 619 & 118
HB 791-Wilson (130), et al
HCS for HB 741
HB 987-Wasson
HCS for HB 820
HB 267-Jones (117) and Cunningham (86)
HB 265-Cunningham (86)
HB 744-St. Onge
HCS for HB 245
HCS for HB 165

THIRD READING OF SENATE BILLS

SS for SCS for SB 577-Shields
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

- | | |
|--|--|
| 1. SB 668-Loudon, with SCS | 18. SB 654-Kennedy |
| 2. SB 496-Koster and Bartle, with SCS | 19. SB 563-Lager, with SCS |
| 3. SBs 660, 553, 557, 167, 258, 114 &
378-Mayer, with SCS | 20. SB 635-Loudon, with SCS |
| 4. SBs 555 & 38-Gibbons, with SCS | 21. SB 586-Crowell, with SCS |
| 5. SB 499-Engler and Clemens, with SCS | 22. SB 358-Engler, with SCS |
| 6. SB 572-Vogel | 23. SB 616-McKenna, with SCS |
| 7. SB 627-Ridgeway | 24. SB 644-Griesheimer |
| 8. SB 599-Engler, with SCS | 25. SBs 372 & 366-Justus and Koster,
with SCS |
| 9. SB 205-Stouffer and Gibbons, with SCS | 26. SB 388-Mayer, with SCS |
| 10. SB 521-Lager, et al, with SCS | 27. SB 225-Stouffer, with SCS |
| 11. SB 611-Goodman, with SCS | 28. SB 571-Mayer, with SCS |
| 12. SB 537-Lager | 29. SB 652-Coleman and Gibbons, with SCS |
| 13. SB 523-Scott, with SCS | 30. SB 699-Lager, with SCS |
| 14. SB 542-Scott, with SCS | 31. SB 11-Coleman, with SCS |
| 15. SB 592-Scott, with SCS | 32. SB 536-Lager, with SCS |
| 16. SB 664-Scott, with SCS | 33. SB 552-Bartle |
| 17. SB 212-Goodman | 34. SB 484-Stouffer, with SCS |

HOUSE BILLS ON THIRD READING

HJR 7-Nieves, with SCS (Engler)
HCS for HB 327, with SCS (Griesheimer)

HCS for HB 221
HB 454-Jetton, et al (Mayer)

HCS for HJR 1, with SCS
HCS for HB 346

HB 155-Dusenberger, et al (Ridgeway)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 2-Gibbons, with SCS
SB 5-Loudon, with SCS
SB 17-Shields, with SCS
SB 20-Griesheimer, with SCS
SB 21-Griesheimer, with SCS
SB 27-Bartle and Koster
SB 31-Nodler
SB 40-Ridgeway, with SS (pending)
SB 53-Koster and Engler, with SCS
SB 75-Coleman, et al, with SCS
SB 85-Champion and Koster, with SCS
SB 86-Champion, with SCS
SB 101-Mayer
SB 131-Rupp
SB 153-Engler, et al, with SCS
SB 155-Engler, with SCS
SB 160-Rupp, with SCS
SB 168-Mayer and Crowell, with SCS
SB 169-Rupp, with SCS, SS for SCS &
SA 3 (pending)
SB 204-Stouffer, with SCS & SS for
SCS (pending)
SB 213-McKenna
SB 242-Nodler, with SCS
SB 250-Ridgeway and Vogel
SB 252-Ridgeway and McKenna
SB 254-Nodler, et al, with SCS
SBs 260 & 71-Koster, et al, with SCS
SB 274-Shields
SB 282-Griesheimer, with SCS & SS for
SCS (pending)
SB 287-Crowell and Vogel
SB 292-Mayer

SB 297-Loudon, with SCS
SB 300-Bartle
SB 303-Loudon, et al
SB 313-Scott, with SCS
SB 341-Goodman, with SCS
SB 363-Bartle
SB 364-Koster, with SCS, SS for SCS,
SA 1 & SSA 1 for SA 1 (pending)
SB 368-Barnitz, et al, with SCS
SBs 370, 375 & 432-Scott and Koster,
with SCS & SA 3 (pending)
SB 385-Gibbons, with SCS
SB 389-Nodler, et al, with SCS & SS#4
for SCS (pending)
SB 391-Days, with SCS
SB 400-Crowell, et al
SB 428-Purgason, with SCS
SB 429-Gibbons, with SCS
SB 430-Shields, et al, with SCS, SS#2
for SCS, SA 4 & SSA 3 for SA 4
(pending)
SB 433-Callahan and Rupp
SB 444-Goodman
SB 453-Scott, with SCS
SB 458-Gibbons
SB 476-Crowell
SB 480-Ridgeway, et al, with SCS
SB 492-Crowell
SB 511-Scott, with SCS
SB 531-Gibbons, with SCS
SB 534-Nodler
SB 570-Clemens
SB 698-Ridgeway, et al, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 453, with SS &
SA 2 (pending) (Mayer)

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Reported 2/15

SB 8-Kennedy

Reported 3/8

SB 185-Green

House Bills

Reported 4/5

HB 62-Ruestman, et al (Nodler)

HCS for HB 405

HB 754-Moore and Bivins

HB 576-Cooper (120), et al

HCS for HB 678 (Goodman)

HB 264-Cunningham (86)

HB 732-Parson, et al

RESOLUTIONS

Reported from Committee

HCR 15-Threlkeld, et al, with SCS

SCR 10-Koster and Shields

HCR 25-Yates, et al

T

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-FIRST DAY—TUESDAY, APRIL 10, 2007

The Senate met pursuant to adjournment.

Senator Koster in the Chair.

Reverend Carl Gauck offered the following prayer:

“Give thanks to the Lord, for he is good: his mercy endures forever...” (Psalm 118:1)

We do give You thanks and praise for the time we have had to be with loved ones and to celebrate the gift of new Life in You O God. Continue to open our hearts to see the impact of our decisions and the good and difficulties we create by them for others. Make us ever mindful that we are all Your children and indeed have a responsibility towards others. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 5, 2007 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler

Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Scott offered Senate Resolution No. 816, regarding Master Sergeant Herbert S. Petree, Sedalia, which was adopted.

Senator Crowell offered Senate Resolution No. 817, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Jerome Welter, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 818, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Carroll E. McAfee, Sikeston, which was adopted.

Senator Gibbons offered Senate Resolution No. 819, regarding Kelsey Ray, Fenton, which was adopted.

Senator Gibbons offered Senate Resolution

No. 820, regarding Catherine Moore, Kirkwood, which was adopted.

Senator Barnitz offered Senate Resolution No. 821, regarding the Seventieth Birthday of James A. Cotner, Salem, which was adopted.

Senator Bray offered Senate Resolution No. 822, regarding Bennett Holden, University City, which was adopted.

Senator Bray offered Senate Resolution No. 823, regarding Brian Phan, Olivette, which was adopted.

Senator Loudon offered Senate Resolution No. 824, regarding the West Saint Louis County Chamber of Commerce, which was adopted.

Senator Purgason offered Senate Resolution No. 825, regarding the Fiftieth Wedding Anniversary of Arnold and JoAnn Wiese, Willow Springs, which was adopted.

Senator Purgason offered Senate Resolution No. 826, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. P.D. Baker, West Plains, which was adopted.

Senator Purgason offered Senate Resolution No. 827, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Robert Lee Broyles, West Plains, which was adopted.

Senator Purgason offered Senate Resolution No. 828, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. John Gilliam, West Plains, which was adopted.

Senator Stouffer offered Senate Resolution No. 829, regarding the House of Hope, Inc., Lexington, which was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 830

WHEREAS, the Missouri Senate recognizes the importance of empowering citizens to actively participate in the democratic process; and

WHEREAS, the Missouri Senate has a long tradition of

rendering assistance to those organizations that sponsor projects in the interest of good citizenship; and

WHEREAS, the 2007 Missouri Youth Leadership Forum for Students with Disabilities, sponsored by the Governor's Council on Disability, the Missouri Planning Council for Developmental Disabilities, and the Independent Living Resource Center of Jefferson City, is an educational experience in state government for high school juniors and seniors with disabilities by allowing such youth to participate in the democratic process:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-fourth General Assembly, hereby grant the 2007 Missouri Youth Leadership Forum for Students with Disabilities permission to use the Senate Chamber on Tuesday, July 24, 2007, from 12:30 p.m. to 2:30 p.m. for the purpose of holding a mock legislative session.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 830** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 830** was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 831

WHEREAS, the General Assembly fully recognizes the importance of preparing our youth to become active and productive citizens through worthwhile governmental or citizenship projects; and

WHEREAS, the General Assembly has a long tradition of rendering assistance to those organizations who sponsor these projects in the interest of our young people; and

WHEREAS, one clear example of such an organization is the Missouri YMCA, which has become widely recognized for its sponsorship of the Youth in Government program; and

WHEREAS, the Missouri YMCA Youth in Government program provides its participants with a unique insight into the day to day operation of our state government;

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate that the Missouri YMCA be hereby granted permission to use the Senate Lounge and the Senate Chamber for the purposes of its Youth in Government program on November 29, 2007 through December 1, 2007.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 831** up for adoption, which

request was granted.

On motion of Senator Vogel, **SR 831** was adopted.

Senator Mayer offered Senate Resolution No. 832, regarding Ryan Owen Bagby, Dexter, which was adopted.

Senator Griesheimer offered Senate Resolution No. 833, regarding Sherry Schneider, which was adopted.

Senator Green offered Senate Resolution No. 834, regarding DeAndre Gates, St. Louis, which was adopted.

Senator Green offered Senate Resolution No. 835, regarding the Ninety-fifth Birthday of Winifred Hazelwood, Falls City, Nebraska, which was adopted.

Senator Vogel offered Senate Resolution No. 836, regarding Karen Kloster Yokley, which was adopted.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 5, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Kimberley J. Mathis to the Children's Trust Fund Board, submitted on April 4, 2007. Line 1 should be amended as follows:

"Kimberley J. Mathis, 5322 Tamm Avenue, Saint Louis City,"

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 5, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of

Christina L. Bruning to the Advisory Commission for Physician Assistants, submitted on April 4, 2007. Line 1, 2 and 3 should be amended as follows:

"Christina L. Bruning, 9227 Lemona Drive, Saint Louis City, Missouri 63123, as a member of the Advisory Commission for Physician Assistants, for a term ending March 27, 2009, and until her"

Respectfully submitted,

MATT BLUNT

President Pro Tem Gibbons referred the above addendums to the Committee on Gubernatorial Appointments.

HOUSE BILLS ON THIRD READING

Senator Mayer moved that **HCS** for **HB 453**, with **SS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 2 was again taken up.

Senator Graham offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for House Committee Substitute for House Bill No. 453, Page 1, Section 1, Line 11, by striking the words "one hundred" and inserting in lieu thereof the following: "**fifty**".

Senator Graham moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Days, Callahan, Shoemyer and Wilson.

Senator Griesheimer assumed the Chair.

SA 1 to **SA 2** failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Days
Graham	Green	Justus	Kennedy
McKenna	Shoemyer	Smith	Wilson—12

NAYS—Senators

Bartle	Champion	Clemens	Crowell
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Gibbons	Goodman	Griesheimer	Gross
Koster	Lager	Loudon	Mayer
Nodler	Purgason	Rupp	Scott
Shields	Stouffer	Vogel—19	

Absent—Senators
Coleman Engler—2

Absent with leave—Senator Ridgeway—1

Vacancies—None

SA 2 was again taken up.

Senator Graham requested a roll call vote be taken on the adoption of **SA 2** and was joined in his request by Senators Barnitz, Days, Green and Wilson.

SA 2 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Days
Graham	Green	Justus	Kennedy
McKenna	Shoemyer	Smith	Wilson—12

NAYS—Senators

Bartle	Champion	Clemens	Crowell
Gibbons	Goodman	Griesheimer	Gross
Koster	Lager	Loudon	Mayer
Nodler	Purgason	Scott	Shields
Stouffer	Vogel—18		

Absent—Senators

Coleman Engler Rupp—3

Absent with leave—Senator Ridgeway—1

Vacancies—None

Senator Mayer moved that **SS** for **HCS** for **HB 453** be adopted, which motion prevailed.

On motion of Senator Mayer, **SS** for **HCS** for **HB 453** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
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Champion	Clemens	Crowell	Days
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Rupp
Scott	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators

Coleman Engler—2

Absent with leave—Senator Ridgeway—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Champion moved that **SB 85**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 85**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 85

An Act to repeal sections 195.010, 195.017, and 195.417, RSMo, and to enact in lieu thereof eleven new sections relating to monitoring of drugs, with penalty provisions and an effective date.

Was taken up.

Senator Champion moved that **SCS** for **SB 85** be adopted.

Senator Champion offered **SS** for **SCS** for

SB 85, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 85

An Act to repeal sections 195.010, 195.017, and 195.417, RSMo, and to enact in lieu thereof eleven new sections relating to monitoring of drugs, with penalty provisions and an effective date.

Senator Champion moved that **SS** for **SCS** for **SB 85** be adopted, which motion prevailed.

On motion of Senator Champion, **SS** for **SCS** for **SB 85** was declared perfected and ordered printed.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 527—Financial and Governmental Organizations and Elections.

HB 579—Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 431**—Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 894**—Financial and Governmental Organizations and Elections.

HB 233—Financial and Governmental Organizations and Elections.

HB 482—Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 583**—Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 497**—Financial and Governmental Organizations and Elections.

HB 224—Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 104**—Ways and Means.

HCS for **HB 181**—Commerce, Energy and

the Environment.

HB 574—Transportation.

HB 554—Financial and Governmental Organizations and Elections.

HB 596—Transportation.

HCS for **HB 555**—Financial and Governmental Organizations and Elections.

HCS for **HB 795**—Economic Development, Tourism and Local Government.

HCS for **HB 184**—Economic Development, Tourism and Local Government.

HCS No. 2 for **HB 28**—Transportation.

HCS for **HB 182**—Seniors, Families and Public Health.

HB 462—Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 364**—Health and Mental Health.

HCS for **HB 131**—Ways and Means.

HCS for **HB 851**—Pensions, Veterans' Affairs and General Laws.

HCS for **HB 448**—Ways and Means.

HCS for **HB 338**—Financial and Governmental Organizations and Elections.

HCS for **HB 551**—Small Business, Insurance and Industrial Relations.

HB 915—Ways and Means.

HB 56—Transportation.

HB 42—Economic Development, Tourism and Local Government.

HCS for **HBs 619** and **118**—Financial and Governmental Organizations and Elections.

HB 791—Small Business, Insurance and Industrial Relations.

HCS for **HB 741**—Economic Development, Tourism and Local Government.

HB 987—Financial and Governmental

Organizations and Elections.

HCS for **HB 820**—Judiciary and Civil and Criminal Jurisprudence.

HB 267—Education.

HB 265—Education.

HB 744—Transportation.

HCS for **HB 245**—Pensions, Veterans' Affairs and General Laws.

HCS for **HB 165**—Ways and Means.

REFERRALS

President Pro Tem Gibbons referred **HB 454** and **HCS** for **HB 346** to the Committee on Governmental Accountability and Fiscal Oversight.

SENATE BILLS FOR PERFECTION

Senator Gibbons moved that **SB 429**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 429**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 429

An Act to repeal sections 191.225, 565.072, 595.030, and 595.209, RSMo, and to enact in lieu thereof seventeen new sections relating to crime victims, with penalty provisions.

Was taken up.

Senator Gibbons moved that **SCS** for **SB 429** be adopted.

Senator Gibbons offered **SS** for **SCS** for **SB 429**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 429

An Act to repeal sections 191.225, 431.056, 565.072, 595.030, and 595.209, RSMo, and to enact in lieu thereof seventeen new sections relating to crime victims, with penalty provisions.

Senator Gibbons moved that **SS** for **SCS** for **SB 429** be adopted, which motion prevailed.

On motion of Senator Gibbons, **SS** for **SCS** for **SB 429** was declared perfected and ordered printed.

Senator Scott moved that **SB 313**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 313**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 313

An Act to repeal sections 700.010, 700.045, 700.056, 700.065, 700.070, 700.090, 700.100, 700.115, 700.450, 700.455, 700.460, 700.465, 700.470, and 700.650, RSMo, and to enact in lieu thereof thirteen new sections relating to manufactured homes, with penalty provisions.

Was taken up.

Senator Scott moved that **SCS** for **SB 313** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SB 313** was declared perfected and ordered printed.

Senator Scott assumed the Chair.

Senator Griesheimer moved that **SB 21**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 21**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 21

An Act to repeal section 393.829, RSMo, and to enact in lieu thereof thirty-five new sections relating to reorganized common sewer districts, with an emergency clause.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 21** be adopted.

Senator Griesheimer offered **SS for SCS for SB 21**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 21

An Act to repeal section 393.829, RSMo, and to enact in lieu thereof thirty-five new sections relating to reorganized common sewer districts, with an emergency clause.

Senator Griesheimer moved that **SS for SCS for SB 21** be adopted.

Senator Days offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 21, Page 45, Section 393.829, Line 11, by inserting immediately after all of said line the following:

“644.597. In addition to those sums authorized prior to August 28, 2007, the board of fund commissioners of the state of Missouri, as authorized by section 37(e) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of ten million dollars in the manner described, and for the purposes set out, in chapter 640, RSMo, and in this chapter.

644.598. In addition to those sums authorized prior to August 28, 2007, the board of fund commissioners of the state of Missouri, as authorized by section 37(g) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of ten million dollars in the manner described, and for the purposes set out, in chapter 640, RSMo, and in this chapter.

644.599. In addition to those sums authorized prior to August 28, 2007, the board of fund commissioners of the state of Missouri, as authorized by section 37(h) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of

twenty million dollars in the manner described, and for the purposes set out, in chapter 640, RSMo, and in this chapter.”; and

Further amend the title and enacting clause accordingly.

Senator Days moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 21, Page 45, Section 393.829, Line 11 of said page, by inserting after all of said line the following:

“432.070. No county, city, town, village, school township, school district or other municipal corporation shall make any contract, unless the same shall be within the scope of its powers or be expressly authorized by law, nor unless such contract be made upon a consideration wholly to be performed or executed subsequent to the making of the contract; and such contract, including the consideration, shall be in writing and dated when made, and shall be subscribed by the parties thereto, or their agents authorized by law and duly appointed and authorized in writing. [Notwithstanding the foregoing, any home rule city with more than sixty thousand three hundred but fewer than sixty thousand four hundred inhabitants which after January 1, 2003, has committed or agreed in writing to provide sewer service or has in fact directly or indirectly provided such service to any homes within a subdivision shall give its customers two years prior written notice of its intent to discontinue service and during such two-year period shall continue to connect and provide sanitary sewer service to all homes constructed in such subdivision. In no event shall any sewer service connected prior to the expiration of such two-year period be discontinued.]”; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer moved that **SS** for **SCS** for **SB 21**, as amended, be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SS** for **SCS** for **SB 21**, as amended, was declared perfected and ordered printed.

Senator Callahan moved that **SB 433** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Callahan, **SB 433** was declared perfected and ordered printed.

Senator Loudon moved that **SB 303** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Loudon offered **SS** for **SB 303**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 303

An Act to repeal sections 334.010, 334.120, and 334.260, RSMo, and to enact in lieu thereof eight new sections relating to the practice of midwifery, with penalty provisions.

Senator Loudon moved that **SS** for **SB 303** be adopted, which motion prevailed.

Senator Shields announced that photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

President Kinder assumed the Chair.

Senator Rupp assumed the Chair.

At the request of Senator Loudon, **SS** for **SB 303** was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules,

Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SB 21**; **SS** for **SCS** for **SB 85**; **SB 433**; **SS** for **SCS** for **SB 429**; and **SCS** for **SB 313**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Scott requested unanimous consent of the Senate to submit the following corrected Committee Report, which request was granted.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 358**, begs leave to report that it has considered the same and recommends that the bill do pass.

REFERRALS

President Pro Tem Gibbons referred **SS** for **SCS** for **SB 85** to the Committee on Governmental Accountability and Fiscal Oversight.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HJR 19**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 5 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the right to pray.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTIONS OF GUESTS

On behalf of Senator McKenna and himself, Senator Kennedy introduced to the Senate,

Matthew and Charlotte Mantia and their children, Tyler and Aaron, House Springs; and Tyler and Aaron were made honorary pages.

Senator Lager introduced to the Senate, fifth and sixth grade students from Horace Mann School, Maryville.

Senator Wilson introduced to the Senate, members of Greater Kansas City, Jackson County, Gateway and Archway Chapters of The Links Incorporated.

On behalf of Senator Coleman and himself, Senator Kennedy introduced to the Senate, Lewis Reed, President of the Board of Alderman, St. Louis.

Senator Griesheimer introduced to the Senate, Luke Wells, Sullivan.

On behalf of Senator Scott, the President introduced to the Senate, Becky Gazaway and students, Frances Advincula and Jerad Bruggeman from El Dorado Springs Public and Christian Schools.

Senator Justus introduced to the Senate, Mayor Kay Barnes and City Manager Wayne Cauthen, Kansas City.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-SECOND DAY—WEDNESDAY, APRIL 11, 2007

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HJR 19-Bearden, et al

THIRD READING OF SENATE BILLS

SS for SCS for SB 577-Shields
(In Fiscal Oversight)
SS for SCS for SB 21-Griesheimer
SS for SCS for SB 85-Champion
(In Fiscal Oversight)

SB 433-Callahan and Rupp
SS for SCS for SB 429-Gibbons
SCS for SB 313-Scott

SENATE BILLS FOR PERFECTION

1. SB 668-Loudon, with SCS
2. SB 496-Koster and Bartle, with SCS
3. SBs 660, 553, 557, 167, 258, 114 & 378-Mayer, with SCS
4. SBs 555 & 38-Gibbons, with SCS

5. SB 499-Engler and Clemens, with SCS
6. SB 572-Vogel
7. SB 627-Ridgeway
8. SB 599-Engler, with SCS
9. SB 205-Stouffer and Gibbons, with SCS

- | | |
|-----------------------------------|--|
| 10. SB 521-Lager, et al, with SCS | 23. SB 616-McKenna, with SCS |
| 11. SB 611-Goodman, with SCS | 24. SB 644-Griesheimer |
| 12. SB 537-Lager | 25. SBs 372 & 366-Justus and Koster,
with SCS |
| 13. SB 523-Scott, with SCS | 26. SB 388-Mayer, with SCS |
| 14. SB 542-Scott, with SCS | 27. SB 225-Stouffer, with SCS |
| 15. SB 592-Scott, with SCS | 28. SB 571-Mayer, with SCS |
| 16. SB 664-Scott, with SCS | 29. SB 652-Coleman and Gibbons, with SCS |
| 17. SB 212-Goodman | 30. SB 699-Lager, with SCS |
| 18. SB 654-Kennedy | 31. SB 11-Coleman, with SCS |
| 19. SB 563-Lager, with SCS | 32. SB 536-Lager, with SCS |
| 20. SB 635-Loudon, with SCS | 33. SB 552-Bartle |
| 21. SB 586-Crowell, with SCS | 34. SB 484-Stouffer, with SCS |
| 22. SB 358-Engler | |

HOUSE BILLS ON THIRD READING

- | | |
|--|--------------------------------------|
| HJR 7-Nieves, with SCS (Engler) | HCS for HJR 1, with SCS (Rupp) |
| HCS for HB 327, with SCS (Griesheimer) | HCS for HB 346 (Clemens) |
| HCS for HB 221 (Loudon) | (In Fiscal Oversight) |
| HB 454-Jetton, et al (Mayer) | HB 155-Dusenberger, et al (Ridgeway) |
| (In Fiscal Oversight) | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|------------------------------------|--|
| SB 2-Gibbons, with SCS | SB 169-Rupp, with SCS, SS for SCS &
SA 3 (pending) |
| SB 5-Loudon, with SCS | SB 204-Stouffer, with SCS & SS for
SCS (pending) |
| SB 17-Shields, with SCS | SB 213-McKenna |
| SB 20-Griesheimer, with SCS | SB 242-Nodler, with SCS |
| SB 27-Bartle and Koster | SB 250-Ridgeway and Vogel |
| SB 31-Nodler | SB 252-Ridgeway and McKenna |
| SB 40-Ridgeway, with SS (pending) | SB 254-Nodler, et al, with SCS |
| SB 53-Koster and Engler, with SCS | SBs 260 & 71-Koster, et al, with SCS |
| SB 75-Coleman, et al, with SCS | SB 274-Shields |
| SB 86-Champion, with SCS | SB 282-Griesheimer, with SCS & SS for
SCS (pending) |
| SB 101-Mayer | SB 287-Crowell and Vogel |
| SB 131-Rupp | SB 292-Mayer |
| SB 153-Engler, et al, with SCS | SB 297-Loudon, with SCS |
| SB 155-Engler, with SCS | |
| SB 160-Rupp, with SCS | |
| SB 168-Mayer and Crowell, with SCS | |

SB 300-Bartle
SS for SB 303-Loudon
SB 341-Goodman, with SCS
SB 363-Bartle
SB 364-Koster, with SCS, SS for SCS,
SA 1 & SSA 1 for SA 1 (pending)
SB 368-Barnitz, et al, with SCS
SBs 370, 375 & 432-Scott and Koster,
with SCS & SA 3 (pending)
SB 385-Gibbons, with SCS
SB 389-Nodler, et al, with SCS & SS#4
for SCS (pending)
SB 391-Days, with SCS
SB 400-Crowell, et al
SB 428-Purgason, with SCS

SB 430-Shields, et al, with SCS, SS#2
for SCS, SA 4 & SSA 3 for SA 4
(pending)
SB 444-Goodman
SB 453-Scott, with SCS
SB 458-Gibbons
SB 476-Crowell
SB 480-Ridgeway, et al, with SCS
SB 492-Crowell
SB 511-Scott, with SCS
SB 531-Gibbons, with SCS
SB 534-Nodler
SB 570-Clemens
SB 698-Ridgeway, et al, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Reported 2/15

SB 8-Kennedy

Reported 3/8

SB 185-Green

House Bills

Reported 4/5

HB 62-Ruestman, et al (Nodler)
HCS for HB 405 (Scott)
HB 754-Moore and Bivins
HB 576-Cooper (120), et al (Clemens)

HCS for HB 678 (Goodman)
HB 264-Cunningham (86)
HB 732-Parson, et al (Scott)

RESOLUTIONS

Reported from Committee

HCR 15-Threlkeld, et al, with SCS
SCR 10-Koster and Shields

HCR 25-Yates, et al

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Journal

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Journal of the Senate

FIRST REGULAR SESSION

FIFTY-SECOND DAY—WEDNESDAY, APRIL 11, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“But surely God is my helper; the Lord is the upholder of my life.” (Psalm 54:4)

Merciful God, You have given us much to do and we are grateful for the work but time is diminishing as the calendar marks the end of this session in just a few short weeks. Grant us wisdom to work together, to ask for help and be the Senate You have called together to serve the people of this state. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler

Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Ridgeway offered Senate Resolution No. 837, regarding Dmitry A. Brown, Kearney, which was adopted.

Senator Ridgeway offered Senate Resolution No. 838, regarding Kenneth David “Kenny” Lehman, Kearney, which was adopted.

Senator Ridgeway offered Senate Resolution No. 839, regarding Christopher Wayne Mueller, Kearney, which was adopted.

Senator Crowell offered Senate Resolution No. 840, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Leslie Cook, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 841, regarding the Fiftieth Wedding

Anniversary of Mr. and Mrs. Robert Shepard, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 842, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Carl Stroder, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 843, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James Clayton, Scott City, which was adopted.

Senator Crowell offered Senate Resolution No. 844, regarding the Fiftieth Wedding Anniversary of Dr. and Mrs. Richard Cannon, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 845, regarding the Sixty-seventh Wedding Anniversary of Mr. and Mrs. Raymond Clois Hood, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 846, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jerry Britt, East Prairie, which was adopted.

Senator Crowell offered Senate Resolution No. 847, regarding the Charleston High School Basketball Bluejays, which was adopted.

Senators Kennedy and Gibbons offered Senate Resolution No. 848, regarding former Missouri State Senator Irene Treppler, which was adopted.

Senator Mayer offered Senate Resolution No. 849, regarding Paula Bradley, which was adopted.

Senator Mayer offered Senate Resolution No. 850, regarding Debra Callahan, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Govern-

mental Accountability and Fiscal Oversight, to which was referred **SS** for **SCS** for **SB 577**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

HJR 7, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 327**, with **SCS**, entitled:

An Act to repeal sections 135.950, 135.963, 135.967, 178.895, 178.896, 620.1878, and 620.1881, RSMo, and to enact in lieu thereof seven new sections relating to job development.

Was taken up by Senator Griesheimer.

SCS for **HCS** for **HB 327**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 327

An Act to repeal sections 32.105, 32.115, 100.286, 135.460, 135.478, 135.500, 135.535, 135.545, 135.550, 135.600, 135.630, 135.750, 135.950, 135.963, 135.967, 135.1150, 173.196, 173.796, 178.895, 178.896, 208.750, 348.300, 620.495, 620.638, 620.1039, 620.1878, and 620.1881, RSMo, and to enact in lieu thereof thirty-two new sections relating to certain economic development programs.

Was taken up.

Senator Griesheimer moved that **SCS** for **HCS** for **HB 327** be adopted.

Senator Griesheimer offered **SS** for **SCS** for **HCS** for **HB 327**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 327

An Act to repeal sections 32.105, 32.115, 100.286, 135.460, 135.478, 135.500, 135.535, 135.545, 135.550, 135.600, 135.630, 135.750, 135.950, 135.963, 135.967, 135.1150, 144.030,

144.605, 147.010, 173.196, 173.796, 178.895, 178.896, 208.750, 348.300, 620.495, 620.638, 620.1039, 620.1878, and 620.1881, RSMo, and to enact in lieu thereof thirty-nine new sections relating to certain programs administered by the department of economic development, with an emergency clause for certain sections.

Senator Griesheimer moved that **SS** for **SCS** for **HCS** for **HB 327** be adopted.

Senator Shields announced that photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

Senator Justus offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 327, Page 24, Section 100.286, Line 23, by inserting after all of said line the following:

“135.406. 1. A taxpayer shall be allowed a tax credit against any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions, equal to twenty percent of the earned income credit allowed under Section 32 of the federal Internal Revenue Code.

2. If the credit exceeds the tax owed, the department of revenue shall treat such excess as an overpayment and shall refund such amount to the taxpayer.

3. The director of the department of revenue shall make efforts every year to inform taxpayers who may be eligible to receive the credit provided under this section.

4. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:

(1) Any new program authorized under this section shall automatically sunset six years after

the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which a program authorized under this section is sunset.”; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Callahan, Days, Coleman and Smith.

Senator Engler assumed the Chair.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman
Days	Engler	Graham	Green
Griesheimer	Justus	Kennedy	Mayer
McKenna	Shoemyer	Smith	Wilson—16

NAYS—Senators

Bartle	Champion	Clemens	Crowell
Goodman	Gross	Koster	Lager
Loudon	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Stouffer
Vogel—17			

Absent—Senators—None

Absent with leave—Senator Gibbons—1

Vacancies—None

President Kinder assumed the Chair.

Senator Engler offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 327, Page 100, Section 144.030, Line 20, by inserting immediately after the word “property” the following: **“and utilities”**; and further amend line 22 by inserting immediately after the word “of” the following: **“agricultural, biotechnology and plant genomics products, and”**; and

Further amend said bill and section, page 102, lines 3-18 by striking all of said lines; and

Further renumber the remaining subdivisions accordingly.

Senator Engler moved that the above amendment be adopted, which motion prevailed.

Senator Kennedy offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 327, Page 46, Section 135.562, Line 5, by inserting after the word “year.” the following: **“No taxpayer shall be eligible to receive tax credits under this section in any tax year immediately following a tax year in which such taxpayer received tax credits under the provisions of this section.”**; and

Further amend said bill, section and page, lines 23-26, by striking all of said lines and inserting in lieu thereof the following: **“an amount sufficient to offset any amount of such costs a taxpayer has already deducted from such taxpayer's federal adjusted gross income or to the extent such taxpayer has applied any other state or federal income tax credit to such costs.”**.

Senator Kennedy moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 327, Page 87, Section 135.1150, Line 14, by inserting after all of said line the following:

“137.106. 1. This section may be known and may be cited as “The Missouri Homestead Preservation Act”.

2. As used in this section, the following terms shall mean:

(1) “Department”, the department of revenue;

(2) “Director”, the director of revenue;

(3) “Disabled”, as such term is defined in section 135.010, RSMo;

(4) “Eligible owner”, any individual owner of property who is sixty-five years old or older as of January first of the tax year in which the individual is claiming the credit or who is disabled, and who had an income of equal to or less than the maximum upper limit in the year prior to completing an application pursuant to this section; or

(a) In the case of a married couple owning property either jointly or as tenants by the entirety, or where only one spouse owns the property, such couple shall be considered an eligible taxpayer if both spouses have reached the age of sixty-five or if one spouse is disabled, or if one spouse is at least sixty-five years old and the other spouse is at least sixty years old, and the combined income of the couple in the year prior to completing an application pursuant to this section did not exceed the maximum upper limit; or

(b) In the case of joint ownership by unmarried persons or ownership by tenancy in common by two or more unmarried persons, such owners shall be considered an eligible owner if each person with an ownership interest individually satisfies the eligibility requirements for an individual eligible owner under this section

and the combined income of all individuals with an interest in the property is equal to or less than the maximum upper limit in the year prior to completing an application under this section. If any individual with an ownership interest in the property fails to satisfy the eligibility requirements of an individual eligible owner or if the combined income of all individuals with interest in the property exceeds the maximum upper limit, then all individuals with an ownership interest in such property shall be deemed ineligible owners regardless of such other individual's ability to individually meet the eligibility requirements; or

(c) In the case of property held in trust, the eligible owner and recipient of the tax credit shall be the trust itself provided the previous owner of the homestead or the previous owner's spouse: is the settlor of the trust with respect to the homestead; currently resides in such homestead; and but for the transfer of such property would have satisfied the age, ownership, and maximum upper limit requirements for income as defined in subdivisions (7) and (8) of this subsection;

No individual shall be an eligible owner if the individual has not paid their property tax liability, if any, in full by the payment due date in any of the three prior tax years, except that a late payment of a property tax liability in any prior year shall not disqualify a potential eligible owner if such owner paid in full the tax liability and any and all penalties, additions and interest that arose as a result of such late payment; no individual shall be an eligible owner if such person filed a valid claim for the senior citizens property tax relief credit pursuant to sections 135.010 to 135.035, RSMo;

(5) "Homestead", as such term is defined pursuant to section 135.010, RSMo, except as limited by provisions of this section to the contrary. No property shall be considered a homestead if such property was improved since the most recent annual assessment by more than five percent of the prior year appraised value, except where an eligible owner of the property has made

such improvements to accommodate a disabled person;

(6) "Homestead exemption limit", a percentage increase, rounded to the nearest hundredth of a percent, which shall be equal to the percentage increase to tax liability, not including improvements, of a homestead from one tax year to the next that exceeds a certain percentage set pursuant to subsection 10 of this section. For applications filed in 2005 or 2006, the homestead exemption limit shall be based on the increase to tax liability from 2004 to 2005. For applications filed between April 1, 2005, and September 30, 2006, an eligible owner, who otherwise satisfied the requirements of this section, shall not apply for the homestead exemption credit more than once during such period. For applications filed after 2006, the homestead exemption limit shall be based on the increase to tax liability from two years prior to application to the year immediately prior to application;

(7) "Income", federal adjusted gross income, and in the case of ownership of the homestead by trust, the income of the settlor applicant shall be imputed to the income of the trust for purposes of determining eligibility with regards to the maximum upper limit;

(8) "Maximum upper limit", in the calendar year 2005, the income sum of seventy thousand dollars; in each successive calendar year this amount shall be raised by the incremental increase in the general price level, as defined pursuant to article X, section 17 of the Missouri Constitution.

3. Pursuant to article X, section 6(a) of the Constitution of Missouri, if in the prior tax year, the property tax liability on any parcel of subclass (1) real property increased by more than the homestead exemption limit, without regard for any prior credit received due to the provisions of this section, then any eligible owner of the property shall receive a homestead exemption credit to be applied in the current tax year property tax liability to offset the prior year increase to tax liability that

exceeds the homestead exemption limit, except as eligibility for the credit is limited by the provisions of this section. The amount of the credit shall be listed separately on each taxpayer's tax bill for the current tax year, or on a document enclosed with the taxpayer's bill. The homestead exemption credit shall not affect the process of setting the tax rate as required pursuant to article X, section 22 of the Constitution of Missouri and section 137.073 in any prior, current, or subsequent tax year.

4. If application is made in 2005, any potential eligible owner may apply for the homestead exemption credit by completing an application through their local assessor's office. Applications may be completed between April first and September thirtieth of any tax year in order for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the homestead exemption credit application was completed. The application shall be on forms provided to the assessor's office by the department. Forms also shall be made available on the department's Internet site and at all permanent branch offices and all full-time, temporary, or fee offices maintained by the department of revenue. The applicant shall attest under penalty of perjury:

- (1) To the applicant's age;
- (2) That the applicant's prior year income was less than the maximum upper limit;
- (3) To the address of the homestead property; and
- (4) That any improvements made to the homestead, not made to accommodate a disabled person, did not total more than five percent of the prior year appraised value. The applicant shall also include with the application copies of receipts indicating payment of property tax by the applicant for the homestead property for the two prior tax years.

5. If application is made in 2005, the assessor, upon request for an application, shall:

(1) Certify the parcel number and owner of record as of January first of the homestead, including verification of the acreage classified as residential on the assessor's property record card;

(2) Obtain appropriate prior tax year levy codes for each homestead from the county clerks for inclusion on the form;

(3) Record on the application the assessed valuation of the homestead for the current tax year, and any new construction or improvements for the current tax year; and

(4) Sign the application, certifying the accuracy of the assessor's entries.

6. If application is made after 2005, any potential eligible owner may apply for the homestead exemption credit by completing an application. Applications may be completed between April first and October fifteenth of any tax year in order for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the homestead exemption credit application was completed. The application shall be on forms provided by the department. Forms also shall be made available on the department's Internet site and at all permanent branch offices and all full-time, temporary, or fee offices maintained by the department of revenue. The applicant shall attest under penalty of perjury:

- (1) To the applicant's age;
- (2) That the applicant's prior year income was less than the maximum upper limit;
- (3) To the address of the homestead property;
- (4) That any improvements made to the homestead, not made to accommodate a disabled person, did not total more than five percent of the prior year appraised value; and

(5) The applicant shall also include with the application copies of receipts indicating payment of property tax by the applicant for the homestead property for the three prior tax years.

7. Each applicant shall send the application to the department by September thirtieth of each year for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the application was completed.

8. If application is made in 2005, upon receipt of the applications, the department shall calculate the tax liability, adjusted to exclude new construction or improvements verify compliance with the maximum income limit, verify the age of the applicants, and make adjustments to these numbers as necessary on the applications. The department also shall disallow any application where the applicant has also filed a valid application for the senior citizens property tax credit, pursuant to sections 135.010 to 135.035, RSMo. Once adjusted tax liability, age, and income are verified, the director shall determine eligibility for the credit, and provide a list of all verified eligible owners to the county collectors or county clerks in counties with a township form of government by December fifteenth of each year. By January fifteenth, the county collectors or county clerks in counties with a township form of government shall provide a list to the department of any verified eligible owners who failed to pay the property tax due for the tax year that ended immediately prior. Such eligible owners shall be disqualified from receiving the credit in the current tax year.

9. If application is made after 2005, upon receipt of the applications, the department shall calculate the tax liability, verify compliance with the maximum income limit, verify the age of the applicants, and make adjustments to these numbers as necessary on the applications. The department also shall disallow any application where the applicant also has filed a valid application for the senior citizens property tax credit under sections 135.010 to 135.035, RSMo. Once adjusted tax liability, age, and income are verified, the director shall determine eligibility for the credit and provide a list of all verified eligible owners to the

county assessors or county clerks in counties with a township form of government by December fifteenth of each year. By January fifteenth, the county assessors shall provide a list to the department of any verified eligible owners who made improvements not for accommodation of a disability to the homestead and the dollar amount of the assessed value of such improvements. If the dollar amount of the assessed value of such improvements totaled more than five percent of the prior year appraised value, such eligible owners shall be disqualified from receiving the credit in the current tax year.

10. The director shall calculate the level of appropriation necessary to set the homestead exemption limit at five percent when based on a year of general reassessment or at two and one-half percent when based on a year without general reassessment for the homesteads of all verified eligible owners, and provide such calculation to the speaker of the house of representatives, the president pro tempore of the senate, and the director of the office of budget and planning in the office of administration by January thirty-first of each year. **For all years after 2007, the director shall calculate the levels of appropriation necessary to set the homestead exemption limit anywhere between one hundredth of one percent and five percent when based on a year of general reassessment or anywhere between one hundredth of one percent and two and one-half percent when based on a year without general reassessment for the homesteads of all verified eligible owners, and provide such calculation to the speaker of the house of representatives, the president pro tempore of the senate, and the director of the office of budget and planning in the office of administration by January thirty-first of each year.**

11. For applications made in 2005, the general assembly shall make an appropriation for the funding of the homestead exemption credit that is signed by the governor, then the director shall, by

July thirty-first of such year, set the homestead exemption limit. The limit shall be a single, statewide percentage increase to tax liability, rounded to the nearest hundredth of a percent, which, if applied to all homesteads of verified eligible owners who applied for the homestead exemption credit in the immediately prior tax year, would cause all but one-quarter of one percent of the amount of the appropriation, minus any withholding by the governor, to be distributed during that fiscal year. The remaining one-quarter of one percent shall be distributed to the county assessment funds of each county on a proportional basis, based on the number of eligible owners in each county; such one-quarter percent distribution shall be delineated in any such appropriation as a separate line item in the total appropriation. If no appropriation is made by the general assembly during any tax year or no funds are actually distributed pursuant to any appropriation therefor, then no homestead preservation credit shall apply in such year.

12. After setting the homestead exemption limit for applications made in 2005, the director shall apply the limit to the homestead of each verified eligible owner and calculate the credit to be associated with each verified eligible owner's homestead, if any. The director shall send a list of those eligible owners who are to receive the homestead exemption credit, including the amount of each credit, the certified parcel number of the homestead, and the address of the homestead property, to the county collectors or county clerks in counties with a township form of government by August thirty-first. Pursuant to such calculation, the director shall instruct the state treasurer as to how to distribute the appropriation and assessment fund allocation to the county collector's funds of each county or the treasurer ex officio collector's fund in counties with a township form of government where recipients of the homestead exemption credit are located, so as to exactly offset each homestead exemption credit being issued, plus the one-quarter of one percent distribution for

the county assessment funds. As a result of the appropriation, in no case shall a political subdivision receive more money than it would have received absent the provisions of this section plus the one-quarter of one percent distribution for the county assessment funds. Funds, at the direction of the county collector or the treasurer ex officio collector in counties with a township form of government, shall be deposited in the county collector's fund of a county or the treasurer ex officio collector's fund or may be sent by mail to the collector of a county, or the treasurer ex officio collector in counties with a township form of government, not later than October first in any year a homestead exemption credit is appropriated as a result of this section and shall be distributed as moneys in such funds are commonly distributed from other property tax revenues by the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government, so as to exactly offset each homestead exemption credit being issued. In counties with a township form of government, the county clerk shall provide the treasurer ex officio collector a summary of the homestead exemption credit for each township for the purpose of distributing the total homestead exemption credit to each township collector in a particular county.

13. If, in any given year after 2005, the general assembly shall make an appropriation for the funding of the homestead exemption credit that is signed by the governor, then the director shall, by July thirty-first of such year, set the homestead exemption limit. The limit shall be a single, statewide percentage increase to tax liability, rounded to the nearest hundredth of a percent, which, if applied to all homesteads of verified eligible owners who applied for the homestead exemption credit in the immediately prior tax year, would cause all of the amount of the appropriation, minus any withholding by the governor, to be distributed during that fiscal year. If no appropriation is made by the general assembly during any tax year or no funds are actually

distributed pursuant to any appropriation therefor, then no homestead preservation credit shall apply in such year.

14. After setting the homestead exemption limit for applications made after 2005, the director shall apply the limit to the homestead of each verified eligible owner and calculate the credit to be associated with each verified eligible owner's homestead, if any. The director shall send a list of those eligible owners who are to receive the homestead exemption credit, including the amount of each credit, the certified parcel number of the homestead, and the address of the homestead property, to the county collectors or county clerks in counties with a township form of government by August thirty-first. Pursuant to such calculation, the director shall instruct the state treasurer as to how to distribute the appropriation to the county collector's fund of each county where recipients of the homestead exemption credit are located, so as to exactly offset each homestead exemption credit being issued. As a result of the appropriation, in no case shall a political subdivision receive more money than it would have received absent the provisions of this section. Funds, at the direction of the collector of the county or treasurer ex officio collector in counties with a township form of government, shall be deposited in the county collector's fund of a county or may be sent by mail to the collector of a county, or treasurer ex officio collector in counties with a township form of government, not later than October first in any year a homestead exemption credit is appropriated as a result of this section and shall be distributed as moneys in such funds are commonly distributed from other property tax revenues by the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government, so as to exactly offset each homestead exemption credit being issued.

15. The department shall promulgate rules for implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated

in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void. Any rule promulgated by the department shall in no way impact, affect, interrupt, or interfere with the performance of the required statutory duties of any county elected official, more particularly including the county collector when performing such duties as deemed necessary for the distribution of any homestead appropriation and the distribution of all other real and personal property taxes.

16. In the event that an eligible owner dies or transfers ownership of the property after the homestead exemption limit has been set in any given year, but prior to January first of the year in which the credit would otherwise be applied, the credit shall be void and any corresponding moneys, pursuant to subsection 12 of this section, shall lapse to the state to be credited to the general revenue fund. In the event the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government determines prior to issuing the credit that the individual is not an eligible owner because the individual did not pay the prior three years' property tax liability in full, the credit shall be void and any corresponding moneys, under subsection 11 of this section, shall lapse to the state to be credited to the general revenue fund.

17. This section shall apply to all tax years beginning on or after January 1, 2005. This subsection shall become effective June 28, 2004.

18. In accordance with the provisions of sections 23.250 to 23.298, RSMo, and unless

otherwise authorized pursuant to section 23.253, RSMo:

(1) Any new program authorized under the provisions of this section shall automatically sunset six years after the effective date of this section; and

(2) This section shall terminate on September first of the year following the year in which any new program authorized under this section is sunset, and the revisor of statutes shall designate such sections and this section in a revision bill for repeal.”; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 327, Page 62, Section 135.662, Line 26, by inserting immediately after all of said line the following:

“135.710. 1. As used in this section, the following terms mean:

(1) “Alternative fuels”, any motor fuel at least seventy percent of the volume of which consists of one or more of the following:

- (a) Ethanol;**
- (b) Natural gas;**
- (c) Compressed natural gas;**
- (d) Liquefied natural gas;**
- (e) Liquefied petroleum gas;**

(f) Any mixture of biodiesel and diesel fuel, without regard to any use of kerosene;

(2) “Department”, the department of natural resources;

(3) “Eligible applicant”, a business entity

that is the owner of a qualified alternative fuel vehicle refueling property;

(4) “Qualified alternative fuel vehicle refueling property”, property in this state owned by a firm or corporation and used for storing alternative fuels and for dispensing such alternative fuels into fuel tanks of motor vehicles owned by such firm or corporation or private citizens.

2. For all tax years beginning on or after January 1, 2008, but before January 1, 2011, any eligible applicant who installs and operates a qualified alternative fuel vehicle refueling property shall be allowed a credit against the tax otherwise due under chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, or due under chapter 147, RSMo, or chapter 148, RSMo, for any tax year in which the applicant is constructing the refueling property. The credit allowed in this section per eligible applicant shall not exceed the lesser of twenty thousand dollars or twenty percent of the total costs directly associated with the purchase and installation of any alternative fuel storage and dispensing equipment on any qualified alternative fuel vehicle refueling property, which shall not include the following:

(1) Costs associated with the purchase of land upon which to place a qualified alternative fuel vehicle refueling property;

(2) Costs associated with the purchase of an existing qualified alternative fuel vehicle refueling property; or

(3) Costs for the construction or purchase of any structure.

3. The tax credits allowed by this section shall be claimed by the eligible applicant at the time such applicant files a return for the tax year in which the storage and dispensing facilities were placed in service at a qualified alternative fuel vehicle refueling property, and

shall be applied against the income tax liability imposed by chapter 143, RSMo, chapter 147, RSMo, or chapter 148, RSMo, after all other credits provided by law have been applied. The cumulative amount of tax credits which may be claimed by eligible applicants claiming all credits authorized in this section shall not exceed the following amounts:

(1) In taxable year 2008, three million dollars;

(2) In taxable year 2009, two million dollars; and

(3) In taxable year 2010, one million dollars.

4. If the amount of the tax credit exceeds the eligible applicant's tax liability, the difference shall not be refundable. Any amount of credit that an eligible applicant is prohibited by this section from claiming in a taxable year may be carried forward to any of such applicant's two subsequent taxable years. Tax credits allowed under this section may be assigned, transferred, sold, or otherwise conveyed.

5. An alternative fuel vehicle refueling property, for which an eligible applicant receives tax credits under this section, which ceases to sell alternative fuel shall cause the forfeiture of such eligible applicant's tax credits provided under this section for the taxable year in which the alternative fuel vehicle refueling property ceased to sell alternative fuel and for future taxable years with no recapture of tax credits obtained by an eligible applicant with respect to such applicant's tax years which ended before the sale of alternative fuel ceased.

6. The director of revenue shall establish the procedure by which the tax credits in this section may be claimed, and shall establish a procedure by which the cumulative amount of tax credits is apportioned equally among all eligible applicants claiming the credit. To the

maximum extent possible, the director of revenue shall establish the procedure described in this subsection in such a manner as to ensure that eligible applicants can claim all the tax credits possible up to the cumulative amount of tax credits available for the taxable year. No eligible applicant claiming a tax credit under this section shall be liable for any interest or penalty for filing a tax return after the date fixed for filing such return as a result of the apportionment procedure under this subsection.

7. Any eligible applicant desiring to claim a tax credit under this section shall submit the appropriate application for such credit with the department. The application for a tax credit under this section shall include any information required by the department. The department shall review the applications and certify to the department of revenue each eligible applicant that qualifies for the tax credit.

8. The department and the department of revenue may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

9. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective

date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on December thirty-first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

Further amend said bill, page 88, section 143.006, line 19, by inserting immediately after all of said line the following:

“143.114. 1. As used in this section, the following terms mean:

(1) “Motor vehicle”, any self-propelled vehicle not operated exclusively upon tracks, except farm tractors;

(2) “Qualified hybrid motor vehicle”, any motor vehicle licensed under chapter 301, RSMo, and:

(a) Which meets the definition of new qualified hybrid motor vehicle in section 30B(d)(3)(A) of the Internal Revenue Code of 1986, as amended;

(b) The original use of which commences with the taxpayer; and

(c) Which is acquired for use by the taxpayer and not for resale.

2. For the tax year beginning on January 1, 2008, any taxpayer who purchases a qualified hybrid vehicle shall be allowed to subtract from the taxpayer's Missouri adjusted gross income to determine Missouri taxable income, for the tax year in which the taxpayer purchases the vehicle, an amount equal to one thousand five hundred dollars or ten percent of the purchase price of the vehicle, whichever is less.

3. The director of revenue shall establish the procedure by which the deduction in this section may be claimed, and shall promulgate rules to provide for the submission of documents by the taxpayer proving the purchase price and date of the qualified hybrid motor vehicle and to implement the provisions of this section.

4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

143.128. 1. For purposes of this section the term “E-85 gasoline” shall mean ethanol blended gasoline formulated with a minimum percentage of between seventy-five and eighty-five percent by volume of ethanol, “biodiesel” shall mean fuel as defined in ASTM Standard D-6751 or its subsequent standard specifications for biodiesel fuel (B100) blend stock for distillate fuels, and “biodiesel-blended fuel” shall mean a blend of biodiesel and conventional diesel fuel. For all tax years beginning on or after January 1, 2008, a taxpayer who purchases E-85 gasoline, biodiesel, or biodiesel-blended fuel in a tax year shall be allowed to claim a tax credit against the tax otherwise due under this chapter, excluding sections 143.191 to 143.265, in the following amounts:

(1) For calendar year 2008, the amount of the credit shall be equal to twenty-five cents per gallon of E-85 gasoline or equal to five cents per gallon of biodiesel or biodiesel-blended fuel

purchased by the taxpayer;

(2) For calendar years 2009 and 2010, the amount of the credit shall be equal to twenty cents per gallon of E-85 gasoline or equal to three cents per gallon of biodiesel or biodiesel-blended fuel purchased by the taxpayer;

(3) For calendar year 2011 and each subsequent calendar year, the amount of the credit shall be equal to fifteen cents per gallon of E-85 gasoline or equal to five cents per gallon of biodiesel or biodiesel-blended fuel purchased by the taxpayer.

2. The amount of credits claimed per taxpayer annually shall not exceed five hundred dollars. The minimum amount of tax credits a taxpayer may claim shall not be less than fifty dollars. A taxpayer shall claim the credit allowed by this section at the time such taxpayer files a return. In the event the amount of the tax credit provided under this section exceeds a taxpayer's income tax liability, no refund shall result, but such excess tax credits may be carried forward to any of the taxpayer's three subsequent tax years. The aggregate amount of tax credits which may be redeemed in any fiscal year shall not exceed five hundred thousand dollars. The tax credit shall be available regardless of whether the taxpayer opts to take a standard deduction. The department of revenue is authorized to adopt any rule or regulations deemed necessary for the effective administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the

grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

3. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall sunset automatically six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

4. Nothing in this section shall be construed as authorizing, approving, or condoning the violation of a motor vehicle manufacturer's stated warranty with regard to recommended fuel use.”; and

Further amend said bill, section 144.030, page 92, line 23 by inserting immediately after the word “RSMo.” the following:

“There shall be a rebuttable presumption that the raw materials used in the primary manufacture of automobiles contain at least twenty-five percent recovered materials.”; and further amend said bill and section, page 102, line 24, by striking the word “and”; and

Further amend said bill and section, page 103, line 6, by inserting immediately after the word “event” the following:

“; and

(40) Sales of new diesel-powered motor

vehicles with a gross vehicle rating not exceeding eight thousand five hundred pounds”; and

Further amend said bill, section 144.054, page 104, line 4, by inserting immediately after all of said line the following:

“144.061. For fiscal year 2008, there shall hereby be exempted from state sales tax, sales of new motor vehicles designed to operate on eighty-five percent ethanol fuel.”; and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted.

At the request of Senator Griesheimer, **HCS** for **HB 327**, with **SCS**, **SS** for **SCS** and **SA 5** (pending), was placed on the Informal Calendar.

REFERRALS

President Pro Tem Gibbons referred **SS** for **SCS** for **SB 429** to the Committee on Governmental Accountability and Fiscal Oversight.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 10, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Julie A. Molendorp, 8200 East 161st Street, Belton, Cass County, Missouri 64012, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2008, and until her successor is duly appointed and qualified; vice, Sharon Lowman, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 10, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Karen W. Bartz, 18403 East Moorland Street, Pleasant Hill, Cass County, Missouri 64080, as a member of the Coordinating Board for Early Childhood, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, Karen Bartz, withdrawn.

Respectfully submitted,

MATT BLUNT

On motion of Senator Shields, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Rupp.

RESOLUTIONS

Senator Lager offered Senate Resolution No. 851, regarding the Ninetieth Birthday of Mary Elizabeth McMahon, Bethany, which was adopted.

Senator Shields offered Senate Resolution No. 852, regarding Kathryn Kasper, Park Hill, which was adopted.

Senator Shields offered Senate Resolution No. 853, regarding Laura Nelson, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 854, regarding Nicole Scott, Park Hill, which was adopted.

Senator Shields offered Senate Resolution No. 855, regarding Damon Smith, Park Hill, which was adopted.

Senator Engler offered Senate Resolution No. 856, regarding the Mineral Area College Student Nurses Association, Park Hills, which was adopted.

Senator Engler offered Senate Resolution No. 857, regarding Judith A. Medley, Annapolis, which was adopted.

Senator Lager offered Senate Resolution No. 858, regarding Andrew Gates, Marceline, which was adopted.

Senator Lager offered Senate Resolution No. 859, regarding Nathan Hoskins, Marceline, which was adopted.

Senator Lager offered Senate Resolution No. 860, regarding Tyler Shoemaker, Marceline, which was adopted.

Senator Lager offered Senate Resolution No. 861, regarding Bryce Cupp, Marceline, which was adopted.

Senator Lager offered Senate Resolution No. 862, regarding Ethan Gosch, Marceline, which was adopted.

Senator Lager offered Senate Resolution No. 863, regarding Jonathan Neighbors, Marceline, which was adopted.

Senator Lager offered Senate Resolution No. 864, regarding Phillip Matthew Arnold, Gallatin, which was adopted.

THIRD READING OF SENATE BILLS

SS for SCS for SB 577, introduced by Senator Shields, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 577

An Act to repeal sections 191.411, 191.900, 191.905, 191.910, 208.014, 208.151, 208.152, 208.153, 208.201, 208.212, 208.215, 208.217, 208.631, 208.930, 473.398, 660.546, 660.547, 660.549, 660.551, 660.553, 660.555, and 660.557, RSMo, and to enact in lieu thereof thirty-six new sections relating to the creation of the MO HealthNet program in order to provide medical assistance for needy persons, with penalty provisions and an emergency clause for a certain section.

Was taken up.

On motion of Senator Shields, **SS** for **SCS** for **SB 577** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Callahan	Champion	Clemens
Crowell	Days	Engler	Gibbons
Goodman	Green	Griesheimer	Gross
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Ridgeway
Rupp	Scott	Shields	Shoemyer
Stouffer	Vogel—26		

NAYS—Senators

Barnitz	Bray	Coleman	Graham
Justus	Smith	Wilson—7	

Absent—Senator Purgason—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bartle	Callahan	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—31	

NAYS—Senators

Barnitz	Bray—2
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Absent—Senator Purgason—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Griesheimer moved that **HCS** for **HB 327**, with **SCS**, **SS** for **SCS** and **SA 5** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 5 was again taken up.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Crowell offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 327, Page 115, Section 178.715, Line 16, by inserting immediately after the word "Mississippi," the following: "**Cape Girardeau, Bollinger,**".

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

President Kinder assumed the Chair.

Senator Stouffer offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 327, Page 2, Section A, Line 2 of said page, by inserting after all of said line the following:

"21.750. 1. The general assembly hereby occupies and preempts the entire field of legislation touching in any way firearms, components, ammunition and supplies to the

complete exclusion of any order, ordinance or regulation by any political subdivision of this state. Any existing or future orders, ordinances or regulations in this field are hereby and shall be null and void except as provided in subsection 3 of this section.

2. No county, city, town, village, municipality, or other political subdivision of this state shall adopt any order, ordinance or regulation concerning in any way the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permit, registration, taxation other than sales and compensating use taxes or other controls on firearms, components, ammunition, and supplies except as provided in subsection 3 of this section.

3. Nothing contained in this section shall prohibit any ordinance of any political subdivision which conforms exactly with any of the provisions of sections 571.010 to 571.070, RSMo, with appropriate penalty provisions, or which regulates the open carrying of firearms readily capable of lethal use or the discharge of firearms within a jurisdiction, **provided such ordinance complies with the provisions of section 252.243, RSMo.**

4. The lawful design, marketing, manufacture, distribution, or sale of firearms or ammunition to the public is not an abnormally dangerous activity and does not constitute a public or private nuisance.

5. No county, city, town, village or any other political subdivision nor the state shall bring suit or have any right to recover against any firearms or ammunition manufacturer, trade association or dealer for damages, abatement or injunctive relief resulting from or relating to the lawful design, manufacture, marketing, distribution, or sale of firearms or ammunition to the public. This subsection shall apply to any suit pending as of October 12, 2003, as well as any suit which may be brought in the future. Provided, however, that nothing in this section shall restrict the rights of individual citizens to recover for injury or death

caused by the negligent or defective design or manufacture of firearms or ammunition.

6. Nothing in this section shall prevent the state, a county, city, town, village or any other political subdivision from bringing an action against a firearms or ammunition manufacturer or dealer for breach of contract or warranty as to firearms or ammunition purchased by the state or such political subdivision.”; and

Further amend said bill, Page 13, Section 32.115, Line 9 of said page, by inserting after all of said line the following:

“99.812. 1. This section shall be known as and may be cited as the “Hunting Heritage Protection Areas Act”. Hunting heritage protection areas shall include all land located within the one hundred-year flood plain of the Missouri River and all land located within the one hundred-year flood plain of the Mississippi River, as designated by the Federal Emergency Management Agency as amended from time to time.

2. In addition to the provisions of section 99.847 no new tax increment financing project shall be authorized in any hunting heritage protection area after August 28, 2007. This subsection shall not apply to tax increment financing projects or districts approved:

(1) Prior to August 28, 2007, and shall allow the modification, amendment, or expansion of such projects including redevelopment project costs by not more than forty percent of such project's original projected cost and the tax increment finance district by not more than five percent of the district as it existed as of August 28, 2007;

(2) For the purpose of flood or drainage protection and for any public infrastructure included therewith; or

(3) For the purpose of constructing or operating a renewable fuel facility as defined in section 348.430, RSMo, or for the purpose of

providing infrastructure necessary solely for the construction or operation of such renewable fuel production facility, provided no residential, commercial, or industrial development not directly associated with the production of renewable fuel shall occur within a hunting heritage protection area, either directly or indirectly, as a result of such tax increment financing project.

3. The discharge of firearms for lawful hunting, sporting, target shooting, and all other lawful purposes shall not be prohibited in hunting heritage protection areas, subject to all applicable state and federal laws.

4. Notwithstanding the provisions of subsection 1 of this section to the contrary, hunting heritage protection areas shall not include:

(1) Any area with a population of not less than fifty thousand persons that has been defined and designated in the 2000 United States Census as an “urbanized area” by the United States Secretary of Commerce;

(2) Any land ever owned by an entity regulated by the Federal Energy Regulatory Commission or any land ever used or operated by an entity regulated by the Federal Energy Regulatory Commission;

(3) Any land used for the operation of a physical port of commerce to include customs ports, but shall not include other land managed or governed by a port authority if such other land extends beyond the actual physical port;

(4) Any land contained within the boundary of any home rule city with more than four hundred thousand inhabitants and located in more than one county, or any land contained within a city not within a county; or

(5) Any land located within one-half mile of any interstate highway, as such highways exist as of August 28, 2007.”; and

Further amend the title and enacting clause

accordingly.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Kennedy offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 327, Page 109, Section 144.605, Line 6, by inserting after all of said line the following:

“144.806. 1. In addition to the exemptions granted pursuant to the provisions of section 144.030, there shall also be specifically exempted from the provisions of sections 144.010 to 144.525, sections 144.600 to 144.748, section 144.805, and section 238.235, RSMo, and the provisions of any local sales tax law, as defined in section 32.085, RSMo, and from the computation of the tax levied, assessed, or payable pursuant to sections 144.010 to 144.525, sections 144.600 to 144.748, and section 238.235, RSMo, and the provisions of any local sales tax law, as defined in section 32.085, RSMo, all aviation jet fuel sold to an air common carrier for immediate consumption or shipment in the conduct of its business as an air common carrier or affiliate carrier, on a transoceanic flight. As used in this subsection, the term “immediate consumption or shipment”, shall mean that the delivery of the aviation jet fuel by the seller is directly to an aircraft for consumption or transportation on a transoceanic flight and not for storage by the purchaser or any third party. The term “transoceanic flight” shall mean a flight destined for or continuing from a location situated on the other side of the Atlantic or Pacific ocean.

2. To qualify for the exemption prescribed in subsection 1 of this section, the air common carrier shall furnish to the seller a certificate in writing to the effect that an exemption pursuant to this section is applicable to the aviation jet

fuel so purchased, stored, used, and consumed.

3. For purposes of determining eligibility for the state sales and use tax exemption on aviation jet fuel provided under section 144.805, sales of such fuel for transoceanic flights exempt from taxation under this section shall be treated as though subject to sales tax and such tax shall be deemed paid for purposes of calculating the maximum aggregate calendar year amount of state sales and use tax required for the exemption provided under section 144.805, however, no state sales or use tax liability shall accrue for purchases of fuel exempted under this section.

4. The director of revenue shall adopt appropriate rules and regulations to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered SA 9:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 327, Page 128, Section 620.495, Line 27, by inserting before

said line the following:

“388.700. Sections 388.700 to 388.745 shall be known as “The Regional Railroad Authorities Act.” As used in sections 388.700 to 388.745, unless the context clearly requires otherwise, the following words and terms shall mean:

(1) “Authority”, “railroad authority”, or “regional railroad authority”, a regional railroad authority organized and operated as a political subdivision under sections 388.700 to 388.745;

(2) “Common carrier”, a railroad engaged in transportation for hire;

(3) “Commissioners”, the commissioners of the regional railroad authority;

(4) “Project”, any railroad facilities proposed to be acquired, constructed, improved, or refinanced by an authority, including any real or personal property, structures, machinery, equipment, and appurtenances determined by the authority to be useful or convenient for railroad operations and handling passengers or freight;

(5) “Railroad”, any form of nonhighway ground transportation that runs on rails or electromagnetic guideways. The term “railroad” shall also have the meaning associated to it in 49 U.S.C. Section 20102, as amended;

(6) “Railroad properties and facilities”, any real or personal property or interest in such property which is owned, leased or otherwise controlled by a railroad or other person, including an authority, and which are used or are useful in rail transportation service, including:

(a) Track, roadbed and related structures, including rail, ties, ballast, other track materials, grading, tunnels, bridges, tressels, culverts, elevated structures, stations, office buildings used for operating purposes only,

repair shops, engine houses and public improvements used or usable for rail service operation;

(b) Communication and power transmission systems for use by railroads;

(c) Signals, including signals and interlockers;

(d) Terminal or yard facilities and services to express company and railroads and their shippers, including ferries, tugs, car floats and related shoreside facilities designed for the transportation of equipment by water;

(e) Shop or repair facilities or any other property used or capable of being used in rail freight transportation services or in connection with such services or for originating, terminating, improving and expediting the movement of equipment or goods;

(6) “Real property”, lands, structures, improvements thereof, and water and riparian rights, and any and all interests and estates therein, legal or equitable, including but not limited to easements, rights-of-way, uses, leases, and licenses.

388.703. The purpose of an authority established and operated under sections 388.700 to 388.745 is to provide for the preservation, improvement, and the continuation of rail service for agriculture, industry, or passenger traffic and to provide for the preservation of railroad right-of-way for transportation uses, when determined to be practicable and necessary for the public welfare. The acquisition of real property under sections 388.700 to 388.745; the planning, acquisition, establishment, construction, improvement, maintenance, equipment, operation, regulation, and protection of authority facilities; and the exercise of powers granted to authorities and other public agencies to be severally or jointly exercised are public and governmental functions, exercised for public purpose, and

matters of public necessity. All real property and other property acquired and used by or on behalf of an authority or other public agency, as provided in sections 388.700 to 388.745, shall be used for public and governmental purposes and as a matter of public necessity.

388.706. 1. Every municipality or county within this state is authorized to form a regional railroad authority under the provisions of this section.

2. A regional railroad authority may be organized by resolution or joint resolution adopted by the governing body or bodies of one or more counties. The governing body or bodies of a municipality or municipalities within a county or counties may request by resolution that the county or counties organize a railroad authority. If the county or counties do not organize an authority within ninety days of receipt of the request, the municipality or municipalities may organize an authority by resolution or joint resolution. A resolution organizing an authority shall state:

(1) That the authority is organized under the provisions of sections 388.700 to 388.745 as a political subdivision of Missouri;

(2) The proposed name of the authority, including the words "regional railroad authority";

(3) The county, counties, municipality or municipalities adopting the organization resolution;

(4) The number of commissioners of the authority, not less than five; the number to be appointed by the governing body of each county or municipality; and the names and addresses of the board of commissioners;

(5) The city and county in which the registered office of the authority is to be situated;

(6) That neither the state of Missouri, the municipality or municipalities, nor any other

political subdivision is liable for obligations of the authority; and

(7) Any other provision for regulating the business of the authority determined by the governing body or bodies adopting the resolution.

388.709. Before final adoption of an organization resolution, the governing body of each county or municipality named in it shall provide for a public hearing upon notice published in a newspaper of general circulation in the county or municipality. The notice of a hearing by the governing body of a county shall be mailed to the governing body of each municipality in the county, except municipalities participating in the organization, at least thirty days before the hearing. The hearing may be adjourned from time to time, to a time and place publicly announced at the hearing, or to a time and place fixed by notice published in a newspaper of general circulation in the county or municipality at least ten days before the adjourned session. Joint hearing sessions may be held by the governing bodies of all counties or municipalities named, at any convenient public place within any of the counties or municipalities. The resolution may be amended by the governing body or bodies at or after any hearing session at which the amended resolution is proposed and made available to interested citizens. It shall not become effective until adopted in identical form by the governing bodies of all counties or municipalities named in the resolution.

388.712. Upon the appointment and qualification of the commissioners first appointed to a regional railroad authority under section 388.715, the commissioners shall submit to the secretary of state a certified copy of each resolution adopted pursuant to section 388.706. A copy of the organization resolution, certified by the recording officer of each municipality or county adopting it, shall be filed with the secretary of state, who shall issue a

certificate of incorporation if the resolution conforms to the requirements of this section, stating in the certificate the name of the authority and the date of its incorporation, which shall be the date of acceptance for filing. The certificate of incorporation shall be conclusive evidence of the valid organization and existence of the authority.

388.715. 1. All powers granted to an authority shall be exercised by its board of commissioners. Commissioners shall be appointed and vacancies in their office shall be filled by the governing body of each county or municipality named in the organization resolution, in accordance with the provisions of that resolution. The term of each commissioner shall be one year, or the remainder of the one year term for which a vacancy is filled, and until a successor is appointed. Commissioners shall receive no compensation for services but shall be reimbursed for necessary expenses incurred in the performance of their duties.

2. The board of commissioners shall by resolution establish the time and place or places of its regular meetings and the method and notice required for calling special meetings, all of which shall be open to the public. A majority of the commissioners being present at a meeting, any action may be taken by resolution or motion adopted by recorded vote of a majority of those present, unless a larger majority is required by bylaws adopted by the board.

3. The board of commissioners shall appoint a chair, vice-chair, secretary, and treasurer from its members, each to serve for a term of one year and until a successor is appointed. The offices of secretary and treasurer may be combined, and deputies or assistants may be appointed for either office or the combined office, from members of the board or otherwise. The powers and duties of each office shall be determined by the board, which shall require and pay for a surety bond for each

officer handling funds. The board shall provide for the keeping of a full and accurate record of all proceedings and of resolutions, regulations, and orders issued or adopted. The state auditor shall annually audit the books of said regional railroad authority.

388.718. An authority may exercise all the powers necessary or desirable to implement the powers specifically granted in sections 388.700 to 388.745, and in exercising the powers is deemed to be performing an essential governmental as a political subdivision of the state. Without limiting the generality of the foregoing, the authority may:

(1) Sue and be sued, have a seal, and have perpetual succession;

(2) Execute contracts and other instruments and take other action as may be necessary to carry out the purposes of sections 388.700 to 388.745;

(3) Receive and disburse federal, state, and other funds, public or private, made available by grant, loan, contribution, tax levy, or other source to accomplish the purposes of sections 388.700 to 388.745. Federal money accepted under this section shall be accepted and spent by the authority upon terms and conditions prescribed by the United States and consistent with state law. All state money accepted under this section shall be accepted and spent by the authority upon terms and conditions prescribed by the state.

(4) Sell, lease, or otherwise dispose of real or personal property acquired under sections 388.700 to 388.745. The disposal must be in accordance with the laws of this state governing the disposition of other public property.

388.721. 1. The authority may plan, establish, acquire, develop, construct, purchase, enlarge, extend, improve, maintain, equip, operate, regulate, and protect railroads, railroad properties and railroad facilities within

its boundaries, including but not limited to terminal buildings, roadways, crossings, bridges, causeways, tunnels, equipment, and rolling stock.

2. The authority may apply to any public agency for permits, consents, authorizations, and approvals required for any project and take all actions necessary to comply with their conditions.

388.724. The authority may exercise the power of eminent domain under chapter 523, RSMo, except that it shall have no power of eminent domain with respect to property owned by another authority or political subdivision of Missouri or any other state, or with respect to property owned or used by a railroad corporation unless the federal Surface Transportation Board or a successor agency, if any, or another authority with power to make the finding, has found that the public convenience and necessity permit discontinuance of rail service on the property. All property taken for the exercise of the powers granted herein is declared to be taken for a public governmental purpose and as a matter of public necessity.

388.727. The state of Missouri and any political subdivision or municipal corporation thereof may in its discretion, with or without consideration, transfer or cause to be transferred to any regional railroad authority or may place in its possession or control, by lease or other contract or agreement, either for a limited period or in fee, any property within a regional railroad authority district or any property wherever situated. Nothing in this section, however, shall in any way impair, alter or change any obligations, contractual or otherwise, heretofore entered into by said entities.

388.730. The authority may establish charges and rentals for the use, sale, and availability of its property and service and may

hold, use, dispose of, invest, and reinvest the income, revenues, and funds derived therefrom. Subject to any agreement with bondholders, it may invest money not required for immediate use, including bond proceeds, in the securities it shall deem prudent, notwithstanding the provisions of any other law relating to the investment of public funds.

388.733. The authority shall be subject to tort liability to the extent provided in chapter 537, RSMo, and may procure insurance against the liability, and may indemnify and purchase and maintain insurance on behalf of any of its commissioners, officers, employees, or agents. It may also procure insurance against loss of or damage to property in the amounts, by reason of the risks, and from the insurers as it deems prudent.

388.736. The state may make grants to a regional railroad authority, as appropriated by the general assembly, to be allocated by the department of transportation to regional railroad authorities. The authority may accept, contract for, and receive and disburse federal, state, and other funds or property, public or private, made available by grant, loan, or lease, to be used in the exercise of any of its powers, and may comply with the terms and conditions of the grant or loan.

388.739. 1. Every regional railroad authority, organized under the provisions of sections 388.700 to 388.745, may from time to time issue its negotiable revenue bonds or notes in such principal amounts as, in its opinion, shall be necessary to provide sufficient funds for achieving its purposes, including the construction, establishment, acquisition, improvement, maintenance, protection and regulation of railroads and railroad facilities, that may be necessary to carry out the provisions of sections 388.700 to 388.745.

2. The state shall not be liable on any notes or bonds of any regional railroad authority.

Any such notes or bonds shall not be a debt of the state and shall contain on the faces thereof a statement to such effect.

3. No commissioner of any regional railroad authority or any authorized person executing authority notes or bonds shall be liable personally on said notes or bonds or shall be subject to any personal liability or accountability by reason of the issuance thereof.

4. No authority shall be required to pay any taxes or any assessments whatsoever to this state or to any political subdivisions, municipality or other governmental agency of this state. The notes and bonds of every authority and the income therefrom shall, at all times, be exempt from any taxes and any assessments, except for death and gift taxes and taxes on transfers.

5. Every authority shall have the powers and be governed by the procedures now or hereafter conferred upon or applicable to the environmental improvement authority, chapter 260, RSMo, relating to the manner of issuance of revenue bonds and notes, and the port authority shall exercise all such powers and adhere to all such procedures insofar as they are consistent with the necessary and proper undertaking of its purposes.

388.742. The authority may enter into contracts including leases with any person, firm, or corporation, for terms the authority may determine:

(1) Providing for the operation of any facilities on behalf of the authority, at the rate of compensation as may be determined;

(2) Leasing a rail line for operation by the lessee or any facility or space therein for other commercial purposes, at rentals as may be determined, but no person may be authorized to operate a rail line other than as a common carrier;

(3) Granting the privilege, for

compensation as the authority shall determine, of supplying goods, commodities, services, or facilities along rail lines or in or upon other property; and

(4) Making available services furnished by the authority or its agents, at charges, rentals, or fees which shall be reasonable and uniform for the same class of privilege or service.

388.745. If, at any time, the governing body of any city or county that organized a regional railroad authority, votes, by majority, to dissolve a regional railroad authority, it shall be dissolved effective the date of the approval of dissolution by the highways and transportation commission of the state. In the event of dissolution of a regional railroad authority, all funds and other assets shall be distributed among the cities and counties, who were members, on a pro rata basis.”; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Clemens offered SA 10:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 327, Page 142, Section 620.1878, Line 20, by inserting immediately after the word “company” the following: “on a full-time basis, who receives an annual salary equal to or less than the average salary for the county in which the employee is employed or deemed to be employed”; and

Further amend said bill, page 159, section 620.1881, line 7, by inserting immediately after all of said line the following:

“;

(6) Tuition reimbursement programs: a qualified company may receive a tax credit for providing tuition reimbursement to eligible

employees. The amount of the tuition reimbursement credit may equal up to fifty percent of the expenses actually incurred in reimbursing all or a portion of tuition expenses of eligible employees, but not to exceed five thousand dollars per employee. In no case shall a qualified company receive more than twenty-five thousand dollars in tax credits authorized under this subdivision in any tax year. In no case shall the aggregate amount of tax credits issued under this subdivision in any tax year exceed two hundred and fifty thousand dollars. Tax credits issued under this subdivision may be assigned, sold or transferred. The tax credit authorized under this subdivision shall not be refundable. Any amount of credit that exceeds the tax due for a taxpayer's taxable year may be carried forward five years until completely claimed.”; and

Further amend said bill and section, page 161, line 15, by inserting immediately after the word “issued” the following: “, except as provided under subdivision 4 of subsection 3 of this section”; and

Further amend said bill and section, page 162, line 18, by inserting immediately after the number “11.” the following: “Except as provided under subdivision 4 of subsection 3 of this section,”.

Senator Clemens moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered SA 11:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 327, Page 163, Section 620.1881, Line 3 of said page, by inserting after all of said line the following:

“620.1892. 1. This section shall be known and may be cited as the “Small Business and Entrepreneurial Growth Act”.

2. Unless otherwise modified in this section, the definitions provided in section 620.1878

shall apply to this section. For purposes of this section, the following terms shall mean:

(1) “Department”, the department of economic development;

(2) “Eligible small business project”, a project approved by the department of economic development through which a small business employer meets all of the following qualifications:

(a) The small business employer's total payroll increases by at least twenty percent due to the addition of new jobs or a business with less than five employees adds employees so that the total number of employees is five or greater;

(b) The number of jobs added through the project by the small business employer does not exceed the minimum number of jobs required to be eligible for benefits under any program of the Missouri quality job act;

(c) Wages for the new jobs created through the project by the small business employer are at least eighty-five percent of the average county wage as determined by the department of economic development; and

(d) The project is not eligible for any benefits under the Missouri quality jobs act;

(3) “Small business employer”, a firm, partnership, joint venture, association, or a private or public corporation, whether organized for profit or not, provided that the term shall not include:

(a) Gambling establishments (NAICS industry group 7132);

(b) Any company that is delinquent in the payment of any nonprotested taxes or any other amounts due to the state or federal government or any other political subdivision of this state; or

(c) Any company that has filed for or has publicly announced its intention to file for bankruptcy protection.

3. For all taxable years beginning on or after January 1, 2008, a small business employer shall be allowed to receive benefits for an eligible small business project as follows:

(1) Retention of all tax withheld under sections 143.191 to 143.265, RSMo, from the newly created jobs for a period of one year; or

(2) If the employer also provides health insurance and pays more than fifty percent of the premiums for all employees, the tax withheld under sections 143.191 to 143.265, RSMo, from newly created jobs may be retained for a period of two years.

4. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly under chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered SA 12:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 327, Page 122, Section 208.750, Line 18 of said page, by inserting immediately after all of said line the following:

“238.202. 1. As used in sections 238.200 to 238.275, the following terms mean:

(1) “Board”, the board of directors of a district;

(2) “Commission”, the Missouri highways and transportation commission;

(3) “District”, a transportation development district organized under sections 238.200 to 238.275;

(4) “Local transportation authority”, a county, city, town, village, county highway commission, special road district, interstate compact agency, or any local public authority or political subdivision having jurisdiction over any bridge, street, highway, dock, wharf, ferry, lake or river port, airport, railroad, light rail or other transit improvement or service;

(5) “Project” includes any bridge, street, road, highway, access road, interchange, intersection, signing, signalization, parking lot, bus stop, station, garage, terminal, hangar, shelter, rest area, dock, wharf, lake or river port, airport, railroad, light rail, or other mass transit and any similar or related improvement or infrastructure.

2. For the purposes of sections 11(c), 16 and 22 of article X of the Constitution of Missouri, section 137.073, RSMo, and as used in sections 238.200 to 238.275, the following terms shall have the meanings given:

(1) “Approval of the required majority” or “direct voter approval”, a simple majority;

(2) “Qualified electors”, “qualified voters” or “voters”, [if] **within the proposed or established district**, any persons [eligible to be registered voters reside within the proposed district, such persons] **residing therein** who have registered to vote pursuant to chapter 115, RSMo, [or if no persons eligible to be registered voters reside within the proposed district,] **and** the owners of real property [located within the proposed district], **who shall receive one vote per acre, provided that any registered voter who also owns**

property must elect whether to vote as an owner or a registered voter;

(3) "Registered voters", persons qualified and registered to vote pursuant to chapter 115, RSMo.

238.207. 1. Whenever the creation of a district is desired, not less than fifty registered voters from each county partially or totally within the proposed district may file a petition requesting the creation of a district. However, if no persons eligible to be registered voters reside within the district, the owners of record of all of the real property, except public streets, located within the proposed district may file a petition requesting the creation of a district. The petition shall be filed in the circuit court of any county partially or totally within the proposed district.

2. Alternatively, the governing body of any local transportation authority within any county in which a proposed project may be located may file a petition in the circuit court of that county, requesting the creation of a district.

3. The proposed district area shall be contiguous and may contain all or any portion of one or more municipalities and counties; provided:

(1) Property separated only by public streets, easements or rights-of-way shall be considered contiguous;

(2) In the case of a district formed pursuant to a petition filed by the owners of record of all of the real property located within the proposed district, the proposed district area need not contain contiguous properties if:

(a) The petition provides that the only funding method for project costs will be a sales tax;

(b) The court finds that all of the real property located within the proposed district will benefit by the projects to be undertaken by the district; and

(c) Each parcel within the district is within five miles of every other parcel; and

(3) In the case of a district created pursuant to subsection 5 of this section, property separated

only by public streets, easements, or rights-of-way or connected by a single public street, easement, or right-of-way shall be considered contiguous.

4. The petition shall set forth:

(1) The name, voting residence and county of residence of each individual petitioner, or, if no persons eligible to be registered voters reside within the proposed district, the name and address of each owner of record of real property located within the proposed district, or shall recite that the petitioner is the governing body of a local transportation authority acting in its official capacity;

(2) The name and address of each respondent. Respondents must include the commission and each affected local transportation authority within the proposed district, except a petitioning local transportation authority;

(3) A specific description of the proposed district boundaries including a map illustrating such boundaries;

(4) A general description of each project proposed to be undertaken by that district, including a description of the approximate location of each project;

(5) The estimated project costs and the anticipated revenues to be collected from the project;

(6) The name of the proposed district;

[(6)] (7) The number of members of the board of directors of the proposed district, which shall be not less than five or more than fifteen;

[(7)] (8) A statement that the terms of office of initial board members shall be staggered in approximately equal numbers to expire in one, two or three years;

[(8)] (9) If the petition was filed by registered voters or by a governing body, a request that the question be submitted to the qualified voters within the limits of the proposed district whether they will establish a transportation development district to

develop a specified project or projects;

[(9)] **(10)** A proposal for funding the district initially, pursuant to the authority granted in sections 238.200 to 238.275, together with a request that the funding proposal be submitted to the qualified voters [residing] within the limits of the proposed district; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230; and

[(10)] **(11)** A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable.

5. (1) As an alternative to the methods described in subsections 1 and 2 of this section, if two or more local transportation authorities have adopted resolutions calling for the joint establishment of a district, the governing body of any one such local transportation authority may file a petition in the circuit court of any county in which the proposed project is located requesting the creation of a district.

(2) The proposed district area shall be contiguous and may contain all or any portion of one or more municipalities and counties. Property separated only by public streets, easements, or rights-of-way or connected by a single public street, easement, or right-of-way shall be considered contiguous.

(3) The petition shall set forth:

(a) That the petitioner is the governing body of a local transportation authority acting in its official capacity;

(b) The name of each local transportation authority within the proposed district. The resolution of the governing body of each local transportation authority calling for the joint establishment of the district shall be attached to the petition;

(c) The name and address of each respondent. Respondents must include the commission and

each affected local transportation authority within the proposed district, except a petitioning local transportation authority;

(d) A specific description of the proposed district boundaries including a map illustrating such boundaries;

(e) A general description of each project proposed to be undertaken by the district, including a description of the approximate location of each project;

(f) The name of the proposed district;

(g) The number of members of the board of directors of the proposed district;

(h) A request that the question be submitted to the qualified voters within the limits of the proposed district whether they will establish a transportation development district to develop the projects described in the petition;

(i) A proposal for funding the district initially, pursuant to the authority granted in sections 238.200 to 238.275, together with a request that the imposition of the funding proposal be submitted to the qualified voters residing within the limits of the proposed district; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230; and

(j) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable.

238.208. **1.** The owners of property adjacent to a transportation district formed under the Missouri transportation development district act may petition the court by unanimous petition to add their property to the district. If the property owners within the transportation development district unanimously approve of the addition of property, the adjacent properties in the petition shall be added to the district. Any property added under this section shall be subject to all projects, taxes, and special assessments in effect as of the

date of the court order adding the property to the district. The owners of the added property shall be allowed to vote at the next election scheduled for the district to fill vacancies on the board and on any other question submitted to them by the board under this chapter. The owners of property added under this section shall have one vote per acre in the same manner as provided in subdivision (2) of subsection 2 of section 238.220.

2. The owners of all of the property located in a transportation development district formed under this chapter may, by unanimous petition filed with the board of directors of the district, remove any property from the district, so long as such removal will not materially affect any obligations of the district.

238.225. 1. Before construction or funding of any project, the district shall submit the proposed project, [together with the proposed plans and specifications,] to the commission for its prior approval [of the project]. If the commission by minute finds that the project will improve or is a necessary or desirable extension of the state highways and transportation system, the commission may **preliminarily** approve the project subject to the district **providing plans and specifications for the proposed project and** making any revisions in the plans and specifications required by the commission and the district and commission entering into a mutually satisfactory agreement regarding development and future maintenance of the project. **After such preliminary approval, the district may impose and collect such taxes and assessments as may be included in the commission's preliminary approval.** After the commission approves the final construction plans and specifications, the district shall obtain prior commission approval of any modification of such plans or specifications.

2. If the proposed project is not intended to be merged into the state highways and transportation system under the commission's jurisdiction, the district shall also submit the proposed project and proposed plans and specifications to the local

transportation authority that will become the owner of the project for its prior approval.

3. In those instances where a local transportation authority is required to approve a project and the commission determines that it has no direct interest in that project, the commission may decline to consider the project. Approval of the project shall then vest exclusively with the local transportation authority subject to the district making any revisions in the plans and specifications required by the local transportation authority and the district and the local transportation authority entering into a mutually satisfactory agreement regarding development and future maintenance of the project. After the local transportation authority approves the final construction plans and specifications, the district shall obtain prior approval of the local transportation authority before modifying such plans or specifications.

238.230. 1. If approved by:

(1) A majority of the qualified voters voting on the question in the district; or

(2) The owners of record of all of the real property located within the district who shall indicate their approval by signing a special assessment petition;

the district may make one or more special assessments for those project improvements which specially benefit the properties within the district. Improvements which may confer special benefits within a district include but are not limited to improvements which are intended primarily to serve traffic originating or ending within the district, to reduce local traffic congestion or circuitry of travel, or to improve the safety of motorists or pedestrians within the district.

2. The ballot question shall be substantially in the following form:

Shall the Transportation Development District be authorized to levy special assessments against property benefited within the

district for the purpose of providing revenue for the development of a project (or projects) in the district (insert general description of the project or projects, if necessary), said special assessments to be levied ratably against each tract, lot or parcel of property within the district which is benefited by such project in proportion to the (insert method of allocating special assessments), in an amount not to exceed \$ per annum per (insert unit of measurement)?

3. The special assessment petition shall be substantially in the following form:

The Transportation Development District shall be authorized to levy special assessments against property benefited within the district for the purpose of providing revenue for the development of a project (or projects) in the district (insert general description of the project or projects, if necessary), said special assessments to be levied pro rata against each tract, lot or parcel or property within the district which is benefited by such project in proportion to the (insert method of allocating special assessments), in an amount not to exceed \$..... per annum per (insert unit of measurement).

4. If a proposal for making a special assessment fails, the district board of directors may, with the prior approval of the commission or the local transportation authority which will assume ownership of the completed project, delete from the project any portion which was to be funded by special assessment and which is not otherwise required for project integrity.

5. A district may establish different classes of real property within the district for purposes of levying differing rates of special assessments. The levy rate for special assessments may vary for each class or subclass based on the level of benefit derived by each class or subclass of real property from projects funded by the district.

238.275. 1. Within six months after development and initial maintenance costs of its completed project have been paid, the district shall

pursuant to contract transfer ownership and control of the project to the commission or a local transportation authority which shall be responsible for all future maintenance costs pursuant to contract. **Such transfer may be made sooner with the consent of the recipient.**

2. At such time as a district has completed its project and has transferred ownership of the project to the commission or other local transportation authority for maintenance, or at such time as the board determines that it is unable to complete its project due to lack of funding or for any other reason, the board shall submit for a vote in an election held throughout the district the question of whether the district should be abolished. The question shall be submitted in substantially the following form:

Shall the Transportation Development District be abolished?

3. The district board shall not propose the question to abolish the district while there are outstanding claims or causes of action pending against the district, while the district liabilities exceed its assets, or while the district is insolvent, in receivership or under the jurisdiction of the bankruptcy court. Prior to submitting the question to abolish the district to a vote, the state auditor shall audit the district to determine the financial status of the district, and whether the district may be abolished pursuant to law.

4. While the district still exists, it shall continue to accrue all revenues to which it is entitled at law.

5. Upon receipt of certification by the appropriate election authorities that the majority of those voting within the district have voted to abolish the district, and if the state auditor has determined that the district's financial condition is such that it may be abolished pursuant to law, then the board shall:

(1) Sell any remaining district real or personal property it wishes, and then transfer the proceeds

and any other real or personal property owned by the district, including revenues due and owing the district, to the commission or any appropriate local transportation authority assuming maintenance and control of the project, for its further use and disposition;

(2) Terminate the employment of any remaining district employees, and otherwise conclude its affairs;

(3) At a public meeting of the district, declare by a majority vote that the district has been abolished effective that date; and

(4) Cause copies of that resolution under seal to be filed with the secretary of state, the director of revenue, the commission, and with each local transportation authority affected by the district. Upon the completion of the final act specified in this subsection, the legal existence of the district shall cease.”; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 327, Page 13, Section 32.115, Line 9, by inserting immediately after all of said line the following:

“99.820. 1. A municipality may:

(1) By ordinance introduced in the governing body of the municipality within fourteen to ninety days from the completion of the hearing required in section 99.825, approve redevelopment plans and redevelopment projects, and designate redevelopment project areas pursuant to the notice and hearing requirements of sections 99.800 to 99.865. No redevelopment project shall be approved unless a redevelopment plan has been approved and a redevelopment area has been

designated prior to or concurrently with the approval of such redevelopment project and the area selected for the redevelopment project shall include only those parcels of real property and improvements thereon directly and substantially benefited by the proposed redevelopment project improvements;

(2) Make and enter into all contracts necessary or incidental to the implementation and furtherance of its redevelopment plan or project;

(3) Pursuant to a redevelopment plan, subject to any constitutional limitations, acquire by purchase, donation, lease or, as part of a redevelopment project, eminent domain, own, convey, lease, mortgage, or dispose of, land and other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the municipality or the commission determines is reasonably necessary to achieve the objectives of the redevelopment plan. No conveyance, lease, mortgage, disposition of land or other property, acquired by the municipality, or agreement relating to the development of the property shall be made except upon the adoption of an ordinance by the governing body of the municipality. Each municipality or its commission shall establish written procedures relating to bids and proposals for implementation of the redevelopment projects. Furthermore, no conveyance, lease, mortgage, or other disposition of land or agreement relating to the development of property shall be made without making public disclosure of the terms of the disposition and all bids and proposals made in response to the municipality's request. Such procedures for obtaining such bids and proposals shall provide reasonable opportunity for any person to submit alternative proposals or bids;

(4) Within a redevelopment area, clear any area by demolition or removal of existing buildings and structures;

(5) Within a redevelopment area, renovate,

rehabilitate, or construct any structure or building;

(6) Install, repair, construct, reconstruct, or relocate streets, utilities, and site improvements essential to the preparation of the redevelopment area for use in accordance with a redevelopment plan;

(7) Within a redevelopment area, fix, charge, and collect fees, rents, and other charges for the use of any building or property owned or leased by it or any part thereof, or facility therein;

(8) Accept grants, guarantees, and donations of property, labor, or other things of value from a public or private source for use within a redevelopment area;

(9) Acquire and construct public facilities within a redevelopment area;

(10) Incur redevelopment costs and issue obligations;

(11) Make payment in lieu of taxes, or a portion thereof, to taxing districts;

(12) Disburse surplus funds from the special allocation fund to taxing districts as follows:

(a) Such surplus payments in lieu of taxes shall be distributed to taxing districts within the redevelopment area which impose ad valorem taxes on a basis that is proportional to the current collections of revenue which each taxing district receives from real property in the redevelopment area;

(b) Surplus economic activity taxes shall be distributed to taxing districts in the redevelopment area which impose economic activity taxes, on a basis that is proportional to the amount of such economic activity taxes the taxing district would have received from the redevelopment area had tax increment financing not been adopted;

(c) Surplus revenues, other than payments in lieu of taxes and economic activity taxes, deposited in the special allocation fund, shall be distributed on a basis that is proportional to the total receipt of such other revenues in such account in the year

prior to disbursement;

(13) If any member of the governing body of the municipality, a member of a commission established pursuant to subsection 2 of this section, or an employee or consultant of the municipality, involved in the planning and preparation of a redevelopment plan, or redevelopment project for a redevelopment area or proposed redevelopment area, owns or controls an interest, direct or indirect, in any property included in any redevelopment area, or proposed redevelopment area, which property is designated to be acquired or improved pursuant to a redevelopment project, he or she shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates, terms, and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the governing body of the municipality and entered upon the minutes books of the governing body of the municipality. If an individual holds such an interest, then that individual shall refrain from any further official involvement in regard to such redevelopment plan, redevelopment project or redevelopment area, from voting on any matter pertaining to such redevelopment plan, redevelopment project or redevelopment area, or communicating with other members concerning any matter pertaining to that redevelopment plan, redevelopment project or redevelopment area. Furthermore, no such member or employee shall acquire any interest, direct or indirect, in any property in a redevelopment area or proposed redevelopment area after either (a) such individual obtains knowledge of such plan or project, or (b) first public notice of such plan, project or area pursuant to section 99.830, whichever first occurs;

(14) Charge as a redevelopment cost the reasonable costs incurred by its clerk or other official in administering the redevelopment project. The charge for the clerk's or other official's costs shall be determined by the municipality based on a recommendation from the commission, created pursuant to this section.

2. Prior to adoption of an ordinance approving the designation of a redevelopment area or approving a redevelopment plan or redevelopment project, the municipality shall create a commission of nine persons if the municipality is a county or a city not within a county and not a first class county with a charter form of government with a population in excess of nine hundred thousand, and eleven persons if the municipality is not a county and not in a first class county with a charter form of government having a population of more than nine hundred thousand, and twelve persons if the municipality is located in or is a first class county with a charter form of government having a population of more than nine hundred thousand, to be appointed as follows:

(1) In all municipalities two members shall be appointed by the school boards whose districts are included within the redevelopment plan or redevelopment area. Such members shall be appointed in any manner agreed upon by the affected districts;

(2) In all municipalities one member shall be appointed, in any manner agreed upon by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for a redevelopment project or the redevelopment area, excluding representatives of the governing body of the municipality;

(3) In all municipalities six members shall be appointed by the chief elected officer of the municipality, with the consent of the majority of the governing body of the municipality;

(4) In all municipalities which are not counties and not in a first class county with a charter form of government having a population in excess of nine hundred thousand, two members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(5) In a municipality which is a county with a charter form of government having a population in excess of nine hundred thousand, three members

shall be appointed by the cities in the county which have tax increment financing districts in a manner in which the cities shall agree;

(6) In a municipality which is located in the first class county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(7) In a municipality which is in a county under the authority of the East-West Gateway Council of Governments, except any municipality in any county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, the municipality shall create a commission in the same manner as the commission for a first class county with a charter form of government having a population of more than nine hundred thousand, such commission shall have twelve members with two such members appointed by the school boards whose districts are included in the county in a manner in which such school boards agree, with one such member to represent all other districts levying ad valorem taxes in a manner in which all such districts agree, three such members appointed either by the county executive or county commissioner, and six such members appointed by the cities in the county which have tax increment financing districts in a manner in which the cities shall agree;

(8) When any city, town, or village under the authority of the East-West Gateway Council of Governments desires to implement a tax increment financing project, such city, town, or village shall first obtain the permission of the county tax increment financing commission created in this subsection within which the city, town, or village is located;

(9) At the option of the members appointed by

the municipality, the members who are appointed by the school boards and other taxing districts may serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan or designation of a redevelopment area is considered for approval by the commission, or for a definite term pursuant to this subdivision. If the members representing school districts and other taxing districts are appointed for a term coinciding with the length of time a redevelopment project, plan or area is approved, such term shall terminate upon final approval of the project, plan or designation of the area by the governing body of the municipality. Thereafter the commission shall consist of the six members appointed by the municipality, except that members representing school boards and other taxing districts shall be appointed as provided in this section prior to any amendments to any redevelopment plans, redevelopment projects or designation of a redevelopment area. If any school district or other taxing jurisdiction fails to appoint members of the commission within thirty days of receipt of written notice of a proposed redevelopment plan, redevelopment project or designation of a redevelopment area, the remaining members may proceed to exercise the power of the commission. Of the members first appointed by the municipality, two shall be designated to serve for terms of two years, two shall be designated to serve for a term of three years and two shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the municipality shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments.

3. The commission, subject to approval of the governing body of the municipality, may exercise the powers enumerated in sections 99.800 to 99.865, except final approval of plans, projects and designation of redevelopment areas. The commission shall hold public hearings and provide notice pursuant to sections 99.825 and 99.830. The

commission shall vote on all proposed redevelopment plans, redevelopment projects and designations of redevelopment areas, and amendments thereto, within thirty days following completion of the hearing on any such plan, project or designation and shall make recommendations to the governing body within ninety days of the hearing referred to in section 99.825 concerning the adoption of or amendment to redevelopment plans and redevelopment projects and the designation of redevelopment areas. The requirements of subsection 2 of this section and this subsection shall not apply to redevelopment projects upon which the required hearings have been duly held prior to August 31, 1991.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 327, Page 13, Section 32.115, Line 9 of said page, by inserting after all of said line the following:

“99.805. As used in sections 99.800 to 99.865, unless the context clearly requires otherwise, the following terms shall mean:

(1) “Blighted area”, an area which, by reason of the predominance of defective or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use;

(2) “Collecting officer”, the officer of the

municipality responsible for receiving and processing payments in lieu of taxes or economic activity taxes from taxpayers or the department of revenue;

(3) “Conservation area”, any improved area within the boundaries of a redevelopment area located within the territorial limits of a municipality in which fifty percent or more of the structures in the area have an age of thirty-five years or more. Such an area is not yet a blighted area but is detrimental to the public health, safety, morals, or welfare and may become a blighted area because of any one or more of the following factors: dilapidation; obsolescence; deterioration; illegal use of individual structures; presence of structures below minimum code standards; abandonment; excessive vacancies; overcrowding of structures and community facilities; lack of ventilation, light or sanitary facilities; inadequate utilities; excessive land coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of community planning. A conservation area shall meet at least three of the factors provided in this subdivision for projects approved on or after December 23, 1997;

(4) “Economic activity taxes”, the total additional revenue from taxes which are imposed by a municipality and other taxing districts, and which are generated by economic activities within a redevelopment area over the amount of such taxes generated by economic activities within such redevelopment area in the calendar year prior to the adoption of the ordinance designating such a redevelopment area, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, licenses, fees or special assessments. For redevelopment projects or redevelopment plans approved after December 23, 1997, if a retail establishment relocates within one year from one facility to another facility within the same county and the governing body of the municipality finds that the relocation is a direct beneficiary of tax

increment financing, then for purposes of this definition, the economic activity taxes generated by the retail establishment shall equal the total additional revenues from economic activity taxes which are imposed by a municipality or other taxing district over the amount of economic activity taxes generated by the retail establishment in the calendar year prior to its relocation to the redevelopment area;

(5) “Economic development area”, any area or portion of an area located within the territorial limits of a municipality, which does not meet the requirements of subdivisions (1) and (3) of this section, and in which the governing body of the municipality finds that redevelopment will not be solely used for development of commercial businesses which unfairly compete in the local economy and is in the public interest because it will:

(a) Discourage commerce, industry or manufacturing from moving their operations to another state; or

(b) Result in increased employment in the municipality; or

(c) Result in preservation or enhancement of the tax base of the municipality;

(6) “Gambling establishment”, an excursion gambling boat as defined in section 313.800, RSMo, and any related business facility including any real property improvements which are directly and solely related to such business facility, whose sole purpose is to provide goods or services to an excursion gambling boat and whose majority ownership interest is held by a person licensed to conduct gambling games on an excursion gambling boat or licensed to operate an excursion gambling boat as provided in sections 313.800 to 313.850, RSMo. This subdivision shall be applicable only to a redevelopment area designated by ordinance adopted after December 23, 1997;

(7) **“Greenfield area”, any vacant, unimproved, or agricultural property that is**

located wholly outside the incorporated limits of a city, town, or village, or that is substantially surrounded by contiguous properties with agricultural zoning classifications or uses unless said property was annexed into the incorporated limits of a city, town, or village ten years prior to the adoption of the ordinance approving the redevelopment plan for such greenfield area;

(8) “Municipality”, a city, village, or incorporated town or any county of this state. For redevelopment areas or projects approved on or after December 23, 1997, “municipality” applies only to cities, villages, incorporated towns or counties established for at least one year prior to such date;

[(8)] (9) “Obligations”, bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by a municipality to carry out a redevelopment project or to refund outstanding obligations;

[(9)] (10) “Ordinance”, an ordinance enacted by the governing body of a city, town, or village or a county or an order of the governing body of a county whose governing body is not authorized to enact ordinances;

[(10)] (11) “Payment in lieu of taxes”, those estimated revenues from real property in the area selected for a redevelopment project, which revenues according to the redevelopment project or plan are to be used for a private use, which taxing districts would have received had a municipality not adopted tax increment allocation financing, and which would result from levies made after the time of the adoption of tax increment allocation financing during the time the current equalized value of real property in the area selected for the redevelopment project exceeds the total initial equalized value of real property in such area until the designation is terminated pursuant to subsection 2 of section 99.850;

[(11)] (12) “Redevelopment area”, an area designated by a municipality, in respect to which

the municipality has made a finding that there exist conditions which cause the area to be classified as a blighted area, a conservation area, an economic development area, an enterprise zone pursuant to sections 135.200 to 135.256, RSMo, or a combination thereof, which area includes only those parcels of real property directly and substantially benefited by the proposed redevelopment project;

[(12)] (13) “Redevelopment plan”, the comprehensive program of a municipality for redevelopment intended by the payment of redevelopment costs to reduce or eliminate those conditions, the existence of which qualified the redevelopment area as a blighted area, conservation area, economic development area, or combination thereof, and to thereby enhance the tax bases of the taxing districts which extend into the redevelopment area. Each redevelopment plan shall conform to the requirements of section 99.810;

[(13)] (14) “Redevelopment project”, any development project within a redevelopment area in furtherance of the objectives of the redevelopment plan; any such redevelopment project shall include a legal description of the area selected for the redevelopment project;

[(14)] (15) “Redevelopment project costs” include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan or redevelopment project, as applicable. Such costs include, but are not limited to, the following:

(a) Costs of studies, surveys, plans, and specifications;

(b) Professional service costs, including, but not limited to, architectural, engineering, legal, marketing, financial, planning or special services. Except the reasonable costs incurred by the commission established in section 99.820 for the administration of sections 99.800 to 99.865, such costs shall be allowed only as an initial expense which, to be recoverable, shall be included in the

costs of a redevelopment plan or project;

(c) Property assembly costs, including, but not limited to, acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, and the clearing and grading of land;

(d) Costs of rehabilitation, reconstruction, or repair or remodeling of existing buildings and fixtures;

(e) Initial costs for an economic development area;

(f) Costs of construction of public works or improvements;

(g) Financing costs, including, but not limited to, all necessary and incidental expenses related to the issuance of obligations, and which may include payment of interest on any obligations issued pursuant to sections 99.800 to 99.865 accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not more than eighteen months thereafter, and including reasonable reserves related thereto;

(h) All or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred in furtherance of the objectives of the redevelopment plan and project, to the extent the municipality by written agreement accepts and approves such costs;

(i) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or are required to be paid by federal or state law;

(j) Payments in lieu of taxes;

[(15)] (16) "Special allocation fund", the fund of a municipality or its commission which contains at least two separate segregated accounts for each redevelopment plan, maintained by the treasurer of the municipality or the treasurer of the commission into which payments in lieu of taxes are deposited in one account, and economic activity taxes and

other revenues are deposited in the other account;

[(16)] (17) "Taxing districts", any political subdivision of this state having the power to levy taxes;

[(17)] (18) "Taxing districts' capital costs", those costs of taxing districts for capital improvements that are found by the municipal governing bodies to be necessary and to directly result from the redevelopment project; and

[(18)] (19) "Vacant land", any parcel or combination of parcels of real property not used for industrial, commercial, or residential buildings.

99.841. 1. Notwithstanding the provisions of sections 99.800 to 99.865 to the contrary, no new tax increment financing project shall be authorized in any greenfield area, as such term is defined in section 99.805, that is located within a city not within a county or any county subject to the authority of the East West Gateway Council of Governments. Municipalities not subject to the authority of the East West Gateway Council of Governments may authorize tax increment finance projects in greenfield areas."; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Green offered SA 15:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 327, Page 157, Section 620.1881, Line 14, by inserting after all of said line the following:

"(a) The qualified company did not receive any state or federal benefits, incentives, or tax relief or abatement in locating its facility in a flood plain;"; and

Further renumber the remaining paragraphs

accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 16**, which was read:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 327, Page 151, Section 620.1881, Line 28 of said page, by inserting after “benefit.” the following: **“Any taxpayer who is awarded benefits under this program who knowingly hires individuals who are not allowed to work legally in the United States shall immediately forfeit such benefits and shall repay the state an amount equal to any state tax credits already redeemed and any withholding taxes already retained.”**

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Goodman assumed the Chair.

Senator Green offered **SA 17**:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 327, Page 13, Section 32.115, Line 9, by inserting immediately after all of said line the following:

“99.825. 1. Prior to the adoption of an ordinance proposing the designation of a redevelopment area, or approving a redevelopment plan or redevelopment project, the commission shall fix a time and place for a public hearing and notify each taxing district located wholly or partially within the boundaries of the proposed redevelopment area, plan or project. At the public hearing any interested person or affected taxing district may file with the commission written objections to, or comments on, and may be heard orally in respect to, any issues embodied in the notice. The commission shall hear and consider all

protests, objections, comments and other evidence presented at the hearing. The hearing may be continued to another date without further notice other than a motion to be entered upon the minutes fixing the time and place of the subsequent hearing. Prior to the conclusion of the hearing, changes may be made in the redevelopment plan, redevelopment project, or redevelopment area, provided that each affected taxing district is given written notice of such changes at least seven days prior to the conclusion of the hearing. After the public hearing but prior to the adoption of an ordinance approving a redevelopment plan or redevelopment project, or designating a redevelopment area, changes may be made to the redevelopment plan, redevelopment projects or redevelopment areas without a further hearing, if such changes do not enlarge the exterior boundaries of the redevelopment area or areas, and do not substantially affect the general land uses established in the redevelopment plan or substantially change the nature of the redevelopment projects, provided that notice of such changes shall be given by mail to each affected taxing district and by publication in a newspaper of general circulation in the area of the proposed redevelopment not less than ten days prior to the adoption of the changes by ordinance. After the adoption of an ordinance approving a redevelopment plan or redevelopment project, or designating a redevelopment area, no ordinance shall be adopted altering the exterior boundaries, affecting the general land uses established pursuant to the redevelopment plan or changing the nature of the redevelopment project without complying with the procedures provided in this section pertaining to the initial approval of a redevelopment plan or redevelopment project and designation of a redevelopment area. Hearings with regard to a redevelopment project, redevelopment area, or redevelopment plan may be held simultaneously.

2. If, after concluding the hearing required under this section, the commission makes a

recommendation under section 99.820 in opposition to a proposed redevelopment plan, redevelopment project, or designation of a redevelopment area, or any amendments thereto, a municipality desiring to approve such project, plan, designation, or amendments shall do so only upon a two-thirds majority vote of the governing body of such municipality.

3. Tax incremental financing projects within an economic development area shall apply to and fund only the following infrastructure projects: highways, roads, streets, bridges, sewers, traffic control systems and devices, water distribution and supply systems, curbing, sidewalks and any other similar public improvements, but in no case shall it include buildings.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Rupp offered **SA 18:**

SENATE AMENDMENT NO. 18

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 327, Page 50, Section 135.600, Line 11, by striking the number “two” and inserting in lieu thereof the number “three”; and

Further amend said section, page 51, line 7, by inserting after all of said line the following:

“9. Notwithstanding any other law to the contrary, any tax credits granted under this section may be assigned, transferred, sold, or otherwise conveyed without consent or approval.”.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Graham offered **SA 19:**

SENATE AMENDMENT NO. 19

Amend Senate Substitute for Senate

Committee Substitute for House Committee Substitute for House Bill No. 327, Page 9, Section 32.115, Line 25, by inserting immediately after the number “32.125” the following:

“and section 135.571, RSMo, with the first one hundred thousand dollars in tax credits remaining to be issued as provided under section 135.571, RSMo”; and

Further amend said bill, page 47, section 135.562, line 25, by inserting immediately after all of said line the following:

“135.571. 1. As used in this section, the following terms shall mean:

(1) “Contribution”, a payment, gift, loan, advance, deposit, or donation of money or anything of value for the purpose of supporting membership organizations created under chapter 355, RSMo, for the purpose of preserving sites located within the state associated with the Civil War. A contribution of anything of value shall be deemed to have a money value equivalent to the fair market value. “Contribution” includes, but is not limited to:

(a) A taxpayer's own money or property used in support of an eligible organization for the preservation of Missouri's Civil War sites other than expense of the taxpayer's food, lodging, or travel;

(b) Payment by a taxpayer to compensate another person for services rendered to preserve Missouri's Civil War sites, which has been approved by an eligible organization;

(c) Donation of goods and services, including the gift of advertising space in a brochure, booklet, program, pamphlet, or signs to an eligible organization;

(d) Donation of money, goods, property, or services for the creation of signs, pathways, parking, lighting, landscaping, National Register Designation, and environmental and appraisal costs associated with the preservation

of Missouri's Civil War sites approved by an eligible organization;

(e) Payments made or services rendered to an eligible organization, its affiliate, or agent for the acquisition of trademark rights, and consulting by employees and agents of a taxpayer;

(f) Facilities, office space, or equipment supplied by any person without charge or at reduced charges, except gratuitous space for meeting purposes which is made available regularly to the public, to an eligible organization for purposes of the preservation of Missouri's Civil War sites;

(2) "Department", the Missouri department of economic development;

(3) "Director", the director of the Missouri department of economic development;

(4) "Eligible organization", a membership organization created under chapter 355, RSMo, having among its purposes according to its article of incorporation the preservation of sites located within the state associated with the Civil War, and having been in existence for two years prior to application for certification under this section;

(5) "State Tax Liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, and 153, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions;

(6) "Taxpayer", a person, firm, a partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the

provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter 148, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo;

2. For tax years beginning on or after January 1, 2008, a taxpayer shall be allowed a credit in an amount equal to fifty percent of the amount of contribution made to an eligible organization for the preservation of Missouri's Civil War sites. The tax credit authorized by this section shall be fully transferrable, assignable, and saleable. In the case where the credits issued under this section to a taxpayer exceed such taxpayer's tax liability, the excess shall not result in a refund. Such excess credit may be carried forward the next five years until fully claimed. In no case shall the amount of tax credit issued under this section exceed one hundred thousand dollars in any given tax year. In no case shall a taxpayer receive more than twenty-five thousand dollars in tax credits issued under this section in any given tax year. To the extent there are tax credits remaining unissued under subsection 2 of section 32.115, RSMo, the first one hundred thousand dollars of tax credits remaining shall be made available for issuance under this section.

3. An organization desiring certification by the department as an eligible organization shall make application to the department. The department shall examine the organization and determine eligibility as provided in this section. Upon certification, the department shall notify the director of the department of revenue as to the organization's eligibility under the provisions of this section.

4. The department and the department of revenue shall promulgate rules necessary for the implementation of the provisions of this

section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted, which motion prevailed.

Senator Lager offered SA 20:

SENATE AMENDMENT NO. 20

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 327, Page 135, Section 620.495, Line 27, by inserting after all of said line the following:

“620.504. 1. There is hereby established the “Missouri Workforce Investment Board”, hereinafter referred to as “the board” in sections 620.504 to 620.509.

2. The purpose of the board is to provide workforce investment activities, through statewide and local workforce investment systems, that increase the employment, retention, and earnings of participants, and increase occupational skill attainment by participants, and, as a result, improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the state of Missouri. The board shall be the state's advisory board

pertaining to workforce preparation policy.

3. The board shall meet the requirements of the federal Workforce Investment Act of 1998, hereinafter referred to as the “WIA”, P.L. 105-220, as amended. Should another federal law supplant the “WIA”, all references in sections 620.504 to 620.509 to the WIA shall apply as well to the new federal law.

4. Composition of the board shall comply with the WIA. board members appointed by the governor shall be subject to the advice and consent of the senate. Consistent with the requirements of the WIA, the governor shall designate one member of the board to be its chairperson.

5. Except as otherwise provided in subsection 6 of this section, each member of the board shall serve for a term of four years, subject to the pleasure of the governor, and until a successor is duly appointed. In the event of a vacancy on the board, the vacancy shall be filled in the same manner as the original appointment and said replacement shall serve the remainder of the original appointee's unexpired term.

6. Of the members initially appointed to the board, one-fourth shall be appointed for a term of four years, one-fourth shall be appointed for a term of three years, one-fourth shall be appointed for a term of two years, and one-fourth shall be appointed for a term of one year.

7. Board members shall receive no compensation, but shall be reimbursed for all necessary expenses actually incurred in the performance of their duties.

620.507. 1. The board shall establish bylaws governing its organization, operation, and procedure consistent with sections 620.504 to 620.509, RSMo, and consistent with the WIA.

2. The board shall meet at least four times each year at the call of the chairperson.

3. In order to assure objective management

and oversight, the board shall not operate programs or provide services directly to eligible participants, but shall exist solely to plan, coordinate, and monitor the provisions of such programs and services. A member of the board may not vote on a matter under consideration by the board that regards the provision of services by the member or by an entity that the member represents or would provide direct financial benefit to the member or the immediate family of the member. A member of the board may not engage in any other activity determined by the governor to constitute a conflict of interest.

4. The composition and the roles and responsibilities of the board membership may be amended to comply with any succeeding federal or state legislative or regulatory requirements governing workforce investment activities, except that the procedure for such change shall be outlined in state rules and regulations and adopted in the bylaws of the board.

5. The department of economic development shall provide professional, technical, and clerical staff for the board.

6. The board may promulgate any rules and regulations necessary to administer the provisions of sections 620.504 to 620.509. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

620.509. 1. The board shall assist the governor with the functions described in section 111(d) of the WIA 29 U.S.C. 2821d and any regulations issued pursuant to the WIA.

2. The board shall submit an annual report of its activities to the governor, the speaker of the house of representatives, and the president pro tem of the senate no later than January thirty-first of each year.

3. Nothing in sections 620.504 to 620.509 shall be construed to require or allow the board to assume or supersede the statutory authority granted to, or impose any duties or requirements on, the state coordinating board for higher education, the governing boards of the state's public colleges and universities, the state board of education, or any local educational agencies.”; and

Further amend said bill, Page 163, Section 620.1881, Line 3 of said page, by inserting after all of said line the following:

“[620.521. Sections 620.521 to 620.530 shall be known and may be cited as the “Missouri Training and Employment Council Act”.]

[620.523. 1. There is hereby established the “Missouri Training and Employment Council”.

2. The Missouri training and employment council shall study and make recommendations regarding the improvement of the state's job training service delivery network. Such recommendations will consider improved federal and state resource use and expanded coordination of state job training and employment activities with other related activities. Using the results of interdepartmental collaboration at early stages of policy formation, the council shall propose a statewide training and employment policy and a

periodically updated plan of services for achieving Missouri's objective of full employment. The council shall serve as a forum for public and private sector representation to encourage cooperative uses of training and employment funding, facilities and staff resources for a more comprehensive and coordinated statewide system.

3. The Missouri training and employment council shall consist of thirty members appointed by the governor with the advice and consent of the senate. The governor shall designate one nongovernmental member to be chairman. The council shall be composed as follows:

(1) Thirty percent of the membership shall be representatives of business, industry and agriculture, including individuals who are representatives of business, industry, and agriculture on private industry councils, job service employer committees or local education advisory committees within the state;

(2) Thirty percent of the membership shall be:

(a) Members of the general assembly and state agencies and organizations. One representative each from the department of economic development, the department of elementary and secondary education, the department of labor and industrial relations and the department of social services shall be appointed;

(b) Representatives of the units or consortia of units of general local government which shall be nominated by the chief elected officials of the units or consortia of units of local government and the representatives of local educational agencies who shall be nominated by local educational agencies. One community college president or

chancellor, one representative of the state council on vocational education and one director of an area vocational school shall be appointed to the council. To the extent feasible, such appointees shall have knowledge of or experience with economic development, job training, education or related areas;

(3) Thirty percent of the membership shall be representatives of organized labor and representatives of community-based organizations in the state;

(4) Ten percent of the membership shall be representatives of the general public.

The composition and the roles and responsibilities of the Missouri training and employment council membership may be amended to comply with any succeeding federal or state legislative or regulatory requirements governing training and employment programs, except that the procedure for such change shall be outlined in state rules and regulations and adopted in the bylaws of the council.

4. Each member of the council shall serve for a term of four years and until a successor is duly appointed; except that, of the members first appointed, six members shall serve for a term of four years, eight members shall serve for a term of three years, eight members shall serve for a term of two years and eight members shall serve for a term of one year. Each member shall continue to serve until a successor is duly appointed. The council shall meet at least four times each year at the call of the chairman.

5. The members of the council shall receive no compensation, but shall be reimbursed for all necessary expenses

actually incurred in the performance of their official duties.]

[620.527. 1. The Missouri training and employment council shall:

(1) Review studies of occupational trends, employment supply and demand, industry growth, job training program participation, labor force literacy and early warning signals that industries are beginning to decline or are in danger of closing;

(2) Report to the governor and to the general assembly regarding statewide training and employment policies which have been developed in concert with interagency assistance from the department of economic development, the department of elementary and secondary education, the department of labor and industrial relations, the department of social services and other agencies delivering training and employment services;

(3) Prepare and submit to appropriate state and local agencies a statewide plan for full-employment services including such activities as labor exchange, job training or retraining, job development, job placement services and labor force literacy;

(4) Work through various state agencies delivering training and employment services to review interagency coordination and program effectiveness;

(5) Review and report to the governor innovative proposals for training and employment programs; and

(6) Encourage the participation of government, business and industry, and unions or other labor organizations, for providing assistance to dislocated

workers, in communities where plant closures occur.

2. The roles, responsibilities and duties of the Missouri job training coordinating council established by Missouri executive order 88-8 are hereby assigned to the Missouri training and employment council. The Missouri training and employment council shall perform all council functions required by the federal Job Training Partnership Act, as amended, as well as the expanded requirements defined by sections 620.521 to 620.530.]

[620.528. No later than September 1, 1992, the Missouri training and employment council shall submit to the governor and to the general assembly a proposed statewide training and employment policy. This policy shall address public and private participation toward achieving Missouri's objective of full employment. The policy shall also address methods to improve federal and state resource use in the providing of job training services and coordination of training and employment activities with other related activities.]

[620.529. 1. The Missouri training and employment council shall prepare and recommend a statewide training and employment plan for consideration by appropriate state and local agencies by 1993. The plan shall be reviewed annually and updated periodically and shall propose implementation timetables, measurable objectives and specific courses of action. The plan shall describe possible cooperative uses of training and employment funding, facilities and staff resources whenever feasible and shall focus on the development of a more coordinated training and employment delivery system.

2. The plan shall include provisions to accomplish the following objectives by the administering agencies:

(1) Provide a streamlined intake and assessment process for persons seeking training and employment assistance;

(2) Target appropriate skill areas for training so that persons are trained for positions expected to exist in the labor market;

(3) Allow workers with obsolete or inadequate skills to have their skills upgraded while retaining employment;

(4) Retrain workers displaced by high technology industry and plant closings to reenter the Missouri workforce;

(5) Involve business and industry in the planning, operation and evaluation of training programs;

(6) Encourage and assist local educational agencies, vocational technical schools and post-secondary institutions to coordinate their curricula and course selections with the changing needs of business and industry;

(7) Develop programs to improve the use of apprenticeship as a method of instruction in Missouri.

3. The objectives listed in subsection 2 of this section shall be the foundation for interagency efforts to coordinate services and offer programs which maximize resources to meet Missouri's workforce needs while recognizing various agency roles and responsibilities.]

[620.530. 1. The division of job development and training shall provide professional, technical and clerical staff support and resources to the Missouri

training and employment council; administer training programs authorized under the federal Job Training Partnership Act; administer programs authorized under sections 620.470 to 620.481; and administer such other federal or state job development and training programs as are assigned to the division.

2. The division shall promulgate rules and regulations necessary to carry out its responsibility to the Missouri training and employment council and to develop the plans and policies adopted by the council. No rule or portion of a rule promulgated under the authority of sections 620.470 to 620.570 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.]

[620.537. 1. The department of economic development shall commission a new targeted industries study to identify those general areas of the Missouri economy where growth and increased employment is likely to occur in the next decade, and to ascertain necessary, associated work force skills and requirements. The completed study shall be distributed to all Missouri state agencies which provide job training services in order to promote collaboration in the development of employment projections and in the delivery of training services, and to any local economic development agency requesting a copy of such study.

2. The Missouri training and employment council, in conjunction with the state's private industry councils, the state's community colleges, the state's area vocational technical schools, community action agencies, as defined in section 660.370, RSMo, the department

of economic development, the department of elementary and secondary education, the department of labor and industrial relations, the department of social services, and the Missouri state council on vocational education shall initiate a study regarding the value of a clustered or regional focus on job training, including the establishment of customized, technical training centers and utilization of portable equipment. Emphasis will be placed on the determination of broad occupational training needs.”; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Bartle offered **SA 21**, which was read:

SENATE AMENDMENT NO. 21

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 327, Page 123, Section 348.273, Line 9 of said page, by striking the words “human cloning,” on said line; and

further amend said bill, page 126, section 348.274, line 2 of said page, by inserting immediately after said line the following:

“8. None of the tax credits issued under this section shall be used to subsidize life sciences research.”.

Senator Bartle moved that the above amendment be adopted.

At the request of Senator Bartle, **SA 21** was withdrawn.

Senator Bartle offered **SA 22**, which was read:

SENATE AMENDMENT NO. 22

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 327, Page 123,

Section 348.273, Line 9 of said page, by striking the words “human cloning,” on said line; and

further amend said bill, page 126, section 348.274, line 2 of said page, by inserting immediately after said line the following:

“8. None of the tax credits issued under this section shall be used to subsidize human embryonic research.”.

Senator Bartle moved that the above amendment be adopted.

Senator Griesheimer offered **SSA 1** for **SA 22**, which was read:

**SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 22**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 327, Pages 122-124, Section 348.273, by striking all of said section from the bill; and

Further amend said bill, section 348.274, pages 124-126 by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above substitute amendment be adopted, which motion prevailed.

Senator Koster offered **SA 23**:

SENATE AMENDMENT NO. 23

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 327, Page 19, Section 99.1200, Line 11 of said page, by inserting immediately after said line the following:

“No tax credits provided under this section shall be authorized after August 28, 2013. Any tax credits which have been authorized on or before August 28, 2013, but not issued, may be issued, subject to the limitations provided under this subsection, until all such authorized tax credits

have been issued.”; and

Further amend said bill and section, page 20, lines 17-19, by striking all of such lines.

Senator Koster moved that the above amendment be adopted, which motion prevailed.

Senator Days offered **SA 24:**

SENATE AMENDMENT NO. 24

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 327, Page 121, Section 208.750, Line 17, by inserting immediately after the word “RSMo,” the following: **“or any nonprofit corporation formed under chapter 355, RSMo,”; and**

Further amend said bill and section, page 122, line 17 by inserting after all of said line the following:

“208.755. 1. There is hereby established within the department of economic development a program to be known as the “Family Development Account Program”. The program shall provide eligible families and individuals with an opportunity to establish special savings accounts for moneys which may be used by such families and individuals for education, home ownership or small business capitalization.

2. The department shall solicit proposals from community-based organizations seeking to administer the accounts on a not-for-profit basis. Community-based organization proposals shall include:

(1) A requirement that the individual account holder or the family of an account holder match the contributions of a community-based organization member by contributing cash;

(2) A process for including account holders in decision making regarding the investment of funds in the accounts;

(3) Specifications of the population or populations targeted for priority participation in

the program;

(4) A requirement that the individual account holder or the family of an account holder attend economic literacy seminars;

(5) A process for including economic literacy seminars in the family development account program; and

(6) A process for regular evaluation and review of family development accounts to ensure program compliance by account holders.

3. In reviewing the proposals of community-based organizations, the department shall consider the following factors:

(1) The not-for-profit status of such organization;

(2) The fiscal accountability of the community-based organization;

(3) The ability of the community-based organization to provide or raise moneys for matching contributions;

(4) The ability of the community-based organization to establish and administer a reserve fund account which shall receive all contributions from program contributors; and

(5) The significance and quality of proposed auxiliary services, including economic literacy seminars, and their relationship to the goals of the family development account program.

4. No more than [twenty] **fifteen** percent of all funds in the reserve fund account may be used for administrative costs of the program in each of the first two years of the program, and no more than [fifteen] **ten** percent of such funds may be used for administrative costs for any subsequent year. Funds deposited by account holders shall not be used for administrative costs.

5. The department shall promulgate rules and regulations to implement and administer the provisions of sections 208.750 to 208.775. No rule or portion of a rule promulgated pursuant to the

authority of sections 208.750 to 208.775 shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Days moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway offered **SA 25**:

SENATE AMENDMENT NO. 25

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 327, Page 24, Section 100.286, Line 23 of said page, by inserting immediately after said line the following:

“135.400. As used in sections 135.400 to 135.430, the following terms mean:

(1) “Certificate”, a tax credit certificate issued by the department of economic development in accordance with sections 135.400 to 135.430;

(2) [“Community bank”, either a bank community development corporation or development bank, which are financial organizations which receive investments from commercial financial institutions regulated by the federal reserve, the office of the comptroller of the currency, the office of thrift supervision, or the Missouri division of finance. Community banks, in addition to their other privileges, shall be allowed to make loans to businesses or equity investments in businesses or in real estate provided that such transactions have associated public benefits;

(3) “Community development corporation”, a not-for-profit corporation whose board of directors is composed of businesses, civic and community leaders, and whose primary purpose is to encourage and promote the industrial, economic, entrepreneurial, commercial, and civic development or redevelopment of a community or area, including the provision of housing and community development projects that benefit

low-income individuals and communities;

[(4)] (4) “Department”, the Missouri department of economic development;

[(5)] (3) “Director”, the director of the department of economic development, or a person acting under the supervision of the director;

[(6)] (4) “Investment”, a transaction in which a Missouri small business [or a community bank] receives a monetary benefit from an investor pursuant to the provisions of sections 135.403 to 135.414;

[(7)] (5) “Investor”, an individual, partnership, financial institution, trust or corporation meeting the eligibility requirements of sections 135.403 to 135.414. In the case of partnerships and nontaxable trusts, the individual partners or beneficiaries shall be treated as the investors;

(6) “**Missouri innovation center**”, an **innovation center created under section 348.271, RSMo**;

[(8)] (7) “Missouri small business”, an independently owned and operated business as defined in Title 15 U.S.C. Section 632(a) and as described by Title 13 CFR Part 121, which is headquartered in Missouri and which employs at least eighty percent of its employees in Missouri, except that no such small business shall employ more than one hundred employees. Such businesses must be involved in interstate or intrastate commerce for the purpose of manufacturing, processing or assembling products, conducting research and development, or providing services in interstate commerce, but excluding retail, real estate, insurance or professional services[. For the purpose of qualifying for the tax credit pursuant to sections 135.400 to 135.430, “Missouri small business” shall include cooperative marketing associations organized pursuant to chapter 274, RSMo, which are engaged in the business of producing and marketing fuels derived from agriculture commodities, without regard for whether a cooperative marketing

association has more than one hundred employees. Cooperative marketing associations organized pursuant to chapter 274, RSMo, shall not be required to comply with the requirements of section 135.414];

[(9)] **(8) “Primary employment”**, work which pays at least the [minimum] **county average** wage and which is not seasonal or part-time;

[(10)] **(9) “Principal owners”**, one or more persons who own an aggregate of fifty percent or more of the Missouri small business and who are involved in the operation of the business as a full-time professional activity;

[(11)] **(10) “Project”**, any commercial or industrial business or other economic development activity undertaken in a target area, designed to reduce conditions of blight, unemployment or widespread reliance on public assistance which creates permanent primary employment opportunities;

(11) “Rural area”, a county with a population of less than seventy-five thousand inhabitants or that does not contain an individual city with a population greater than fifty thousand inhabitants according to the most recent federal consensus;

(12) “Small business development center”, a center as referenced in section 620.1003, RSMo;

[(12)] **(13) “State tax liability”**, any liability incurred by a taxpayer pursuant to the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, section 375.916, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions;

[(13)] **“Target area”**, a group of blocks or a self-defined neighborhood where the rate of poverty in the area is greater than twice the national poverty rate and as defined by the department of social services in conjunction with

the department of economic development. Areas of the state satisfying the criteria of this subdivision may be designated as a “target area” following appropriate findings made and certified by the departments of economic development and social services. In making such findings, the departments of economic development and social services may use any commonly recognized records and statistical indices published or made available by any agency or instrumentality of the federal or state government. No area of the state shall be a target area until so certified by the department of social services and the revitalization plan submitted pursuant to section 208.335, RSMo, has received approval.] **(14) “Small business tax credit review committee”**, a committee consisting of two representatives from the department of economic development, two representatives from the Missouri small business development centers, and one representative from a Missouri innovation center. This committee shall review all applications for the Missouri small business investment tax credit and make recommendations to the department of economic development on the authorization of such tax credits.

135.403. 1. Any investor who makes a qualified investment **up to one hundred thousand dollars** in a Missouri small business [shall be entitled to receive] **may be issued** a tax credit equal to [forty] **thirty** percent of the amount of the investment [or, in the case of a qualified investment in a Missouri small business in a distressed community as defined by section 135.530, a credit equal to sixty percent of the amount of the investment, and any investor who makes a qualified investment in a community bank or a community development corporation shall be entitled to receive a tax credit equal to fifty percent of the amount of the investment if the investment is made in a community bank or community development corporation for direct investment. The total amount of tax credits available for

qualified investments in Missouri small businesses shall not exceed thirteen million dollars and at least four million dollars of the amount authorized by this section and certified by the department of economic development shall be for investment in Missouri small businesses in distressed communities. Authorization for all or any part of this four-million-dollar amount shall in no way restrict the eligibility of Missouri small businesses in distressed communities, as defined in section 135.530, for the remaining amounts authorized within this section. No more than twenty percent of the tax credits available each year for investments in community banks or community development corporations for direct investment shall be certified for any one project, as defined in section 135.400]. **If the investment is in small businesses located in a distressed community as defined in section 135.530 or in a rural area, the investor may be issued tax credits equal to forty percent of the amount of the investment. Effective August 28, 2007, ten million dollars of tax credits each fiscal year shall be available for qualified investments in Missouri small businesses.** The tax credit shall be evidenced by a tax credit certificate in accordance with the provisions of sections 135.400 to 135.430 and may be used to satisfy the state tax liability of the owner of the certificate that becomes due in the tax year in which the qualified investment is made, or in any of the ten tax years thereafter. [When the qualified small business is in a distressed community, as defined in section 135.530, the tax credit may also be used to satisfy the state tax liability of the owner of the certificate that was due during each of the previous three years in addition to the year in which the investment is made and any of the ten years thereafter.] No investor may receive a tax credit pursuant to sections 135.400 to 135.430 unless that person presents a tax credit certificate to the department of revenue for payment of such state tax liability. The department of revenue shall grant tax credits in the same order as established by subsection 1 of section 32.115, RSMo. Subject to the provisions of sections 135.400 to 135.430,

certificates of tax credit issued in accordance with these sections may be transferred, sold or assigned by notarized endorsement thereof which names the transferee.

2. [Five hundred thousand dollars in tax credits shall be available annually from the total amount of tax credits authorized by section 32.110, RSMo, and subdivision (4) of subsection 2 of section 32.115, RSMo, as a result of investments in community banks or community development corporations. Aggregate investments eligible for tax credits in any one Missouri small business shall not be more than one million dollars. Aggregate investments eligible for tax credits in any one Missouri small business shall not be less than five thousand dollars as of the date of issuance of the first tax credit certificate for investment in that business.] **All applications for the Missouri small business investment tax credit shall be submitted to the department of economic development. The small business tax credit review committee shall review and qualify all applications for the small business investment tax credit. The department of economic development shall not issue any certificates without the approval of the committee.**

3. [This section and section 620.1039, RSMo, shall become effective January 1, 2001.] **If the investor is an individual, partnership, trust, or corporation meeting the eligibility requirements of sections 135.403 to 135.414, a tax credit shall be issued if approved. In the case of partnerships and nontaxable trusts, the individual partners or beneficiaries shall be treated as the investors. If the investor is a financial institution that has made a loan not to exceed one million dollars to the qualified Missouri small business, the tax credit shall be held as a guarantee on the loan and shall only be issued and redeemed by the financial institution if the small business defaults on the loan within the first five years of the loan.”; and**

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Smith offered SA 26:

SENATE AMENDMENT NO. 26

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 327, Page 67, Section 135.750, Line 5, by inserting immediately after all of said line the following:

“135.760. 1. For all taxable years beginning on or after January 1, 2008, a resident individual who is allowed a federal earned income tax credit under Section 32 of the Internal Revenue Code of 1986, as amended, shall be allowed a credit against the tax otherwise due under chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo, in an amount equal to five percent of the allowable federal earned income tax credit. The tax credit allowed by this section shall be claimed by such individual at the time such individual files a return and shall be applied against the income tax liability imposed by chapter 143, RSMo. Where the amount of the credit exceeds the tax liability, the difference shall be refunded to the taxpayer or carried forward into each subsequent taxable year until such credit is fully used.

2. The director of the department of revenue shall promulgate rules and regulations to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the

grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

3. Notwithstanding the provision of subsection 4 of section 32.057, RSMo, the department of revenue or any duly authorized employee or agent shall determine whether any taxpayer filing a report or return with the department of revenue who has not applied for the credit allowed under this section may qualify for the credit, and shall notify any qualified claimant of the claimant's potential eligibility, where the department determines such potential eligibility exists.

4. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:

(1) The provisions of the new program authorized under this section shall automatically sunset on December thirty-first six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

Further amend the title and enacting clause accordingly.

Senator Smith moved that the above amendment be adopted.

Senator Callahan requested a roll call vote be taken and was joined in his request by Senators Coleman, Days, Justus and Smith.

SA 26 failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Coleman	Days
Engler	Graham	Green	Griesheimer
Justus	Kennedy	Mayer	McKenna
Shoemyer	Smith	Wilson—15	

NAYS—Senators

Bartle	Champion	Clemens	Crowell
Gibbons	Goodman	Gross	Koster
Lager	Loudon	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel—18		

Absent—Senator Barnitz—1

Absent with leave—Senators—None

Vacancies—None

Senator Bartle offered **SA 27**:

SENATE AMENDMENT NO. 27

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 327, Page 163, Section 620.1881, Line 3, by inserting immediately after all of said line the following:

“[578.395. 1. Any person, firm, or corporation who resells or offers to resell any ticket for admission, or any other evidence of the right of entry, to any public sporting event for a price in excess of the price printed on the ticket is guilty of the offense of ticket scalping. For purposes of this section, if a seller requires, as a precondition of the resale of a ticket, the purchase or rental of other goods or services at a price in excess of the fair market value of such goods or services, the excess amount shall be deemed to be part of the purchase price of the ticket.

2. Nothing in this section shall prohibit nor shall be deemed to prohibit a seller, with consent of the sponsor of such sporting event, from collecting a reasonable service charge from a ticket purchaser in return for services actually rendered.

3. Any person violating this section upon conviction shall be guilty of a misdemeanor and, except as provided in subsection 4 of this section, shall be punished as follows:

(1) For the first offense, by a fine of not less than fifty dollars nor more than three hundred dollars or by imprisonment in the county jail for a term of not less than fifteen days;

(2) For the second offense, by a fine of not less than three hundred dollars nor more than five hundred dollars or by imprisonment in the county jail for a term of not less than sixty days nor more than six months;

(3) For the third and each subsequent offense, by a fine of not less than five hundred dollars nor more than one thousand dollars or imprisonment in the county jail for a term of not less than six months nor more than one year.

4. In lieu of any fine imposed under subsection 3 of this section, the court may invoke the provisions of subsection 2 of section 560.016, RSMo, against any person convicted of a second or subsequent offense of this section.]; and further amend the title and enacting clause accordingly.

Senator Bartle moved that the above amendment be adopted.

Senator Loudon offered **SA 1** to **SA 27**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 27

Amend Senate Amendment No. 27 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 327, Page 2, Section 578.395, Line 13, by adding after the word “and” the following:

(5) No person, firm, limited liability company, or corporation shall purchase more than ten tickets at one time, except that any ticket issuer may allow the purchase of any amount of tickets through a group sales office.

Senator Loudon moved that the above

amendment be adopted.

At the request of Senator Loudon, the above amendment was withdrawn.

Senator Loudon offered **SA 2** to **SA 27**, which was read:

**SENATE AMENDMENT NO. 2 TO
SENATE AMENDMENT NO. 27**

Amend Senate Amendment No. 27 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 327, Page 1, Line 2 of said amendment adding after the word “following” the following:

“Section 1. No person, firm, limited liability company, or corporation shall purchase more than twenty tickets at one time, except that any ticket issuer may allow the purchaser of any amount of tickets through a group sales office.”

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

SA 27, as amended, was again taken up.

Senator Bartle moved that the above amendment be adopted, which motion prevailed.

Senator Coleman offered **SA 28**:

SENATE AMENDMENT NO. 28

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 327, Page 87, Section 135.1150, Line 14 of said page, by inserting immediately after said line the following:

“142.815. 1. Motor fuel used for the following nonhighway purposes is exempt from the fuel tax imposed by this chapter, and a refund may be claimed by the consumer, except as provided for in subsection (1) of this section, if the tax has been paid and no refund has been previously issued:

(1) Motor fuel used for nonhighway purposes including fuel for farm tractors or stationary engines owned or leased and operated by any person and used exclusively for agricultural purposes and including, beginning January 1,

2006, bulk sales of one hundred gallons or more of gasoline made to farmers and delivered by the ultimate vender to a farm location for agricultural purposes only. As used in this section, the term “farmer” shall mean any person engaged in farming in an authorized farm corporation, family farm, or family farm corporation as defined in section 350.010, RSMo. At the discretion of the ultimate vender, the refund may be claimed by the ultimate vender on behalf of the consumer for sales made to farmers and to persons engaged in construction for agricultural purposes as defined in section 142.800. After December 31, 2000, the refund may be claimed only by the consumer and may not be claimed by the ultimate vender unless bulk sales of gasoline are made to a farmer after January 1, 2006, as provided in this subdivision and the farmer provides an exemption certificate to the ultimate vender, in which case the ultimate vender may make a claim for refund under section 142.824 but shall be liable for any erroneous refund;

(2) Kerosene sold for use as fuel to generate power in aircraft engines, whether in aircraft or for training, testing or research purposes of aircraft engines;

(3) Diesel fuel used as heating oil, or in railroad locomotives or any other motorized flanged-wheel rail equipment, or used for other nonhighway purposes other than as expressly exempted pursuant to another provision.

2. Subject to the procedural requirements and conditions set out in this chapter, the following uses are exempt from the tax imposed by section 142.803 on motor fuel, and a deduction or a refund may be claimed:

(1) Motor fuel for which proof of export is available in the form of a terminal-issued destination state shipping paper and which is either:

(a) Exported by a supplier who is licensed in the destination state or through the bulk transfer system;

(b) Removed by a licensed distributor for immediate export to a state for which all the applicable taxes and fees (however nominated in that state) of the destination state have been paid to the supplier, as a trustee, who is licensed to remit tax to the destination state; or which is destined for use within the destination state by the federal government for which an exemption has been made available by the destination state subject to procedural rules and regulations promulgated by the director; or

(c) Acquired by a licensed distributor and which the tax imposed by this chapter has previously been paid or accrued either as a result of being stored outside of the bulk transfer system immediately prior to loading or as a diversion across state boundaries properly reported in conformity with this chapter and was subsequently exported from this state on behalf of the distributor;

The exemption pursuant to paragraph (a) of this subdivision shall be claimed by a deduction on the report of the supplier which is otherwise responsible for remitting the tax upon removal of the product from a terminal or refinery in this state. The exemption pursuant to paragraphs (b) and (c) of this subdivision shall be claimed by the distributor, upon a refund application made to the director within three years. A refund claim may be made monthly or whenever the claim exceeds one thousand dollars;

(2) Undyed K-1 kerosene sold at retail through dispensers which have been designed and constructed to prevent delivery directly from the dispenser into a vehicle fuel supply tank, and undyed K-1 kerosene sold at retail through nonbarricaded dispensers in quantities of not more than twenty-one gallons for use other than for highway purposes. Exempt use of undyed kerosene shall be governed by rules and regulations of the director. If no rules or regulations are promulgated by the director, then the exempt use of undyed kerosene shall be governed by rules and regulations of the Internal Revenue Service. A

distributor or supplier delivering to a retail facility shall obtain an exemption certificate from the owner or operator of such facility stating that its sales conform to the dispenser requirements of this subdivision. A licensed distributor, having obtained such certificate, may provide a copy to his or her supplier and obtain undyed kerosene without the tax levied by section 142.803. Having obtained such certificate in good faith, such supplier shall be relieved of any responsibility if the fuel is later used in a taxable manner. An ultimate vendor who obtained undyed kerosene upon which the tax levied by section 142.803 had been paid and makes sales qualifying pursuant to this subsection may apply for a refund of the tax pursuant to application, as provided in section 142.818, to the director provided the ultimate vendor did not charge such tax to the consumer;

(3) Motor fuel sold to the United States or any agency or instrumentality thereof. This exemption shall be claimed as provided in section 142.818;

(4) Motor fuel used solely and exclusively as fuel to propel school buses, as such term is defined under subdivision (19) of section 302.010, RSMo, on the public roads and highways of this state when leased or owned and when being operated by a public school district of this state, or leased or owned by a person under contract with such district for the provision of bus services for educational purposes. The exemption for use under this subdivision shall be made available to the school district for whose educational purposes the fuel is consumed, whether the fuel was purchased by such school district or by another under a contract to provide bus service for such school district, upon a refund application stating that the motor fuel was purchased for the exclusive use of the school districts.

(5) Motor fuel used solely and exclusively as fuel to propel motor vehicles on the public roads and highways of this state when leased or owned and when being operated by a federally recognized Indian tribe in the performance of essential

governmental functions, such as providing police, fire, health or water services. The exemption for use pursuant to this subdivision shall be made available to the tribal government upon a refund application stating that the motor fuel was purchased for the exclusive use of the tribe in performing named essential governmental services;

[(5)] (6) Motor fuel sold within an Indian reservation or within Indian country by a federally recognized Indian tribe to a member of that tribe and used in motor vehicles owned by a member of the tribe within Indian country. This exemption does not apply to sales within an Indian reservation or within Indian country by a federally recognized Indian tribe to non-Indian consumers or to Indian consumers who are not members of the tribe selling the motor fuel. This exemption shall be administered as provided in section 142.821;

[(6)] (7) That portion of motor fuel used to operate equipment attached to a motor vehicle, if the motor fuel was placed into the fuel supply tank of a motor vehicle that has a common fuel reservoir for travel on a highway and for the operation of equipment, or if the motor fuel was placed in a separate fuel tank and used only for the operation of auxiliary equipment. The exemption for use pursuant to this subdivision shall be claimed by a refund claim filed by the consumer who shall provide evidence of an allocation of use satisfactory to the director;

[(7)] (8) Motor fuel acquired by a consumer out-of-state and carried into this state, retained within and consumed from the same vehicle fuel supply tank within which it was imported, except interstate motor fuel users;

[(8)] (9) Motor fuel which was purchased tax-paid and which was lost or destroyed as a direct result of a sudden and unexpected casualty or which had been accidentally contaminated so as to be unsalable as highway fuel as shown by proper documentation as required by the director. The exemption pursuant to this subdivision shall

be refunded to the person or entity owning the motor fuel at the time of the contamination or loss. Such person shall notify the director in writing of such event and the amount of motor fuel lost or contaminated within ten days from the date of discovery of such loss or contamination, and within thirty days after such notice, shall file an affidavit sworn to by the person having immediate custody of such motor fuel at the time of the loss or contamination, setting forth in full the circumstances and the amount of the loss or contamination and such other information with respect thereto as the director may require;

[(9)] (10) Dyed diesel fuel or dyed kerosene used for an exempt purpose. This exemption shall be claimed as follows:

(a) A supplier or importer shall take a deduction against motor fuel tax owed on their monthly report for those gallons of dyed diesel fuel or dyed kerosene imported or removed from a terminal or refinery destined for delivery to a point in this state as shown on the shipping papers;

(b) This exemption shall be claimed by a deduction on the report of the supplier which is otherwise responsible for remitting the tax on removal of the product from a terminal or refinery in this state;

(c) This exemption shall be claimed by the distributor, upon a refund application made to the director within three years. A refund claim may be made monthly or whenever the claim exceeds one thousand dollars.”; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Clemens offered **SA 29**:

SENATE AMENDMENT NO. 29

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 327, Page 55,

Section 135.630, Line 21 of said page, by inserting immediately after said line the following:

“135.660. 1. This section shall be known and may be cited as the “Qualified Beef Tax Credit Act”.

2. As used in this section, the following terms mean:

(1) “Agricultural property”, any real and personal property, including but not limited to buildings, structures, improvements, equipment, and livestock, that is used in or is to be used in this state by residents of this state for:

(a) The operation of a farm or ranch; and

(b) Grazing, feeding, or the care of livestock;

(2) “Authority”, the agricultural and small business development authority established in chapter 348, RSMo;

(3) “Qualifying beef animal”, any beef animal that is certified by the authority, that was born in this state after August 28, 2008, that was raised and backgrounded or finished in this state by the taxpayer, and that weighs more than four hundred fifty pounds, excluding any beef animal more than thirty months of age;

(4) “Qualifying sale”, the first time a qualifying beef animal is sold in this state after the qualifying beef animal's weight reaches four hundred fifty pounds, and a subsequent sale if the weight of the qualifying beef animal at the time of the subsequent sale is greater than the weight of the qualifying beef animal at the time of the first qualifying sale of such beef animal;

(5) “Tax credit”, a credit against the tax otherwise due under chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, or otherwise due under chapter 147, RSMo;

(6) “Taxpayer”, any individual or entity

who:

(a) Is subject to the tax imposed in chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, or the tax imposed in chapter 147, RSMo;

(b) In the case of an individual, is a resident of this state; and

(c) Owns or rents agricultural property.

3. For all taxable years beginning on or after January 1, 2009, but ending on or before December 31, 2016, a taxpayer shall be allowed a tax credit for each qualifying sale of a qualifying beef animal. The tax credit amount shall be based on the qualifying beef animal's weight at the time of the first qualifying sale, and shall be equal to ten cents per pound above four hundred fifty pounds and for a subsequent qualifying sale, ten cents per pound above the weight of the qualifying beef animal at the time of the first qualifying sale of such beef animal or four hundred fifty pounds, whichever weight is greater.

4. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year for which the credit is claimed. No tax credit claimed under this section shall be refundable. The tax credit shall be claimed in the taxable year in which the qualifying sale of the qualifying beef occurred, but any amount of credit that the taxpayer is prohibited by this section from claiming in a taxable year may be carried forward to any of the taxpayer's five subsequent taxable years and carried backward to any of the taxpayer's three previous taxable years. The amount of tax credits that may be issued to all eligible applicants claiming tax credits authorized in this section in a fiscal year shall not exceed ten million dollars, and the cumulative amount of tax credits that may be issued to all eligible applicants claiming all tax credits authorized in this section shall not

exceed thirty million dollars.

5. To claim the tax credit allowed under this section, the taxpayer shall submit to the authority an application for the tax credit on a form provided by the authority. The application shall be filed with the authority at the end of each calendar year in which a qualified sale was made and for which a tax credit is claimed under this section. The application shall include any documentation and information required by the authority. All required information obtained by the authority shall be confidential and not disclosed except by court order or as otherwise provided by law. If the taxpayer and the qualified sale meets all criteria required by this section and is approved by the authority, the authority shall issue a tax credit certificate in the appropriate amount. Tax credit certificates issued under this section may be assigned, transferred, sold, or otherwise conveyed, and the new owner of the tax credit certificate shall have the same rights in the tax credit as the original taxpayer. Whenever a tax credit certificate is assigned, transferred, sold or otherwise conveyed, a notarized endorsement shall be filed with the authority specifying the name and address of the new owner of the tax credit certificate or the value of the tax credit.

6. Any information provided under this section shall be confidential information, to be shared with no one except state and federal animal health officials, and shall not be subject to subpoena or other compulsory production.

7. The department of agriculture and the authority may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are

nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

8. This section shall not be subject to the Missouri sunset act, sections 23.250 to 23.298, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Clemens moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer moved that **SS** for **SCS** for **HCS** for **HB 327**, as amended, be adopted, which motion prevailed.

Senator Griesheimer moved that **SS** for **SCS** for **HCS** for **HB 327**, as amended, be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Gibbons referred **SS** for **SCS** for **HCS** for **HB 327**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

REFERRALS

President Pro Tem Gibbons referred the gubernatorial appointments appearing on page 786 to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the House has adopted **SS** for **HCS** for **HB 453** and has taken up and passed **SS** for **HCS** for **HB 453**.

RESOLUTIONS

Senator Scott offered Senate Resolution No. 865, regarding Elizabeth Wenger Cook, Clinton, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Engler introduced to the Senate, Lieutenant Mark Mattina and Chief Phil Johnson of the Farmington Fire Department.

Senator Days introduced to the Senate, Lynn Nipper, St. Louis.

Senator Graham introduced to the Senate, the Physician of the Day, Dr. Kieth Groh, M.D., Columbia.

Senator Shoemyer introduced to the Senate, Dennis Miller and students from Kirksville Homeschool Association.

Senator Purgason introduced to the Senate, Dr. Don Hamby, Jane Ward, Tracy Dean, Amanda Ratliff, Rogers Taylor, Sam Moody, Chad Robertson, Justin Bennett and Jerry Adkins, representatives of Missouri State University, West Plains.

Senator Graham introduced to the Senate, University of Missouri Interim-President Dr. Gordon Lamb.

On behalf of Senators Bray, Smith and herself, Senator Coleman introduced to the Senate, Shirley Johnson, Graham A. Colditz, MD, DrPH, Brian C. Springer, MHA and Timothy J. Eberlein, M.D., St. Louis.

Senator Coleman introduced to the Senate, Vivian Gibson, Cheryl Landzaat, Wade Chatfield,

and Jabari and Akilah Aitch, representatives of Big Brothers and Big Sisters, St. Louis; and Jabari and Akilah were made honorary pages.

Senator Engler introduced to the Senate, Reverend Harry Douma, representatives and students from Camp Penuel, Ironton.

Senator McKenna introduced to the Senate, twenty-eight seventh grade students from St. Joseph Elementary School, Imperial; and Emma Randolph, Coleen Wieland, Steven Tanner and Dylan Schindler were made honorary pages.

Senator Graham introduced to the Senate, Jason Calhoun, M.D., Joel Jeffries, M.D., Tom Reinsel, M.D., Greg Galakatos, M.D. and Michael Grillot, M.D. of the Missouri State Orthopaedic Association.

Senator Smith introduced to the Senate, Mike Weiss, St. Louis.

Senator Gross introduced to the Senate, members of Big Brothers and Big Sisters from around the state.

Senator Crowell introduced to the Senate, students from St. Paul Lutheran School, Cape Girardeau County.

On behalf of Senator Mayer and himself, Senator Kennedy introduced to the Senate, Doug and Nate Kennedy, Poplar Bluff.

Senator Lager introduced to the Senate, members of 2006 and 2007 Class 1A State Champion Jefferson C-123 boys basketball team, Conception.

Senator Clemens introduced to the Senate, Betty Lynn, Kansas City; and Nicholas and Sarah Inman, Marshfield.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-THIRD DAY—THURSDAY, APRIL 12, 2007

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HJR 19-Bearden, et al

THIRD READING OF SENATE BILLS

SS for SCS for SB 21-Griesheimer

SS for SCS for SB 85-Champion

(In Fiscal Oversight)

SB 433-Callahan and Rupp

SS for SCS for SB 429-Gibbons

(In Fiscal Oversight)

SCS for SB 313-Scott

SENATE BILLS FOR PERFECTION

- | | |
|--|--|
| 1. SB 668-Loudon, with SCS | 18. SB 654-Kennedy |
| 2. SB 496-Koster and Bartle, with SCS | 19. SB 563-Lager, with SCS |
| 3. SBs 660, 553, 557, 167, 258, 114 &
378-Mayer, with SCS | 20. SB 635-Loudon, with SCS |
| 4. SBs 555 & 38-Gibbons, with SCS | 21. SB 586-Crowell, with SCS |
| 5. SB 499-Engler and Clemens, with SCS | 22. SB 358-Engler |
| 6. SB 572-Vogel | 23. SB 616-McKenna, with SCS |
| 7. SB 627-Ridgeway | 24. SB 644-Griesheimer |
| 8. SB 599-Engler, with SCS | 25. SBs 372 & 366-Justus and Koster,
with SCS |
| 9. SB 205-Stouffer and Gibbons, with SCS | 26. SB 388-Mayer, with SCS |
| 10. SB 521-Lager, et al, with SCS | 27. SB 225-Stouffer, with SCS |
| 11. SB 611-Goodman, with SCS | 28. SB 571-Mayer, with SCS |
| 12. SB 537-Lager | 29. SB 652-Coleman and Gibbons, with SCS |
| 13. SB 523-Scott, with SCS | 30. SB 699-Lager, with SCS |
| 14. SB 542-Scott, with SCS | 31. SB 11-Coleman, with SCS |
| 15. SB 592-Scott, with SCS | 32. SB 536-Lager, with SCS |
| 16. SB 664-Scott, with SCS | 33. SB 552-Bartle |
| 17. SB 212-Goodman | 34. SB 484-Stouffer, with SCS |

HOUSE BILLS ON THIRD READING

HCS for HB 221 (Loudon)
HB 454-Jetton, et al (Mayer)
(In Fiscal Oversight)
HCS for HJR 1, with SCS (Rupp)

HCS for HB 346 (Clemens)
(In Fiscal Oversight)
HB 155-Dusenberg, et al (Ridgeway)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 2-Gibbons, with SCS
SB 5-Loudon, with SCS
SB 17-Shields, with SCS
SB 20-Griesheimer, with SCS
SB 27-Bartle and Koster
SB 31-Nodler
SB 40-Ridgeway, with SS (pending)
SB 53-Koster and Engler, with SCS
SB 75-Coleman, et al, with SCS
SB 86-Champion, with SCS
SB 101-Mayer
SB 131-Rupp
SB 153-Engler, et al, with SCS
SB 155-Engler, with SCS
SB 160-Rupp, with SCS
SB 168-Mayer and Crowell, with SCS
SB 169-Rupp, with SCS, SS for SCS & SA 3
(pending)
SB 204-Stouffer, with SCS & SS for SCS
(pending)
SB 213-McKenna
SB 242-Nodler, with SCS
SB 250-Ridgeway and Vogel
SB 252-Ridgeway and McKenna
SB 254-Nodler, et al, with SCS
SBs 260 & 71-Koster, et al, with SCS
SB 274-Shields
SB 282-Griesheimer, with SCS & SS for
SCS (pending)

SB 287-Crowell and Vogel
SB 292-Mayer
SB 297-Loudon, with SCS
SB 300-Bartle
SS for SB 303-Loudon
SB 341-Goodman, with SCS
SB 363-Bartle
SB 364-Koster, with SCS, SS for SCS, SA 1
& SSA 1 for SA 1 (pending)
SB 368-Barnitz, et al, with SCS
SBs 370, 375 & 432-Scott and Koster,
with SCS & SA 3 (pending)
SB 385-Gibbons, with SCS
SB 389-Nodler, et al, with SCS & SS#4
for SCS (pending)
SB 391-Days, with SCS
SB 400-Crowell, et al
SB 428-Purgason, with SCS
SB 430-Shields, et al, with SCS, SS#2 for
SCS, SA 4 & SSA 3 for SA 4 (pending)
SB 444-Goodman
SB 453-Scott, with SCS
SB 458-Gibbons
SB 476-Crowell
SB 480-Ridgeway, et al, with SCS
SB 492-Crowell
SB 511-Scott, with SCS
SB 531-Gibbons, with SCS
SB 534-Nodler

SB 570-Clemens

SB 698-Ridgeway, et al, with SCS

HOUSE BILLS ON THIRD READING

SS for SCS for HCS for HB 327
(Griesheimer) (In Fiscal Oversight)

HJR 7-Nieves, with SCS (Engler)

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Reported 2/15

SB 8-Kennedy

Reported 3/8

SB 185-Green

House Bills

Reported 4/5

HB 62-Ruestman, et al (Nodler)
HCS for HB 405 (Scott)
HB 754-Moore and Bivins
HB 576-Cooper (120), et al (Clemens)

HCS for HB 678 (Goodman)
HB 264-Cunningham (86)
HB 732-Parson, et al (Scott)

RESOLUTIONS

Reported from Committee

HCR 15-Threlkeld, et al, with SCS (Shields)
SCR 10-Koster and Shields

HCR 25-Yates, et al (Bartle)

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-THIRD DAY—THURSDAY, APRIL 12, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The present moment holds infinite riches, but you will only enjoy them to the extent of your faith and love. The more a soul loves, the more it longs, the more it hopes, the more it finds.” (Jean-Pierre De Caussade)

Gracious God, this day holds much for us to do and think about and then to act upon and it will be busy and have distractions; but we would ask that after they are completed, You would help us shift our minds and hearts to our important relationships with those You have given us to love. Help us use this weekend to enrich our souls and draw closer to You and our families as we celebrate the possibilities You provide us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman

Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Justus offered Senate Resolution No. 866, regarding the Sixty-fifth Birthday of Linda Batliner Cook, Kansas City, which was adopted.

Senator Clemens offered Senate Resolution No. 867, regarding Charles L. Edmonson, Walnut Grove, which was adopted.

Senator Goodman offered Senate Resolution No. 868, regarding Judy Willard, which was adopted.

Senator Vogel offered Senate Resolution No. 869, regarding Austin John Thomas, Jefferson City, which was adopted.

Senators Vogel and Bray offered Senate Resolution No. 870, regarding Donna Noble Cavitte, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 871, regarding Theresa Ferguson, Jefferson City, which was adopted.

Senator Lager offered Senate Resolution No. 872, regarding the Ninetieth Birthday of Fred Kerwin, Parnell, which was adopted.

Senator Lager offered Senate Resolution No. 873, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Thomas A. Wallace, Maryville, which was adopted.

Senator Rupp offered Senate Resolution No. 874, regarding the O'Fallon Fire Protection District, which was adopted.

Senator Gibbons offered Senate Resolution No. 875, regarding Tom Teasdale, Kirkwood, which was adopted.

Senator Lager offered Senate Resolution No. 876, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Clifton Dale Singleton, Laredo, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SS** for **SCS** for **SB 429**; **SS** for **SCS** for **SB 85**; **HB 454**; and **HCS** for **HB 346**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that

it has considered the same and recommends that the Senate do give its advice and consent to the following:

Becky J. Jungmann, as a member of the Advisory Committee for 911 Service Oversight;

Also,

Janice T. McElwrath, Democrat, as a member of the State Fair Commission.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SB 21**, introduced by Senator Griesheimer, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 21

An Act to repeal sections 393.829 and 432.070, RSMo, and to enact in lieu thereof thirty-nine new sections relating to reorganized common sewer districts, with an emergency clause.

Was taken up.

On motion of Senator Griesheimer, **SS** for **SCS** for **SB 21** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields

Shoemyer Smith Stouffer Vogel
Wilson—33

NAYS—Senators—None

Absent—Senator Days—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator Crowell—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the House has taken up and passed **SB 257**.

Bill ordered enrolled.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SB 85**, introduced by Senator Champion, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 85

An Act to repeal sections 195.010, 195.017, and 195.417, RSMo, and to enact in lieu thereof eleven new sections relating to monitoring of drugs, with penalty provisions and an effective date.

Was taken up.

On motion of Senator Champion, **SS** for **SCS** for **SB 85** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by

which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 433, introduced by Senators Callahan and Rupp, entitled:

An Act to repeal section 288.042, RSMo, and to enact in lieu thereof one new section relating to veterans' unemployment compensation.

Was taken up by Senator Callahan.

On motion of Senator Callahan, **SB 433** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Callahan, title to the bill was agreed to.

Senator Callahan moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 257**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

President Pro Tem Gibbons assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SB 257**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

President Kinder assumed the Chair.

THIRD READING OF SENATE BILLS

SS for SCS for SB 429, introduced by Senator Gibbons, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 429

An Act to repeal sections 191.225, 431.056, 565.072, 595.030, and 595.209, RSMo, and to enact in lieu thereof seventeen new sections relating to crime victims, with penalty provisions.

Was taken up.

On motion of Senator Gibbons, **SS for SCS for SB 429** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager

Loudon Mayer McKenna Nodler
Purgason Ridgeway Rupp Scott
Shields Smith Stouffer Vogel
Wilson—33

NAYS—Senators—None

Absent—Senator Shoemyer—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for **SB 313**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 313

An Act to repeal sections 700.010, 700.045, 700.056, 700.065, 700.070, 700.090, 700.100, 700.115, 700.450, 700.455, 700.460, 700.465, 700.470, and 700.650, RSMo, and to enact in lieu thereof thirteen new sections relating to manufactured homes, with penalty provisions.

Was taken up by Senator Scott.

On motion of Senator Scott, **SCS** for **SB 313** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators

Barnitz Purgason—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Stouffer moved that **SB 204**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS** for **SB 204** was taken up.

At the request of Senator Stouffer, **SS** for **SCS** for **SB 204** was withdrawn.

Senator Stouffer offered **SS No. 2** for **SCS** for **SB 204**, entitled:

SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 204

An Act to repeal section 414.255, RSMo, and to enact in lieu thereof one new section relating to biodiesel, with penalty provisions.

Senator Stouffer moved that **SS No. 2** for **SCS** for **SB 204** be adopted.

Senator Koster assumed the Chair.

Senator Purgason offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate

Committee Substitute for Senate Bill No. 204, Page 9, Section 414.255, Line 11, by inserting after all of said line the following:

"15. Beginning April 1, 2009, at least five percent of all quail or pheasants intended to be sold by a restaurant, grocery store, or convenience store in the state shall be produced in Missouri."

Senator Purgason moved that the above amendment be adopted.

Senator Stouffer raised the point of order that **SA 1** is not germane to the subject matter of the underlying legislation.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Mayer offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 204, Page 1, Section A, Line 3, by inserting immediately after said line the following:

"142.031. 1. As used in this section the following terms shall mean:

(1) "Biodiesel", fuel as defined in ASTM Standard D-6751 or its subsequent standard specifications for biodiesel fuel (B100) blend stock for distillate fuels;

(2) "Missouri qualified biodiesel producer", a facility that produces biodiesel, is registered with the United States Environmental Protection Agency according to the requirements of 40 CFR 79, and:

(a) Is at least fifty-one percent owned by agricultural producers who are residents of this state and who are actively engaged in agricultural production for commercial purposes; or

(b) At least eighty percent of the feedstock used by the facility originates in the state of Missouri. For purposes of this section, "feedstock" means a Missouri agricultural product as defined in

section 348.400, RSMo.

2. The "Missouri Qualified Biodiesel Producer Incentive Fund" is hereby created and subject to appropriations shall be used to provide economic subsidies to Missouri qualified biodiesel producers pursuant to this section. The director of the department of agriculture shall administer the fund pursuant to this section.

3. A Missouri qualified biodiesel producer shall be eligible for a monthly grant from the fund provided that one hundred percent of the feedstock originates in the United States. However, the director may waive the feedstock requirements on a month-to-month basis if the facility provides verification that adequate feedstock is not available. A Missouri qualified biodiesel producer shall only be eligible for the grant for a total of sixty months unless such producers during the sixty months fail, due to a lack of appropriations, to receive the full amount from the fund for which the producers were eligible, in which case such producers shall continue to be eligible for up to twenty-four additional months or until they have received the maximum amount of funding for which such producers were eligible during the original sixty-month time period. The amount of the grant is determined by calculating the estimated gallons of qualified biodiesel produced during the preceding month from [Missouri] agricultural products, as certified by the department of agriculture, and applying such figure to the per-gallon incentive credit established in this subsection. Each Missouri qualified biodiesel producer shall be eligible for a total grant in any fiscal year equal to thirty cents per gallon for the first fifteen million gallons of qualified biodiesel produced from [Missouri] agricultural products in the fiscal year plus ten cents per gallon for the next fifteen million gallons of qualified biodiesel produced from [Missouri] agricultural products in the fiscal year. All such qualified biodiesel produced by a Missouri qualified biodiesel producer in excess of thirty million gallons shall not be applied to the computation of a grant

pursuant to this subsection. The department of agriculture shall pay all grants for a particular month by the fifteenth day after receipt and approval of the application described in subsection 4 of this section.

4. In order for a Missouri qualified biodiesel producer to obtain a grant from the fund, an application for such funds shall be received no later than fifteen days following the last day of the month for which the grant is sought. The application shall include:

(1) The location of the Missouri qualified biodiesel producer;

(2) The average number of citizens of Missouri employed by the Missouri qualified biodiesel producer in the preceding month, if applicable;

(3) The number of bushel equivalents of Missouri agricultural commodities **and non-Missouri agricultural commodities** used by the Missouri qualified biodiesel producer in the production of biodiesel in the preceding month;

(4) The number of gallons of qualified biodiesel the producer manufactures during the month for which the grant is applied;

(5) A copy of the qualified biodiesel producer license required pursuant to subsection 5 of this section, name and address of surety company, and amount of bond to be posted pursuant to subsection 5 of this section; and

(6) Any other information deemed necessary by the department of agriculture to adequately ensure that such grants shall be made only to Missouri qualified biodiesel producers.

5. The director of the department of agriculture, in consultation with the department of revenue, shall promulgate rules and regulations necessary for the administration of the provisions of this section.

6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created

under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

7. This section shall expire on December 31, 2009. However, Missouri qualified biodiesel producers receiving any grants awarded prior to December 31, 2009, shall continue to be eligible for the remainder of the original sixty-month time period under the same terms and conditions of this section unless such producer during such sixty months failed, due to a lack of appropriations, to receive the full amount from the fund for which he or she was eligible. In such case, such producers shall continue to be eligible for up to twenty-four additional months or until they have received the maximum amount of funding for which they were eligible during the original sixty-month time period.”; and

Further amend the title and enacting clause accordingly.

Senator Mayer moved that the above amendment be adopted, which motion prevailed.

Senator Rupp assumed the Chair.

Senator Shoemyer offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 204, Page 9, Section 414.255, Line 11 of said page, by inserting immediately after said line the following:

“414.365. 1. As used in this section, the following terms mean:

(1) “B-20”, a blend of twenty percent by

volume biodiesel fuel and eighty percent by volume petroleum-based diesel fuel;

(2) "Biodiesel", fuel as defined in ASTM standard PS121;

(3) "Incremental cost", the difference in cost between blended biodiesel fuel and conventional petroleum-based diesel fuel at the time the blended biodiesel fuel is purchased.

2. On or before October 1, 2003, the Missouri department of transportation shall develop a program that provides for the opportunity to use fuel with at least the biodiesel content of B-20 in its vehicle fleet and heavy equipment that use diesel fuel. Such program shall have the following goals, provided that such program and goals do not prohibit the department from generating and selling EPA credits pursuant to section 414.407:

(1) On or before July 1, 2004, at least fifty percent of the department's vehicle fleet and heavy equipment that use diesel fuel shall use fuel with at least the biodiesel content of B-20, if such fuel is commercially available;

(2) On or before July 1, 2005, at least seventy-five percent of the department's vehicle fleet and heavy equipment that use diesel fuel shall use fuel with at least the biodiesel content of B-20, if such fuel is commercially available.

3. The blended biodiesel fuel shall be presumed to be commercially available if the [incremental cost of such fuel is not more than twenty-five cents] **conditions under subdivision (9) of subsection 2 and subsection 6 of section 414.255 are satisfied.**

4. Nothing in this section is intended to create a state requirement for biodiesel fuel use in excess of the requirements of the federal National Energy Policy Act of 1992, Pub.L. 102-486; 42 U.S.C. 13251, 13257(o).

5. To the maximum extent practicable, the department shall obtain funding for the incremental cost of the blended biodiesel fuel from

the biodiesel fuel revolving fund established in section 414.407.

6. The director of the Missouri department of transportation may promulgate any rules necessary to carry out the provisions of this section. No rule or portion of a rule promulgated pursuant to this section shall take effect unless it has been promulgated pursuant to chapter 536, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Shoemyer moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer moved that **SS No. 2** for **SCS** for **SB 204**, as amended, be adopted, which motion prevailed.

On motion of Senator Stouffer, **SS No. 2** for **SCS** for **SB 204**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 457**, entitled:

An Act to repeal sections 135.010, 135.030, and 137.106, RSMo, and to enact in lieu thereof four new sections relating to homestead tax relief.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 227**, entitled:

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a tax

credit for storm shelters.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 914**, entitled:

An Act to repeal sections 192.935, 317.001, 317.006, 317.011, 317.013, 317.015, 317.018, 327.011, 327.111, 327.181, 327.201, 327.291, 327.441, 327.633, 334.120, 335.016, 335.036, 335.066, 335.068, 335.076, 335.096, 335.097, 336.010, 336.020, 336.030, 336.040, 336.050, 336.060, 336.070, 336.080, 336.090, 336.140, 336.160, 336.200, 336.220, 336.225, 337.600, 337.603, 337.604, 337.606, 337.609, 337.612, 337.615, 337.618, 337.622, 337.624, 337.627, 337.630, 337.636, 337.639, 337.650, 337.653, 337.659, 337.665, 337.668, 337.674, 337.677, 337.680, 337.686, 337.689, 339.100, 345.015, 345.030, 345.045, 345.055, 346.015, 346.030, 346.035, 346.055, 346.060, 346.110, 383.130, 383.133, 537.035, and 621.045, RSMo, and to enact in lieu thereof ninety-six new sections relating to the practice of certain licensed professionals, with penalty provisions and an effective date for certain sections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 298**, entitled:

An Act to amend chapter 319, RSMo, by adding thereto seventeen new sections relating to blasting and excavation, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 818**, entitled:

An Act to repeal sections 376.960, 376.961, 376.964, 376.966, 376.986, 376.989, 379.930, 379.938, 379.940, 379.942, 379.943, 379.944, and 379.952, RSMo, and to enact in lieu thereof seventeen new sections relating to portability and accessibility of health insurance.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SENATE BILLS FOR PERFECTION

Senator Ridgeway moved that **SB 40**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SB 40** was again taken up.

Senator Ridgeway offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 40, Page 7, Section 143.128, Line 1, by inserting immediately after the word “ethanol” the following: “, **“biodiesel” shall mean fuel as defined in ASTM Standard D-6751 or its subsequent standard specifications for biodiesel fuel (B100) blend stock for distillate fuels, and “biodiesel-blended fuel” shall mean a blend of biodiesel and conventional diesel fuel**”; and

Further amend said bill, page and section, line 7, by inserting immediately after the word “gasoline” the following: “**or equal to five cents per gallon of biodiesel or biodiesel-blended fuel**”; and further amend said bill, section and

page, line 10, by inserting immediately after the word “gasoline” the following: **“or equal to three cents per gallon of biodiesel or biodiesel-blended fuel”**; and

Further amend said bill, page and section, line 14, by inserting immediately after the word “gasoline” the following: **“or equal to five cents per gallon of biodiesel or biodiesel-blended fuel”**; and

Further amend said bill and section, page 8, line 24, by inserting immediately after all of said line the following:

“4. Nothing in this section shall be construed as authorizing, approving, or condoning the violation of a motor vehicle manufacturer's stated warranty with regard to recommended fuel use.”; and

Further amend said bill, page 23, section 144.030, lines 15-16, by striking all of said lines and inserting in lieu thereof the following:

“(40) Sales of new diesel-powered motor vehicles with a gross vehicle rating not exceeding eight thousand five hundred pounds.”; and

Further amend said bill, section and page, line 16, by inserting immediately after all of said line the following:

“144.061. For fiscal year 2008, there shall hereby be exempted from state sales tax, sales of new motor vehicles designed to operate on eighty-five percent ethanol fuel.”; and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Shoemyer offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 40, Page 1, Section A, Line 3, by inserting immediately after all of said line the following:

“135.670. 1. As used in this section, the following terms mean:

(1) **“E-85 conversion kit”**, a parts kit designed such that once installed on a motor vehicle, such vehicle's conventional gasoline engine would be capable of utilizing E-85, or ethanol-blended fuel;

(2) **“Department”**, the department of revenue;

(3) **“State tax liability”**, in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, and 153, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions;

(4) **“Taxpayer”**, a person, firm, a partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.

2. For all tax years beginning on or after January 1, 2007, a taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal to twenty-five percent of the amount such taxpayer paid to purchase and install an E-85 conversion kit on a motor vehicle. The total amount of tax credits issued under this section shall not exceed five hundred thousand dollars.

3. The amount of the tax credit claimed

shall not exceed the amount of the taxpayer's state tax liability for the taxable year for which the credit is claimed. However, any tax credit that cannot be claimed in the taxable year the purchase and installation was made may be carried over to the next three succeeding taxable years until the full credit has been claimed. The tax credit allowed under this section shall be fully transferable.

4. Not less than one hundred and twenty days from the effective date of this act, the department shall promulgate rules necessary for the implementation of the provisions of this act. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

5. The provisions of this section shall automatically sunset five years after August 28, 2007, unless reauthorized.”; and

Further amend the title and enacting clause accordingly.

Senator Shoemyer moved that the above amendment be adopted, which motion prevailed.

Senator Green offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 40, Page 2, Section 135.710, Line 4 of said page, by inserting after “citizens” the following: “which, if constructed after August 28, 2007, was constructed with at least fifty-one percent

of the costs being paid to qualified Missouri contractors for the:

(a) Fabrication of pre-manufactured equipment or process piping used in the construction of such facility;

(b) Construction of such facility; and

(c) General maintenance of such facility during the time period in which such facility receives any tax credit under this section;

(5) “Qualified Missouri contractor”, a contractor whose principal place of business is located in Missouri and has been located in Missouri for a period of not less than five years”.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway moved that SS for SB 40, as amended, be adopted, which motion prevailed.

On motion of Senator Ridgeway, SS for SB 40, as amended, was declared perfected and ordered printed.

HOUSE BILLS ON SECOND READING

The following Joint Resolution was read the 2nd time and referred to the Committee indicated:

HJR 19—Pensions, Veterans’ Affairs and General Laws.

SENATE BILLS FOR PERFECTION

Senator Nodler moved that SB 31 be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Nodler offered SS for SB 31:

SENATE SUBSTITUTE FOR SENATE BILL NO. 31

An Act to repeal sections 327.011, 327.111, 327.181, 327.201, 327.291, 327.441, 327.633, and 621.045, RSMo, and to enact in lieu thereof six new sections relating to architects, professional engineers, land surveyors, and landscape architects, with penalty provisions.

Senator Nodler moved that **SS** for **SB 31** be adopted, which motion prevailed.

On motion of Senator Nodler, **SS** for **SB 31** was declared perfected and ordered printed.

Senator Crowell moved that **SB 287** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Crowell offered **SS** for **SB 287**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 287

An Act to repeal section 313.835, RSMo, and to enact in lieu thereof one new section relating to the distribution of proceeds in the gaming commission fund.

Senator Crowell moved that **SS** for **SB 287** be adopted.

Senator Green offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 287, Page 1, Section A, Line 3 of said page, by inserting immediately after said line the following:

“42.121. 1. All moneys received by the Missouri veterans' homes or any officer thereof from any source whatsoever shall be transmitted promptly to the state treasurer by the commission for deposit in the state treasury to the credit of the Missouri veterans' homes fund, which fund and all interest earned shall be maintained solely for the use of the Missouri veterans' homes. All interest earned from deposit of money in the Missouri veterans' homes fund shall be deposited to the credit of the Missouri veterans' homes fund and shall not be credited to general revenue.

2. The unexpended balance in the Missouri veterans' homes fund at the end of the biennium shall not be transferred to the ordinary revenue fund of the state treasury and shall be exempt from the provisions of section 33.080, RSMo, relating to transfer of funds to the ordinary revenue funds of

the state by the state treasurer.

3. No less than ninety-seven percent of beds in all state-run veterans' homes shall be staffed and funded.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Crowell, **SB 287**, with **SS**, as amended (pending), was placed on the Informal Calendar.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS No. 2** for **SCS** for **SB 204**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 780**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 554**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 555**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 69**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 125**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 268**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS** for **HB 459**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 467**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS** for **HB 616**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 665**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 205**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS** for **HB 795**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 684**, begs leave to report that it has considered the same and recommends

that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 740**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HCS** for **HB 272**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HB 344**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HB 351**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HB 428**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on

the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HB 680**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HB 75**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Nodler, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HB 265**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 267**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 469**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 620**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Purgason, Chairman of the Committee on Health and Mental Health, submitted the following report:

Mr. President: Your Committee on Health and Mental Health, to which was referred **HCS** for **HB 39**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HCS** for **HB 774**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HB 269**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which were referred **SB 348**, **SB 461** and **SB 626**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **HB 56**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 933**, begs leave to report that it has considered the same

and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HCS** for **HB 796**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 574**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 654** and **938**, entitled:

An Act to repeal section 313.835, RSMo, and to enact in lieu thereof two new sections relating to veterans, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 945**, entitled:

An Act to repeal sections 556.061, 559.100, 565.081, 565.082, and 565.083, RSMo, and to enact in lieu thereof six new sections relating to crimes against criminal justice officials, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 213**, entitled:

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to intellectual diversity.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

BILLS DELIVERED TO THE GOVERNOR

SB 257, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

INTRODUCTIONS OF GUESTS

Senator Kennedy introduced to the Senate, students from Our Lady of Providence, St. Louis; and Phil Lindwedel, Stephanie Kassing, Dave and Theresa McIntyre, Joan Saracino, Paul Boston, Ethan, Sam and Henry McIntyre, Chris Naunheim, Andrew Boston, Colin Kelley, Sam Lindwedel, Nicholas, Christopher and John Paul Saracino and Kevin Krupp were made honorary pages.

Senator Green introduced to the Senate, Judge Paul Simon, St. Louis.

Senator Kennedy introduced to the Senate, ten

fourth grade students from Abiding Savior Lutheran School, St. Louis County.

Senator Gibbons introduced to the Senate, twenty-two fourth and fifth grade students from Villa Di Maria Montessori Center, Kirkwood; and Patrick Kohlberg, Tabitha Hunter, Sage Elfanbaum and Joseph Arendt were made honorary pages.

Senator Engler introduced to the Senate, foreign exchange students from around the state.

Senator Ridgeway introduced to the Senate, twenty-three eighth grade students from Life Christian Academy, Kansas City.

Senator Ridgeway introduced to the Senate, Phillis Renshaw, parents and thirty fourth grade students from Oak Hill Day School, Gladstone.

Senator Crowell introduced to the Senate, Matelynn Campmeyer and students from Eagle Ridge and Clippard Elementary Schools, Cape Girardeau.

Senator Barnitz introduced to the Senate, Katie Astrack, Annika Wittek and twenty German foreign exchange students from Hermann High School.

Senator Shoemyer introduced to the Senate, Cara Wilt, parents and thirty-six students from Shelbina Elementary School.

Senator Lager introduced to the Senate, students from Gilman City School.

On motion of Senator Shields, the Senate adjourned until 2:00 p.m., Monday, April 16, 2007.

SENATE CALENDAR

FIFTY-FOURTH DAY—MONDAY, APRIL 16, 2007

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 457

HCS for HB 227

HCS for HB 914
HCS for HB 298
HCS for HB 818

HCS for HBs 654 & 938
HCS for HB 945
HB 213-Cunningham (86), et al

THIRD READING OF SENATE BILLS

SS#2 for SCS for SB 204-Stouffer

SENATE BILLS FOR PERFECTION

- | | |
|--|---|
| 1. SB 668-Loudon, with SCS | 19. SB 563-Lager, with SCS |
| 2. SB 496-Koster and Bartle, with SCS | 20. SB 635-Loudon, with SCS |
| 3. SBs 660, 553, 557, 167, 258, 114 &
378-Mayer, with SCS | 21. SB 586-Crowell, with SCS |
| 4. SBs 555 & 38-Gibbons, with SCS | 22. SB 358-Engler |
| 5. SB 499-Engler and Clemens, with SCS | 23. SB 616-McKenna, with SCS |
| 6. SB 572-Vogel | 24. SB 644-Griesheimer |
| 7. SB 627-Ridgeway | 25. SBs 372 & 366-Justus and Koster,
with SCS |
| 8. SB 599-Engler, with SCS | 26. SB 388-Mayer, with SCS |
| 9. SB 205-Stouffer and Gibbons, with SCS | 27. SB 225-Stouffer, with SCS |
| 10. SB 521-Lager, et al, with SCS | 28. SB 571-Mayer, with SCS |
| 11. SB 611-Goodman, with SCS | 29. SB 652-Coleman and Gibbons, with SCS |
| 12. SB 537-Lager | 30. SB 699-Lager, with SCS |
| 13. SB 523-Scott, with SCS | 31. SB 11-Coleman, with SCS |
| 14. SB 542-Scott, with SCS | 32. SB 536-Lager, with SCS |
| 15. SB 592-Scott, with SCS | 33. SB 552-Bartle |
| 16. SB 664-Scott, with SCS | 34. SB 484-Stouffer, with SCS |
| 17. SB 212-Goodman | 35. SBs 348, 461 & 626-Koster, et al,
with SCS |
| 18. SB 654-Kennedy | |

HOUSE BILLS ON THIRD READING

- | | |
|---------------------------------------|--|
| 1. HCS for HB 221 (Loudon) | 7. HCS for HB 469, with SCS (Crowell) |
| 2. HB 454-Jetton, et al (Mayer) | 8. HCS for HB 620, with SCS (Ridgeway) |
| 3. HCS for HJR 1, with SCS (Rupp) | 9. HCS for HB 39, with SCS (Koster) |
| 4. HCS for HB 346 (Clemens) | 10. HCS for HB 774 |
| 5. HB 155-Dusenberg, et al (Ridgeway) | 11. HB 269-Nolte (Ridgeway) |
| 6. HB 69-Day, with SCS (Barnitz) | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 2-Gibbons, with SCS	SB 300-Bartle
SB 5-Loudon, with SCS	SS for SB 303-Loudon
SB 17-Shields, with SCS	SB 341-Goodman, with SCS
SB 20-Griesheimer, with SCS	SB 363-Bartle
SB 27-Bartle and Koster	SB 364-Koster, with SCS, SS for SCS,
SB 53-Koster and Engler, with SCS	SA 1 & SSA 1 for SA 1 (pending)
SB 75-Coleman, et al, with SCS	SB 368-Barnitz, et al, with SCS
SB 86-Champion, with SCS	SBs 370, 375 & 432-Scott and Koster,
SB 101-Mayer	with SCS & SA 3 (pending)
SB 131-Rupp	SB 385-Gibbons, with SCS
SB 153-Engler, et al, with SCS	SB 389-Nodler, et al, with SCS & SS#4
SB 155-Engler, with SCS	for SCS (pending)
SB 160-Rupp, with SCS	SB 391-Days, with SCS
SB 168-Mayer and Crowell, with SCS	SB 400-Crowell, et al
SB 169-Rupp, with SCS, SS for SCS &	SB 428-Purgason, with SCS
SA 3 (pending)	SB 430-Shields, et al, with SCS, SS#2
SB 213-McKenna	for SCS, SA 4 & SSA 3 for SA 4 (pending)
SB 242-Nodler, with SCS	SB 444-Goodman
SB 250-Ridgeway and Vogel	SB 453-Scott, with SCS
SB 252-Ridgeway and McKenna	SB 458-Gibbons
SB 254-Nodler, et al, with SCS	SB 476-Crowell
SBs 260 & 71-Koster, et al, with SCS	SB 480-Ridgeway, et al, with SCS
SB 274-Shields	SB 492-Crowell
SB 282-Griesheimer, with SCS & SS for	SB 511-Scott, with SCS
SCS (pending)	SB 531-Gibbons, with SCS
SB 287-Crowell and Vogel, with	SB 534-Nodler
SS (pending)	SB 570-Clemens
SB 292-Mayer	SB 698-Ridgeway, et al, with SCS
SB 297-Loudon, with SCS	

HOUSE BILLS ON THIRD READING

SS for SCS for HCS for HB 327
(Griesheimer) (In Fiscal Oversight)

HJR 7-Nieves, with SCS (Engler)

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Reported 2/15

SB 8-Kennedy

Reported 3/8

SB 185-Green

House Bills

Reported 4/5

HB 62-Ruestman, et al (Nodler)

HCS for HB 405 (Scott)

HB 754-Kelly, et al (Vogel)

HB 576-Cooper (120), et al (Clemens)

HCS for HB 678 (Goodman)

HB 264-Cunningham (86)

HB 732-Parson, et al (Scott)

Reported 4/12

HCS for HB 780, with SCS

HB 554-Cooper (155), et al

HCS for HB 555

HB 125-Franz, with SCS (Shoemyer)

HB 268-Moore and Bivins

HCS for HB 459

HB 467-Cox

HCS for HB 616

HB 665-Ervin, et al

HB 205-Marsh, et al (Griesheimer)

HCS for HB 795, with SCS

HB 684-Bruns, with SCS

HB 740-Pearce, with SCS (Koster)

HCS for HB 272

HB 344-Munzlinger, et al

HB 351-Wood, et al (Goodman)

HB 428-Cox

HB 680-May, et al

HB 75-Sutherland

HB 265-Cunningham (86) (Rupp)

HB 267-Jones (117) and Cunningham (86)

HB 56-Sater, et al

HB 933-Grill, et al

HCS for HB 796

HB 574-St. Onge

RESOLUTIONS

Reported from Committee

HCR 15-Threlkeld, et al, with SCS
(Shields)

SCR 10-Koster and Shields
HCR 25-Yates, et al (Bartle)

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Journal

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Journal of the Senate

FIRST REGULAR SESSION

FIFTY-FOURTH DAY—MONDAY, APRIL 16, 2007

The Senate met pursuant to adjournment.

Senator Nodler in the Chair.

Reverend Carl Gauck offered the following prayer:

“Whatever your hand finds to do, do with your might.”
(Ecclesiastes 9:10a)

Holy and Gracious God, we know that You sanctify each day with Your blessing so that all our business is a holy business at all hours and in all places. We pray that what we are about this week will be uncommon and You will turn our efforts into spiritual adventures. Bless us and guide us so it may be so with us and You will honor our work. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

Senator Scott assumed the Chair.

The Journal for Thursday, April 12, 2007 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross

Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Engler offered Senate Resolution No. 877, regarding Ronald Winiford Sheppard, Sr., which was adopted.

Senator Scott offered Senate Resolution No. 878, regarding Harry Lee Hargrave, which was adopted.

Senator Scott offered Senate Resolution No. 879, regarding Gerald Whistance, which was adopted.

Senator Scott offered Senate Resolution No. 880, regarding Linda Crowe, which was adopted.

Senator Barnitz offered Senate Resolution

No. 881, regarding Paul Bischoff, St. Robert, which was adopted.

Senator Barnitz offered Senate Resolution No. 882, regarding Steve Farris, St. Robert, which was adopted.

Senator Bray offered Senate Resolution No. 883, regarding Susan Robison, St. Louis, which was adopted.

Senator Bray offered Senate Resolution No. 884, regarding Angela Rhodes, Maryland Heights, which was adopted.

Senator Mayer offered Senate Resolution No. 885, regarding the One Hundred Fiftieth Anniversary of the City of Caruthersville, which was adopted.

Senator Lager offered Senate Resolution No. 886, regarding the Worth County Chapter of the Future Business Leaders of America, which was adopted.

Senator Kennedy offered Senate Resolution No. 887, regarding Sergeant Richard J. Chapman, St. Louis County, which was adopted.

Senator Gibbons offered Senate Resolution No. 888, regarding the Graduate School of the University of Missouri-Columbia, which was adopted.

Senator Ridgeway offered Senate Resolution No. 889, regarding Logan James Reed, Kearney, which was adopted.

Senator Ridgeway offered Senate Resolution No. 890, regarding Matthew Donald Marsh, Liberty, which was adopted.

Senator Shields offered Senate Resolution No. 891, regarding Travis Weaver, Weston, which was adopted.

Senator Gibbons offered Senate Resolution No. 892, regarding Edie Barnard, Rock Hill, which was adopted.

Senator Coleman offered Senate Resolution No. 893, regarding Chrissy Zerr, St. Charles,

which was adopted.

Senator Coleman offered Senate Resolution No. 894, regarding Danielle L. Mayes, Lake St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 895, regarding Brittany Johnson, Florissant, which was adopted.

Senator Coleman offered Senate Resolution No. 896, regarding Jessica Sanford, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 897, regarding Evin Da'rough, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 898, regarding Natalie Edurne Clark, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 899, regarding Valecia McDowell, Florissant, which was adopted.

Senator Coleman offered Senate Resolution No. 900, regarding Morgan A. Mackey, Ballwin, which was adopted.

Senator Coleman offered Senate Resolution No. 901, regarding Jae Whitney Blackmon, Florissant, which was adopted.

Senator Coleman offered Senate Resolution No. 902, regarding Brittany Jones, Chesterfield, which was adopted.

Senator Coleman offered Senate Resolution No. 903, regarding Brianne Flaherty, Wildwood, which was adopted.

Senator Coleman offered Senate Resolution No. 904, regarding Kathryn Ayres, Ballwin, which was adopted.

Senator Coleman offered Senate Resolution No. 905, regarding Amanda Burian, Fenton, which was adopted.

Senator Coleman offered Senate Resolution No. 906, regarding Simone Cunningham, St.

Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 907, regarding Lauren Daly, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 908, regarding Caroline Johnson, Wildwood, which was adopted.

Senator Coleman offered Senate Resolution No. 909, regarding Kayla Martin, Wentzville, which was adopted.

Senator Coleman offered Senate Resolution No. 910, regarding Chelsea McGartland, Wildwood, which was adopted.

Senator Coleman offered Senate Resolution No. 911, regarding Catie Mohrmann, St. Charles, which was adopted.

Senator Coleman offered Senate Resolution No. 912, regarding Marjorie Powers, Affton, which was adopted.

Senator Coleman offered Senate Resolution No. 913, regarding Julia Anderson, Fenton, which was adopted.

Senator Coleman offered Senate Resolution No. 914, regarding Barbara Barker, St. Peters, which was adopted.

Senator Coleman offered Senate Resolution No. 915, regarding Kimberly Bauer, St. Peters, which was adopted.

Senator Coleman offered Senate Resolution No. 916, regarding Sharami-Tara Brown, Hillsboro, which was adopted.

Senator Coleman offered Senate Resolution No. 917, regarding Jamie Cordia, Maryland Heights, which was adopted.

Senator Coleman offered Senate Resolution No. 918, regarding Kimberly M. Dick, Florissant, which was adopted.

Senator Coleman offered Senate Resolution No. 919, regarding Bridget Julianna Calandro,

Wildwood, which was adopted.

Senator Coleman offered Senate Resolution No. 920, regarding Elizabeth Grondalski, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 921, regarding Kelsea Inman, Ste. Genevieve, which was adopted.

Senator Coleman offered Senate Resolution No. 922, regarding Brittany Johnson, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 923, regarding Jalyn Lee Jones, St. Charles, which was adopted.

Senator Coleman offered Senate Resolution No. 924, regarding Jocelyn Briana McLin, Florissant, which was adopted.

Senator Coleman offered Senate Resolution No. 925, regarding Stephanie Oexeman, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 926, regarding Katherine Wintergalen, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 927, regarding Elizabeth Zerkel, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 928, regarding Shannon Slavik, Florissant, which was adopted.

Senator Coleman offered Senate Resolution No. 929, regarding Laura Nicklaus, Webster Groves, which was adopted.

Senator Coleman offered Senate Resolution No. 930, regarding Victoria R. Casanta, Ballwin, which was adopted.

Senator Coleman offered Senate Resolution No. 931, regarding Shater'ra K. Lee, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 932, regarding Krichel Childress, St. Louis,

which was adopted.

Senator Bray offered Senate Resolution No. 933, regarding Ladue DECA, which was adopted.

Senator Graham offered Senate Resolution No. 934, regarding Wayne Boykin, which was adopted.

Senator Graham offered Senate Resolution No. 935, regarding Alice Vaughn, which was adopted.

Senator Shields offered Senate Resolution No. 936, regarding John Hooser, Platte City, which was adopted.

Senator Engler offered Senate Resolution No. 937, regarding Arcadia Valley High School Key Club, Ironton, which was adopted.

Senator Engler offered Senate Resolution No. 938, regarding the Two Hundredth Anniversary of the Potosi United Methodist Church, which was adopted.

Senator Engler offered Senate Resolution No. 939, regarding Marvin Skiles, Park Hills, which was adopted.

Senator Champion offered Senate Resolution No. 940, regarding the Fiftieth Anniversary of Baptist Temple, Springfield, which was adopted.

Senator Griesheimer offered Senate Resolution No. 941, regarding Thomas Peter Schoenenberger and Barbara Christina Affolter, St. Gallen, Switzerland, which was adopted.

Senator Lager offered Senate Resolution No. 942, regarding the Greater Maryville Chamber of Commerce, which was adopted.

Senator Ridgeway offered Senate Resolution No. 943, regarding USAFR Captain Lisa Gaines, which was adopted.

Senator Ridgeway offered Senate Resolution No. 944, regarding Caleb Raines Remboldt, which was adopted.

Senator Ridgeway offered Senate Resolution No. 945, regarding Jonathon Clifford Kinate, which was adopted.

Senator Ridgeway offered Senate Resolution No. 946, regarding Andrew Mark Alshouse, which was adopted.

Senator Ridgeway offered Senate Resolution No. 947, regarding Timothy Charles "Tim" Schlee, which was adopted.

Senator Ridgeway offered Senate Resolution No. 948, regarding Mike Weber, Clay County, which was adopted.

Senator Shields offered Senate Resolution No. 949, regarding Javada Brown, Weatherby Lake, which was adopted.

Senator Griesheimer offered Senate Resolution No. 950, regarding the Twentieth Anniversary of Developmental Services of Franklin County, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 40** and **SS** for **SB 31**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SCS** for **HCS** for **HB 327**, begs leave to report that it has considered the same and recommends that the bill do pass.

SENATE BILLS FOR PERFECTION

Senator Champion moved that **SB 86**, with

SCS, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 86**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 86

An Act to repeal section 135.327, RSMo, and to enact in lieu thereof one new section relating to the children in crisis tax credit program, with an emergency clause.

Was taken up.

Senator Champion moved that **SCS** for **SB 86** be adopted, which motion prevailed.

On motion of Senator Champion, **SCS** for **SB 86** was declared perfected and ordered printed.

HOUSE BILLS ON THIRD READING

HCS for **HB 678**, entitled:

An Act to amend chapter 171, RSMo, by adding thereto one new section relating to school attendance in inclement weather, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Goodman.

On motion of Senator Goodman, **HCS** for **HB 678** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator Justus—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

The Senate observed a moment of prayer for the victims and survivors of the Virginia Tech shootings.

Senator Crowell requested unanimous consent of the body to correct the committee report made by the Committee on Pensions, Veterans' Affairs and General Laws, April 12, 2007, on **SB 348** and others, stating that the report should have read: "to which were referred **SB 348**, **SB 626** and **SB 461**", which request was granted.

Senator Griesheimer moved that **SS** for **SCS**

for **HCS** for **HB 327**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Griesheimer, **SS** for **SCS** for **HCS** for **HB 327**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bray	Callahan	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Justus	Kennedy
Koster	Loudon	Mayer	McKenna
Nodler	Ridgeway	Rupp	Shields
Shoemyer	Smith	Vogel	Wilson—28

NAYS—Senators

Barnitz	Bartle	Lager	Purgason
Scott	Stouffer—6		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bray	Callahan	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Justus	Kennedy	Koster
Loudon	Mayer	McKenna	Nodler
Rupp	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—27	

NAYS—Senators

Barnitz	Bartle	Goodman	Lager
Purgason	Ridgeway	Scott—7	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

THIRD READING OF SENATE BILLS

SS No. 2 for **SCS** for **SB 204**, introduced by Senator Stouffer, entitled:

**SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 204**

An Act to repeal sections 142.031, 414.255, and 414.365, RSMo, and to enact in lieu thereof three new sections relating to biodiesel, with penalty provisions.

Was taken up.

On motion of Senator Stouffer, **SS No. 2** for **SCS** for **SB 204** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Griesheimer
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—28

NAYS—Senators

Bartle	Callahan	Green	Gross
Purgason	Ridgeway—6		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

At the request of Senator Loudon, **SB 668**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Koster, **SB 496**, with **SCS**, was placed on the Informal Calendar.

SB 660, **SB 553**, **SB 557**, **SB 167**, **SB 258**, **SB 114** and **SB 378**, with **SCS**, were placed on the Informal Calendar.

SB 555 and **SB 38**, with **SCS**, were placed on the Informal Calendar.

SB 499, with **SCS**, was placed on the Informal Calendar.

SB 572 was placed on the Informal Calendar.

SB 627 was placed on the Informal Calendar.

At the request of Senator Engler, **SB 599**, with **SCS**, was placed on the Informal Calendar.

SB 205, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Lager, **SB 521**, with **SCS**, was placed on the Informal Calendar.

Senator Goodman moved that **SB 611**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 611**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 611

An Act to repeal sections 600.011 and 600.042, RSMo, and to enact in lieu thereof four new sections relating to the public defender system.

Was taken up.

Senator Goodman moved that **SCS** for **SB 611** be adopted.

Senator Gross offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 611, Page 4, Section 600.047, Lines 1-2, by striking all of said lines and inserting in lieu thereof the following:

“600.047. 1. Subject to appropriations, moneys from the general revenue fund may be appropriated for the purpose of paying contract counsel to represent eligible”; and

Further amend said bill and section, page 5, lines 19-26, by striking all of said lines from the bill; and

Further amend said bill, section, and page, lines 27-28, by striking all of said lines and inserting in lieu thereof the following:

“2. The office of the Missouri state public defender shall have the”; and

Further amend said bill, section, and page, line 35 by striking the words “the contract indigent defense fund” and inserting in lieu thereof the following:

“the provisions of this section”; and

Further amend line 49 by striking the words “This fund” and inserting in lieu thereof the following:

“Moneys from the general revenue fund”; and

Further amend line 52 by striking the words “the fund” and inserting in lieu thereof the following:

“moneys from the general revenue fund”.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Goodman moved that **SCS** for **SB 611**, as amended, be adopted, which motion

prevailed.

On motion of Senator Goodman, **SCS** for **SB 611**, as amended, was declared perfected and ordered printed.

President Pro Tem Gibbons assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SS** for **HCS** for **HB 453**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

Senator Scott assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Loudon moved that **SB 5**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 5**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 5

An Act to repeal sections 573.025, 573.035, and 573.037, RSMo, and to enact in lieu thereof five new sections relating to child pornography, with penalty provisions.

Was taken up.

Senator Loudon moved that **SCS** for **SB 5** be adopted.

Senator Loudon offered **SS** for **SCS** for **SB 5**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 5

An Act to repeal sections 195.503, 573.025, 573.035, 573.037, and 650.120, RSMo, and to enact in lieu thereof seven new sections relating to sexual offenses against children, with penalty

provisions and an emergency clause for certain sections.

Senator Loudon moved that **SS** for **SCS** for **SB 5** be adopted.

Senator Engler assumed the Chair.

Senator Graham offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 5, Page 8, Section 650.120, Line 10 of said page, by inserting after all of said line the following:

“Section 1. A child custody order shall be modified if a parent having sole or joint custody of a child is in a continuing social relationship of a romantic or intimate nature with a person required to register as a sex offender under section 589.400 to 589.425, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted.

Senator Loudon offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 5, Page 1, Section 1, Line 3, by striking the word “shall” and inserting the word “may”.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

SA 1, as amended, was again taken up.

Senator Graham moved that the above amendment be adopted, which motion prevailed.

Senator Coleman offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 5, Page 2, Section 537.047, Line 14, by inserting immediately at the end of said line the following:

“Any person deemed to have sustained injury or illness as described by this section shall be deemed to have sustained damages of no less than one hundred fifty thousand dollars in value.”.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

President Kinder assumed the Chair.

Senator Goodman assumed the Chair.

Senator Bartle offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 5, Page 2, Section 537.047, Line 23, by inserting immediately after all of said line the following:

“566.147. 1. Any person who, since July 1, 1979, has been or hereafter has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of violating any of the provisions of this chapter or the provisions of subsection 2 of section 568.020, RSMo, incest; section 568.045, RSMo, endangering the welfare of a child in the first degree; subsection 2 of section 568.080, RSMo, use of a child in a sexual performance; section 568.090, RSMo, promoting a sexual performance by a child; section 573.023, RSMo, sexual exploitation of a minor; section 573.025, RSMo, promoting child pornography in the first degree; section 573.035, RSMo, promoting child pornography in the second degree; section 573.037, RSMo, possession of child pornography, or section 573.040, RSMo, furnishing pornographic material to minors; shall not reside within one thousand feet of any public school as defined in section 160.011, RSMo, or any private school giving instruction in a grade or grades not

higher than the twelfth grade, or child-care facility as defined in section 210.201, RSMo, which is in existence at the time the individual begins to reside at the location.

2. If such person has already established a residence and a public school, a private school, or child-care facility is subsequently built or placed within one thousand feet of such person's residence, then such person shall, within one week of the opening of such public school, private school, or child-care facility, notify the county sheriff where such public school, private school, or child-care facility is located that he or she is now residing within one thousand feet of such public school, private school, or child-care facility and shall provide verifiable proof to the sheriff that he or she resided there prior to the opening of such public school, private school, or child-care facility.

3. [For purposes of this section, “resides” means sleeps in a residence, which may include more than one location and may be mobile or transitory] **The distance specified in subsections 1 and 2 of this section shall be determined by measuring the shortest distance between the property line of the person's residence and the property line of the school or child-care facility.**

4. Violation of the provisions of subsection 1 of this section is a class D felony except that the second or any subsequent violation is a class B felony. Violation of the provisions of subsection 2 of this section is a class A misdemeanor except that the second or subsequent violation is a class D felony.”; and

Further amend said bill, section B, page 8, line 12 by inserting immediately after “195.503” the following: “, 566.147”; and further amend line 17 by inserting immediately after “195.503” the following: “, 566.147”; and

Further amend the title and enacting clause accordingly.

Senator Bartle moved that the above amendment be adopted, which motion prevailed.

Senator Loudon moved that **SS** for **SCS** for **SB 5**, as amended, be adopted, which motion prevailed.

On motion of Senator Loudon, **SS** for **SCS** for **SB 5**, as amended, was declared perfected and ordered printed.

SB 537 was placed on the Informal Calendar.

SB 523, with **SCS**, was placed on the Informal Calendar.

SB 542, with **SCS**, was placed on the Informal Calendar.

SB 592, with **SCS**, was placed on the Informal Calendar.

SB 664, with **SCS**, was placed on the Informal Calendar.

SB 212 was placed on the Informal Calendar.

SB 654 was placed on the Informal Calendar.

SB 563, with **SCS**, was placed on the Informal Calendar.

SB 635, with **SCS**, was placed on the Informal Calendar.

SB 586, with **SCS**, was placed on the Informal Calendar.

SB 358 was placed on the Informal Calendar.

Senator McKenna moved that **SB 616**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 616**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 616

An Act to repeal sections 311.070 and 311.240, RSMo, and to enact in lieu thereof five new sections relating to liquor control, with penalty provisions.

Was taken up.

Senator McKenna moved that **SCS** for **SB 616** be adopted.

Senator McKenna offered **SS** for **SCS** for **SB 616**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 616

An Act to repeal sections 311.070, 311.174, 311.178, 311.190, and 311.240, and to enact in lieu thereof nine new sections relating to liquor control, with penalty provisions.

Senator McKenna moved that **SS** for **SCS** for **SB 616** be adopted.

Senator Engler offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 616, Page 17, Section 311.070, Line 20, by inserting immediately after the word "sold" the following: "["; and further amend line 21 by inserting after the word "winery" the following:

"]. No holder of a wine manufacturer license, or any employee, officer, agent, subsidiary, or affiliate thereof, shall have more than six licenses to sell intoxicating liquor by the drink at retail for consumption on the premises".

Senator Engler moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 616, Page 23, Section 311.178, Line 12, by deleting "["; and

Further amend same page, same section, line 13, by striking "2007.]" and insert in lieu thereof **"2009."**

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator McKenna moved that **SS** for **SCS** for **SB 616**, as amended, be adopted, which motion prevailed.

On motion of Senator McKenna, **SS** for **SCS** for **SB 616**, as amended, was declared perfected and ordered printed.

Senator Koster moved that **SB 496**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 496**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 496

An Act to repeal sections 58.720, 194.210, 194.220, 194.230, 194.233, 194.240, 194.250, 194.260, 194.270, 194.280, 194.290, and 194.304, RSMo, and to enact in lieu thereof twenty-six new sections relating to anatomical gifts, with penalty provisions.

Was taken up.

Senator Koster moved that **SCS** for **SB 496** be adopted.

Senator Koster offered **SS** for **SCS** for **SB 496**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 496

An Act to repeal sections 58.451, 58.720, 194.210, 194.220, 194.230, 194.233, 194.240, 194.250, 194.260, 194.270, 194.280, 194.290, 194.304, and 302.171, RSMo, and to enact in lieu thereof twenty-eight new sections relating to anatomical gifts, with penalty provisions.

Senator Koster moved that **SS** for **SCS** for **SB 496** be adopted.

Senator Griesheimer assumed the Chair.

Senator Justus offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 496, Page 15, Section 58.785, Line 8, by inserting

immediately after all of said line the following:

“194.119. 1. As used in this section, the term “right of sepulcher” means the right to choose and control the burial, cremation, or other final disposition of a dead human body.

2. For purposes of this chapter and chapters 193, 333, and 436, RSMo, and in all cases relating to the custody, control, and disposition of deceased human remains, including the common law right of sepulcher, where not otherwise defined, the term “next-of-kin” means the following persons in the priority listed if such person is eighteen years of age or older, is mentally competent, and is willing to assume responsibility for the costs of disposition:

(1) **An attorney-in-fact under a durable power of attorney that expressly refers to granting the right of sepulcher;**

(2) The surviving spouse;

[(2)] (3) Any surviving child of the deceased.

If a surviving child is less than eighteen years of age and has a legal or natural guardian, such child shall not be disqualified on the basis of the child's age and such child's legal or natural guardian, if any, shall be entitled to serve in the place of the child unless such child's legal or natural guardian was subject to an action in dissolution from the deceased. In such event the person or persons who may serve as next-of-kin shall serve in the order provided in subdivisions (3) to (8) of this subsection;

[(3)] (4) (a) Any surviving parent of the deceased; or

(b) If the deceased is a minor, a surviving parent who has custody of the minor; or

(c) If the deceased is a minor and the deceased's parents have joint custody, the parent whose residence is the minor child's residence for purposes of mailing and education;

[(4)] (5) Any surviving sibling of the deceased;

[(5) Any person designated by the deceased to act as next-of-kin pursuant to a valid designation of right of sepulcher as provided in subsection 8 of this section;]

(6) The next nearest surviving relative of the deceased by consanguinity or affinity;

(7) Any person or friend who assumes financial responsibility for the disposition of the deceased's remains if no next-of-kin assumes such responsibility;

(8) The county coroner or medical examiner; provided however that such assumption of responsibility shall not make the coroner, medical examiner, the county, or the state financially responsible for the cost of disposition.

3. The next-of-kin of the deceased shall be entitled to control the final disposition of the remains of any dead human being consistent with all applicable laws, including all applicable health codes.

4. A funeral director or establishment is entitled to rely on and act according to the lawful instructions of any person claiming to be the next-of-kin of the deceased; provided however, in any civil cause of action against a funeral director or establishment licensed pursuant to this chapter for actions taken regarding the funeral arrangements for a deceased person in the director's or establishment's care, the relative fault, if any, of such funeral director or establishment may be reduced if such actions are taken in reliance upon a person's claim to be the deceased person's next-of-kin.

5. Any person who desires to exercise the right of sepulcher and who has knowledge of an individual or individuals with a superior right to control disposition shall notify such individual or individuals prior to making final arrangements.

6. If an individual with a superior claim is personally served with written notice from a person with an inferior claim that such person desires to exercise the right of sepulcher and the

individual so served does not object within forty-eight hours of receipt, such individual shall be deemed to have waived such right. An individual with a superior right may also waive such right at any time if such waiver is in writing and dated.

7. If there is more than one person in a class who are equal in priority and the funeral director has no knowledge of any objection by other members of such class, the funeral director or establishment shall be entitled to rely on and act according to the instructions of the first such person in the class to make arrangements; provided that such person assumes responsibility for the costs of disposition and no other person in such class provides written notice of his or her objection.

[8. Any person may designate an individual to be his or her closest next-of-kin, regardless of blood or marital relationship, by means of a written instrument that is signed, dated, and verified. Such designation of right of sepulcher shall be witnessed by two persons, and shall contain the names and last known address of each person entitled to be next-of-kin but for the execution of the designation of right of sepulcher and who are higher in priority than the person so designated.]; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted, which motion prevailed.

Senator Goodman assumed the Chair.

Senator Koster moved that **SS** for **SCS** for **SB 496**, as amended, be adopted, which motion prevailed.

On motion of Senator Koster, **SS** for **SCS** for **SB 496**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

April 12, 2007

TO THE SECRETARY OF THE SENATE

94th GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 257 entitled:

AN ACT

To amend chapter 44, RSMo, by adding thereto one new section relating to treatment of firearms during emergencies.

On April 12, 2007, I approved said Senate Bill No. 257.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

April 13, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

James A. Marchack, 1651 Garden Valley Drive, Glencoe, Saint Louis County, Missouri 63038, as a member of the Elevator Safety Board, for a term ending June 6, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

April 13, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Mark H. Kinder, 4580 Highway 177, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the State Committee of Psychologists, for a term ending August 28, 2011, and until his successor is duly appointed and qualified; vice,

Rochelle Harris, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

April 13, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Suzan J. Mehalko, 1749 Northeast Lakeshore Drive, Lee's Summit, Jackson County, Missouri 64086, as a member of the Elevator Safety Board, for a term ending June 6, 2010, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

April 13, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Cheryl J. Cozette, Republican, 3490 Woods Edge Road, Columbia, Boone County, Missouri 65203, as a member of Truman State University Board of Governors, for a term ending January 1, 2012, and until her successor is duly appointed and qualified; vice, G. Ruth Mach, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

April 13, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

David A. Hamilton, Democrat, 28088 Lynx Avenue, Macon, Macon County, Missouri 63552, as a member of the Dam and

Reservoir Safety Council, for a term ending April 3, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

April 13, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Elizabeth M. Pierson, 17806 County Road 320, Norborne, Carroll County, Missouri 64668, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2008, and until her successor is duly appointed and qualified; vice, Carol Freeman, resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

April 13, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Lydia C. Hurst, 18541 State Highway O, Tarkio, Atchison County, Missouri 64491, as a member of the Northwest Missouri State University Board of Regents, for a term ending January 1, 2013, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

April 16, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Brenda K. Shields, 47 Erin Court, Saint Joseph, Buchanan

County, Missouri 64507, as a member of the Coordinating Board for Early Childhood, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, 210.102, RSMo.

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for HB 457—Ways and Means.

HCS for HB 227—Ways and Means.

HCS for HB 914—Financial and Governmental Organizations and Elections.

HCS for HB 298—Commerce, Energy and the Environment.

HCS for HB 818—Health and Mental Health.

HCS for HBs 654 and 938—Pensions, Veterans' Affairs and General Laws.

HCS for HB 945—Judiciary and Civil and Criminal Jurisprudence.

HB 213—Education.

REFERRALS

President Pro Tem Gibbons referred **SS** for **SB 40** and **HCS for HB 39**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 801**, entitled:

An Act to repeal section 392.410, RSMo, and to enact in lieu thereof one new section relating to

telecommunications.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 343**, entitled:

An Act to repeal section 260.546, RSMo, and to enact in lieu thereof one new section relating to hazardous substances.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS**, as amended, for **SS** for **SCS** for **HCS** for **HB 327** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Griesheimer moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HCS** for **HB 327**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Gibbons appointed the

following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 327**, as amended: Senators Griesheimer, Koster, Crowell, Callahan and Kennedy.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 86** and **SCS** for **SB 611**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Doug Gripka and Morgan Larson, Granby.

Senator Green introduced to the Senate, his daughter, Megan Ann, St. Louis; who was made an honorary page.

Senator Ridgeway introduced to the Senate, Bob and Cindy Sevier, Clay County.

Senator Days introduced to the Senate, former State Senator Wayne Goode, St. Louis.

The President introduced to the Senate, former State Senator Charles Wheeler, Kansas City.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-FIFTH DAY—TUESDAY, APRIL 17, 2007

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 801-Kraus, et al

HCS for HB 343

THIRD READING OF SENATE BILLS

SS for SB 40-Ridgeway
(In Fiscal Oversight)
SS for SB 31-Nodler

SCS for SB 86-Champion
SCS for SB 611-Goodman

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| 1. SB 644-Griesheimer | 7. SB 699-Lager, with SCS |
| 2. SBs 372 & 366-Justus and Koster,
with SCS | 8. SB 11-Coleman, with SCS |
| 3. SB 388-Mayer, with SCS | 9. SB 536-Lager, with SCS |
| 4. SB 225-Stouffer, with SCS | 10. SB 552-Bartle |
| 5. SB 571-Mayer, with SCS | 11. SB 484-Stouffer, with SCS |
| 6. SB 652-Coleman and Gibbons, with SCS | 12. SBs 348, 626 & 461-Koster, et al,
with SCS |

HOUSE BILLS ON THIRD READING

- | | |
|--|--|
| 1. HCS for HB 221 (Loudon) | 7. HCS for HB 469, with SCS (Crowell) |
| 2. HB 454-Jetton, et al (Mayer) | 8. HCS for HB 620, with SCS (Ridgeway) |
| 3. HCS for HJR 1, with SCS (Rupp) | 9. HCS for HB 39, with SCS (Koster)
(In Fiscal Oversight) |
| 4. HCS for HB 346 (Clemens) | 10. HCS for HB 774 (Crowell) |
| 5. HB 155-Dusenbergh, et al (Ridgeway) | 11. HB 269-Nolte, et al (Ridgeway) |
| 6. HB 69-Day, with SCS (Barnitz) | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|-----------------------------------|---|
| SB 2-Gibbons, with SCS | SB 168-Mayer and Crowell, with SCS |
| SB 17-Shields, with SCS | SB 169-Rupp, with SCS, SS for SCS & SA 3
(pending) |
| SB 20-Griesheimer, with SCS | SB 205-Stouffer and Gibbons, with SCS |
| SB 27-Bartle and Koster | SB 212-Goodman |
| SB 53-Koster and Engler, with SCS | SB 213-McKenna |
| SB 75-Coleman, et al, with SCS | SB 242-Nodler, with SCS |
| SB 101-Mayer | SB 250-Ridgeway and Vogel |
| SB 131-Rupp | SB 252-Ridgeway and McKenna |
| SB 153-Engler, et al, with SCS | SB 254-Nodler, et al, with SCS |
| SB 155-Engler, with SCS | SBs 260 & 71-Koster, et al, with SCS |
| SB 160-Rupp, with SCS | |

SB 274-Shields
SB 282-Griesheimer, with SCS & SS for
SCS (pending)
SB 287-Crowell and Vogel, with SS
(pending)
SB 292-Mayer
SB 297-Loudon, with SCS
SB 300-Bartle
SS for SB 303-Loudon
SB 341-Goodman, with SCS
SB 358-Engler
SB 363-Bartle
SB 364-Koster, with SCS, SS for SCS,
SA 1 & SSA 1 for SA 1 (pending)
SB 368-Barnitz, et al, with SCS
SBs 370, 375 & 432-Scott and Koster,
with SCS & SA 3 (pending)
SB 385-Gibbons, with SCS
SB 389-Nodler, et al, with SCS & SS#4
for SCS (pending)
SB 391-Days, with SCS
SB 400-Crowell, et al
SB 428-Purgason, with SCS
SB 430-Shields, et al, with SCS, SS#2
for SCS, SA 4 & SSA 3 for SA 4
(pending)
SB 444-Goodman
SB 453-Scott, with SCS

SB 458-Gibbons
SB 476-Crowell
SB 480-Ridgeway, et al, with SCS
SB 492-Crowell
SB 499-Engler and Clemens, with SCS
SB 511-Scott, with SCS
SB 521-Lager, et al, with SCS
SB 523-Scott, with SCS
SB 531-Gibbons, with SCS
SB 534-Nodler
SB 537-Lager
SB 542-Scott, with SCS
SBs 555 & 38-Gibbons, with SCS
SB 563-Lager, with SCS
SB 570-Clemens
SB 572-Vogel
SB 586-Crowell, with SCS
SB 592-Scott, with SCS
SB 599-Engler, with SCS
SB 627-Ridgeway
SB 635-Loudon, with SCS
SB 654-Kennedy
SBs 660, 553, 557, 167, 258, 114 &
378-Mayer, with SCS
SB 664-Scott, with SCS
SB 668-Loudon, with SCS
SB 698-Ridgeway, et al, with SCS

HOUSE BILLS ON THIRD READING

HJR 7-Nieves, et al, with SCS (Engler)

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Reported 2/15

SB 8-Kennedy

Reported 3/8

SB 185-Green

House Bills

Reported 4/5

HB 62-Ruestman, et al (Nodler)
 HCS for HB 405 (Scott)
 HB 754-Kelly, et al (Vogel)

HB 576-Cooper (120), et al (Clemens)
 HB 264-Cunningham (86) (Rupp)
 HB 732-Parson, et al (Scott)

Reported 4/12

HCS for HB 780, with SCS (Scott)
 HB 554-Cooper (155), et al
 HCS for HB 555
 HB 125-Franz, with SCS (Shoemyer)
 HB 268-Moore and Bivins
 HCS for HB 459
 HB 467-Cox (Scott)
 HCS for HB 616 (Goodman)
 HB 665-Ervin, et al (Ridgeway)
 HB 205-Marsh, et al (Griesheimer)
 HCS for HB 795, with SCS
 HB 684-Bruns, with SCS
 HB 740-Pearce, with SCS (Koster)

HCS for HB 272 (Goodman)
 HB 344-Munzlinger, et al (Clemens)
 HB 351-Wood, et al (Goodman)
 HB 428-Cox (Scott)
 HB 680-May, et al (Clemens)
 HB 75-Sutherland
 HB 265-Cunningham (86) (Rupp)
 HB 267-Jones (117) and Cunningham (86)
 (Rupp)
 HB 56-Sater, et al (Goodman)
 HB 933-Grill, et al (Shields)
 HCS for HB 796 (Purgason)
 HB 574-St. Onge

BILLS IN CONFERENCE AND BILLS
 CARRYING REQUEST MESSAGES

In Conference

HCS for HB 327, with SS for SCS, as
 amended (Griesheimer)

RESOLUTIONS

Reported from Committee

HCR 15-Threlkeld, et al, with SCS
 (Shields)

SCR 10-Koster and Shields
 HCR 25-Yates, et al (Bartle)

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-FIFTH DAY—TUESDAY, APRIL 17, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“I have chosen the way of faithfulness; I set your ordinances before me.” (Psalm 119:30)

Almighty God, You have given each of us eternal choices and these choices have eternal consequences, so we pray that we may daily choose wisely and faithfully and that what we do may continue to reflect those choices for Your way and teaching and it impacts in the bills we decide to approve. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler

Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

Senator Shields announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 951, regarding Ruth Illers, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 952, regarding Coach Mark Hogan, Cape Girardeau, which was adopted.

Senator McKenna offered Senate Resolution No. 953, regarding Meramec Heights Elementary School, which was adopted.

Senator McKenna offered Senate Resolution No. 954, regarding Knights of Columbus Council #1230, Festus, which was adopted.

Senator Barnitz offered Senate Resolution No. 955, regarding Rosalie Spencer, Rolla, which was adopted.

Senator Stouffer offered Senate Resolution No. 956, regarding Samantha “Sammy” Halley, Atlanta, which was adopted.

Senator Stouffer offered Senate Resolution No. 957, regarding Taylor Wilhelm, Atlanta, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Scott moved that **SB 370**, **SB 375** and **SB 432**, with **SCS** and **SA 3** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 3 was again taken up.

Senator Griesheimer assumed the Chair.

Senator Rupp assumed the Chair.

SA 3 failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Coleman	Days
Graham	Justus	Shoemyer	Smith
Wilson—9			

NAYS—Senators

Barnitz	Bartle	Clemens	Crowell
Engler	Gibbons	Goodman	Griesheimer
Gross	Kennedy	Koster	Lager
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Stouffer
Vogel—21			

Absent—Senators

Champion	Green	Loudon	Mayer—4
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Absent with leave—Senators—None

Vacancies—None

Senator Justus offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for

Senate Bills Nos. 370, 375 and 432, Page 7, Section 197.200, Line 5, by inserting immediately after the word “childbirths,” the following:

“any physician's office performing vasectomy procedures,”.

Senator Justus moved that the above amendment be adopted, which motion failed.

Senator Justus offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bills Nos. 370, 375 and 432, Page 1, Section 170.015, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted.

At the request of Senator Scott, **SB 370**, **SB 375** and **SB 432**, with **SCS** and **SA 5** (pending), were placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SB 5**; **SS** for **SCS** for **SB 616**; and **SS** for **SCS** for **SB 496**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Gibbons referred **SCS** for **SB 611**; **SS** for **SCS** for **SB 496**; and **SS** for **SCS** for **SB 5** to the Committee on Governmental Accountability and Fiscal Oversight.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time

and referred to the Committees indicated:

HB 801—Commerce, Energy and the Environment.

HCS for **HB 343**—Commerce, Energy and the Environment.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 327**, as amended. Representatives: Richard, Robb, Jetton, Kratky and Zweifel.

On motion of Senator Shields, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kinder.

Senator Shields announced that photographers from The Maneater were given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 958, regarding Signature Packaging and Paper LLC, which was adopted.

Senator Ridgeway offered Senate Resolution No. 959, regarding Eric Wayne Watkins, Smithville, which was adopted.

Senator Ridgeway offered Senate Resolution No. 960, regarding Joshua Forrest Massie, Smithville, which was adopted.

Senator Ridgeway offered Senate Resolution No. 961, regarding Zachary Matthew Doolan, Smithville, which was adopted.

Senator Lager offered Senate Resolution

No. 962, regarding Patrick “Pat” O’Riley, Maryville, which was adopted.

Senator Mayer offered Senate Resolution No. 963, regarding the One Hundredth Birthday of Alberta Schnakenberg Webb, Dexter, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Purgason moved that **SB 428**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 428**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 428

An Act to amend chapter 261, RSMo, by adding thereto one new section relating to participation in an animal identification system.

Was taken up.

Senator Purgason moved that **SCS** for **SB 428** be adopted.

Senator Purgason offered **SS** for **SCS** for **SB 428**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 428

An Act to amend chapter 261, RSMo, by adding thereto one new section relating to participation in an animal identification system.

Senator Purgason moved that **SS** for **SCS** for **SB 428** be adopted.

At the request of Senator Purgason, **SB 428**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

Senator Loudon moved that **SS** for **SB 303** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Loudon, **SS** for **SB 303** was declared perfected and ordered printed.

Senator Purgason moved that **SB 428**, with

SCS and SS for SCS (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Rupp assumed the Chair.

SS for SCS for **SB 428** was again taken up.

Senator Stouffer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 428, Page 2, Section 261.300, Lines 18-28 of said page, by striking all of said lines and inserting in lieu thereof the following: **“participate in a mandatory national animal identification system or any other similar mandatory source verification program beyond the existent Missouri cattle specific source verification at the state level without the approval of the general assembly.**

(3) The prohibition in this section also applies to the components of a mandatory source verification program, including premises registration and databases, animal identification and databases, and animal movement tracing and databases beyond the minimum necessary for the Missouri cattle specific source verification program.

(4) If the federal government requires mandatory participation in a national animal identification system, all cooperative agreements between the federal”; and

Further amend said bill and section, page 3, line 2, of said page, by striking the following: “effective date” and inserting in lieu thereof the following: **“prohibition”**; and further amend line 15, of said page, by inserting after “expunged” the following: **“upon such citizen's request”**; and

Further amend said bill and section, page 4, lines 4-28, by striking all of said lines and inserting in lieu thereof the following: **“the possible uses of information collected under the program, every entity or person to whom such information may**

be disclosed, and procedures for withdrawing from the program;

(b) The private program shall be considered a commercial term subject to laws restricting unfair competition; and

(c) A private source verification program identification device or marking shall not supplant, supersede, or make unreadable this state's or any local entity's brand or mark on any animal. A source verification program's rules shall not supersede this state's brand or marking system rules as a matter of law.

5. The department of agriculture shall not require participation in a Missouri specific source verification program for cattle or for any other species of livestock.”; and

Further amend said bill and section, page 5, lines 1-16, of said page, by striking all of said lines.

Senator Stouffer moved that the above amendment be adopted, which motion failed.

Senator Purgason moved that **SS for SCS for SB 428** be adopted, which motion prevailed.

On motion of Senator Purgason, **SS for SCS for SB 428** was declared perfected and ordered printed.

Senator Scott moved that **SB 370, SB 375 and SB 432**, with **SCS and SA 5** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 5 was again taken up.

Senator Shields announced that photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

Senator Justus requested a roll call vote be taken on the adoption of **SA 5** and was joined in her request by Senators Bray, Graham, Days and Smith.

At the request of Senator Scott, **SB 370, SB 375 and SB 432**, with **SCS and SA 5** (pending),

were placed on the Informal Calendar.

THIRD READING OF SENATE BILLS

SS for **SB 31**, introduced by Senator Nodler, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 31

An Act to repeal sections 327.011, 327.111, 327.181, 327.201, 327.291, 327.441, 327.633, and 621.045, RSMo, and to enact in lieu thereof six new sections relating to architects, professional engineers, land surveyors, and landscape architects, with penalty provisions.

Was taken up.

On motion of Senator Nodler, **SS** for **SB 31** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the

table, which motion prevailed.

SCS for **SB 86**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 86

An Act to repeal section 135.327, RSMo, and to enact in lieu thereof one new section relating to the children in crisis tax credit program, with an emergency clause.

Was taken up by Senator Champion.

On motion of Senator Champion, **SCS** for **SB 86** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer

Vogel

Wilson—34

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Engler moved that **SB 358** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Bartle assumed the Chair.

Senator Engler offered **SS** for **SB 358**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 358

An Act to repeal section 301.640, RSMo, and to enact in lieu thereof one new section relating to the release of a lienholder's rights upon the satisfaction of a lien or encumbrance, with penalty provisions.

Senator Engler moved that **SS** for **SB 358** be adopted, which motion prevailed.

Senator Rupp assumed the Chair.

On motion of Senator Engler, **SS** for **SB 358** was declared perfected and ordered printed.

Senator Days moved that **SB 391**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 391**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 391

An Act to amend chapter 644, RSMo, by adding thereto three new sections relating to authorization of water-related bonds.

Was taken up.

Senator Days moved that **SCS** for **SB 391** be adopted, which motion prevailed.

On motion of Senator Days, **SCS** for **SB 391** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 303** and **SS** for **SCS** for **SB 428**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Engler moved that **SB 155**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 155**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 155

An Act to amend chapter 319, RSMo, by adding thereto seventeen new sections relating to blasting and excavation, with penalty provisions.

Was taken up.

Senator Engler moved that **SCS** for **SB 155** be adopted.

Senator Engler offered **SS** for **SCS** for **SB 155**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 155

An Act to amend chapter 319, RSMo, by adding thereto seventeen new sections relating to blasting and excavation, with penalty provisions.

Senator Engler moved that **SS** for **SCS** for **SB 155** be adopted.

Senator Engler offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 155, Page 39, Section 319.345, Line 21 of said page, by inserting immediately after said line the following:

“Section 1. At the end of each biennium and after all statutorily or constitutionally required transfer of funds have been made, the state treasurer shall transfer the balance in the fund, except for gifts, donations, bequests, or money received from a federal source, created in section 319.330 in excess of two hundred percent of the previous fiscal year's expenditures into the state general revenue fund.”;

Further amend the title and enacting clause accordingly.

Senator Engler moved that the above amendment be adopted, which motion prevailed.

Senator Bartle offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 155, Page 34, Section 319.339, Line 2, by inserting immediately after said line the following:

“319.400. 1. In any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants and in areas where residential properties, schools, or churches are located, the maximum vibration at

the property line of such properties shall be 0.20 inches per second or five millimeters per second peak particle velocity. To maintain a reasonable degree of compliance that all vibrations will be below this value, a minimum set back from property lines of one thousand feet shall be maintained so that unknown variables do not significantly alter the vibration level at the property line at areas not monitored. For aboveground blasting, a maximum of one hundred fifteen decibels linear peak air blast shall be allowed.

2. Monitoring of vibration levels and air blast, including control of seismograph and positioning of such, shall be conducted by an independent seismologist, and the cost of the monitoring shall be paid by the company or entity conducting the blasting. The number of seismographs shall be determined by the seismologist but shall not be fewer than one per one thousand feet of the applicable property line. Weekly reports with no more than a weeks delay of the blast levels shall be given to local government and any neighborhood organizations that have been created to deal with the blasting issue. Any neighborhood organization shall have significant input into the selection of the independent seismologist.

3. For violations of this section, single fines shall be imposed. As used in this section, “single fine” means the gross value of half of a single day blast production based on the average production within the past thirty days. Within a one-hundred-twenty-day period, fines for violating this section shall be as follows:

(1) A first violation for vibrations between 0.20 inches per second to 0.30 inches per second shall result in a single fine. A violation for vibrations of 0.30 inches per second to 0.40 inches per second shall result in a double single fine. A violation for vibrations above 0.40 inches per second shall result in a four times single fine and a suspension of blasting for one hundred

twenty days.

(2) A second violation for vibrations between 0.20 inches per second to 0.30 inches per second shall result in a double single fine. A second violation for vibrations of 0.30 inches per second to 0.40 inches per second shall result in a four times single fine and a suspension of blasting for one hundred twenty days.

(3) A third violation shall result in a four times single fine and a suspension of blasting for one hundred twenty days.

4. A portion of the fines, as determined by local government, shall go to local school districts or neighborhood organizations to provide public benefits, including but not limited to scholarships and community improvements.

5. The provisions of this section shall become effective on August 28, 2008. Any payments to entities prior to such date shall remain in effect and are not refundable.”; and

Further amend the title and enacting clause accordingly.

Senator Bartle moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Engler, **SB 155**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

Senator Coleman moved that **SB 75**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 75**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 75

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to combat veterans.

Was taken up.

Senator Coleman moved that **SCS** for **SB 75**

be adopted, which motion prevailed.

On motion of Senator Coleman, **SCS** for **SB 75** was declared perfected and ordered printed.

Senator Barnitz moved that **SB 368**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 368**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 368

An Act to repeal sections 28.160, 41.950, 347.179, 351.047, 351.120, 351.125, 351.127, 351.145, 351.155, 351.484, 351.592, 351.594, 351.598, 351.602, 351.690, 355.016, 355.021, 355.066, 355.071, 355.176, 355.688, 355.706, 355.796, 355.806, 355.811, 355.821, 355.856, and 356.211, RSMo, and to enact in lieu thereof thirty new sections relating to corporate filings with the secretary of state.

Was taken up.

Senator Barnitz moved that **SCS** for **SB 368** be adopted, which motion prevailed.

On motion of Senator Barnitz, **SCS** for **SB 368** was declared perfected and ordered printed.

Senator Kennedy moved that **SB 654** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Kennedy offered **SS** for **SB 654**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 654

An Act to repeal sections 84.120 and 84.170, RSMo, and to enact in lieu thereof two new sections relating to the St. Louis board of police commissioners.

Senator Kennedy moved that **SS** for **SB 654** be adopted.

Senator Loudon offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 654, Page 4, Section 84.170, Line 26, by inserting immediately after said line the following:

“590.040. 1. The POST commission shall set the minimum number of hours of basic training for licensure as a peace officer no lower than four hundred seventy and no higher than six hundred, with the following exceptions:

(1) Up to one thousand hours may be mandated for any class of license required for commission by a state law enforcement agency;

(2) As few as one hundred twenty hours may be mandated for any class of license restricted to commission as a reserve peace officer with police powers limited to the commissioning political subdivision;

(3) Persons validly licensed on August 28, 2001, may retain licensure without additional basic training;

(4) Persons licensed and commissioned within a county of the third classification before July 1, 2002, may retain licensure with one hundred twenty hours of basic training if the commissioning political subdivision has adopted an order or ordinance to that effect;

(5) Persons [commissioned and] serving as a reserve [peace] officer **on August 27, 2001**, within a county of the first classification **or a county with a charter form of government and with more than one million inhabitants** on August [28] **27**, 2001, having previously completed a minimum of one hundred sixty hours of training, shall be granted a license necessary to function as a reserve peace officer **only within such county. For the purposes of this subdivision, the term “reserve officer” shall mean any person who serves in a less than full-time law enforcement capacity, with or without pay and who, without certification, has no power of arrest and who, without certification, must be under the direct**

and immediate accompaniment of a certified peace officer of the same agency at all times while on duty; and

(6) The POST commission shall provide for the recognition of basic training received at law enforcement training centers of other states, the military, the federal government and territories of the United States regardless of the number of hours included in such training and shall have authority to require supplemental training as a condition of eligibility for licensure.

2. The director shall have the authority to limit any exception provided in subsection 1 of this section to persons remaining in the same commission or transferring to a commission in a similar jurisdiction.

3. The basic training of every peace officer, except agents of the conservation commission, shall include at least thirty hours of training in the investigation and management of cases involving domestic and family violence. Such training shall include instruction, specific to domestic and family violence cases, regarding: report writing; physical abuse, sexual abuse, child fatalities and child neglect; interviewing children and alleged perpetrators; the nature, extent and causes of domestic and family violence; the safety of victims, other family and household members and investigating officers; legal rights and remedies available to victims, including rights to compensation and the enforcement of civil and criminal remedies; services available to victims and their children; the effects of cultural, racial and gender bias in law enforcement; and state statutes. Said curriculum shall be developed and presented in consultation with the department of health and senior services, the division of family services, public and private providers of programs for victims of domestic and family violence, persons who have demonstrated expertise in training and education concerning domestic and family violence, and the Missouri coalition against domestic violence.”; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Kennedy moved that **SS** for **SB 654**, as amended, be adopted, which motion prevailed.

On motion of Senator Kennedy, **SS** for **SB 654**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Gross, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 16**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 827**, entitled:

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to educational needs of children in licensed residential care facilities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 159**, entitled:

An Act to repeal sections 236.400, 236.410, 236.415, 236.420, 236.425, 236.435, 236.440, 236.445, 236.460, 236.465, and 236.500, RSMo, and to enact in lieu thereof eleven new sections relating to dam and reservoir safety, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 952** and **674**, entitled:

An Act to repeal sections 198.073, 198.076, 198.079, and 198.086, RSMo, and to enact in lieu thereof nine new sections relating to fire protection in long-term care facilities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 17, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Curtis D. Mather, D.O., Republican, 3041 National Avenue, Lebanon, Laclede County, Missouri 65536, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2010, and until his successor is duly appointed and qualified; vice, Michael Craighead, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 17, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice
and consent the following appointment:

Hugh L. Mills, 11300 North Robinhood Lane, Kansas City,
Platte County, Missouri 64154, as a member of the Amusement
Ride Safety Board, for a term ending April 17, 2010, and until his
successor is duly appointed and qualified; vice, reappointed to a full
term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 17, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice
and consent the following appointment:

Mark J. Garnett, Democrat, 10363 County Road 9510, West
Plains, Howell County, Missouri 65775, as a member of the Air
Conservation Commission, for a term ending October 13, 2010, and
until his successor is duly appointed and qualified; vice, reappointed
to a full term.

Respectfully submitted,

MATT BLUNT

COMMUNICATIONS

Senator Ridgeway submitted the following:

April 17, 2007

Terry Spieler

Secretary of Senate

State Capital Room 325

Jefferson City, MO 65101

Dear Secretary Spieler:

Pursuant to Rule 45, please remove SCS for HB 125 from the
consent calendar and return it to the Senate Committee on
Economic Development, Tourism and Local Government.

Sincerely,

/s/ Luann Ridgeway

Luann Ridgeway

State Senator

INTRODUCTIONS OF GUESTS

Senator Stouffer introduced to the Senate,
Benjy Heins, Higginsville.

Senator Wilson introduced to the Senate,
Betty Crow, Blanche Williams, Myra Taylor and
members of Mutual Musicians Union, Kansas City.

Senator Wilson introduced to the Senate, the
Physician of the Day, Dr. Charles W. Van Way,
III, M.D., Kansas City.

Senator Griesheimer introduced to the Senate,
Daniel Tappmeyer, Warrenton; and Kenneth
Doering, Wildwood.

Senator Smith introduced to the Senate, fourth
and fifth grade students from St. Margaret of
Scotland School, St. Louis.

The President introduced to the Senate,
representatives of University of Missouri
Undergraduate Research Day.

Senator Green introduced to the Senate, Ms.
Susan Vinson, Ms. Theresa Kremer, parents and
seventh grade students from St. Angel Merici
School, Florissant; and Akofa Agbokou,
Christopher Akers, Michael Anderson, Christian
Brown, Joseph Caine, Amirah El-Hasan, Megan
Green, Caitlin Heine, Allyson Hinrichs, Grace
Krause, Michael Kremer, Aaron Krings, Scott
Kruep, Jordan Lampe, James Lawless, Cassie
McFadden, Kyle McLaughlin, Rebecca Miller,
Eric Modde, Lauren Neiner, Nicholas Nemerghuth,
KatieAnn O'Dell, Samuel Pilla, Kathryn Podorski,
David Reddan, Mary Elizabeth Rife, Danielle
Rollins, Regina Rolwes, Jacob Ruchalski, Alison
Sanfilippo, Ashley Vanrenhold, Jordan Verbanza,
Connor Walsh, Meaghan Wesolowski and Thomas
Woltering were made honorary pages.

Senator Gibbons introduced to the Senate,
ninety fifth grade students from Barretts
Elementary School, Manchester; and Trent Davis,
Ali Haller, Tim Dykas and Meaghan O'Toole were
made honorary pages.

Senator Gibbons introduced to the Senate,

Josh Travis, St. Louis.

Senator Justus introduced to the Senate, Citizen Lobbyists for Prevention First, Kansas City.

Senator Smith introduced to the Senate, Raven Rose, Robert Morrow, Cheyenne Lane, Steven Pace, Charles King, Kevin Fondoren, Marinda Feagin, Donnell Shelton, Angela Samuel and Devonte Warner, students from Langston Middle School, St. Louis.

Senator Kennedy introduced to the Senate, students from St. Margaret Mary Alacoque.

Senator Smith introduced to the Senate, Vanessa Carroll, Pastor Teresa Mithan, Cinnomin Brothers, Jason Federow, Dylan Blackston, Pamela Sumners, Jane McAdams, Lisa Kohn and Lucy Smith from Roosevelt High School, St. Louis.

Senator Graham introduced to the Senate, Coach Brian Smith, Max Askren, Chris McCormick; and wrestlers Matt Pell, Raymond

Jordan, Mark Ellis, Josh Wagner, Ben Askren and Tyler McCormick, University of Missouri-Columbia Wrestling Team.

Senator Callahan introduced to the Senate, Jackson County Executive Michael Sanders, Independence.

Senator Ridgeway introduced to the Senate, Patrick Erving and seven students from Eagle Heights Christian School, Kansas City.

Senator Lager introduced to the Senate, students from Worth County FBLA.

Senator Griesheimer introduced to the Senate, Jeff Lock, Sullivan; and Durwood Tenny, Wildwood.

Senator Green introduced to the Senate, former State Representative Charles Quincy Troupe, St. Louis.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-SIXTH DAY—WEDNESDAY, APRIL 18, 2007

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 827
HCS for HB 159

HCS for HBs 952 & 674

THIRD READING OF SENATE BILLS

SS for SB 40-Ridgeway (In Fiscal Oversight)
SCS for SB 611-Goodman (In Fiscal Oversight)
SS for SCS for SB 5-Loudon (In Fiscal Oversight)
SS for SCS for SB 616-McKenna

SS for SCS for SB 496-Koster
(In Fiscal Oversight)
SS for SB 303-Loudon
SS for SCS for SB 428-Purgason

SENATE BILLS FOR PERFECTION

- | | |
|--|--|
| 1. SB 644-Griesheimer | 7. SB 699-Lager, with SCS |
| 2. SBs 372 & 366-Justus and Koster, with SCS | 8. SB 11-Coleman, with SCS |
| 3. SB 388-Mayer, with SCS | 9. SB 536-Lager, with SCS |
| 4. SB 225-Stouffer, with SCS | 10. SB 552-Bartle |
| 5. SB 571-Mayer, with SCS | 11. SB 484-Stouffer, with SCS |
| 6. SB 652-Coleman and Gibbons, with SCS | 12. SBs 348, 626 & 461-Koster, et al, with SCS |

HOUSE BILLS ON THIRD READING

- | | |
|---------------------------------------|---|
| 1. HCS for HB 221 (Loudon) | 8. HCS for HB 620, with SCS (Ridgeway) |
| 2. HB 454-Jetton, et al (Mayer) | 9. HCS for HB 39, with SCS (Koster) (In Fiscal Oversight) |
| 3. HCS for HJR 1, with SCS (Rupp) | 10. HCS for HB 774 (Crowell) |
| 4. HCS for HB 346 (Clemens) | 11. HB 269-Nolte, et al (Ridgeway) |
| 5. HB 155-Dusenberg, et al (Ridgeway) | 12. HCS for HB 16, with SCS (Gross) |
| 6. HB 69-Day, with SCS (Barnitz) | |
| 7. HCS for HB 469, with SCS (Crowell) | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|--|--|
| SB 2-Gibbons, with SCS | SB 250-Ridgeway and Vogel |
| SB 17-Shields, with SCS | SB 252-Ridgeway and McKenna |
| SB 20-Griesheimer, with SCS | SB 254-Nodler, et al, with SCS |
| SB 27-Bartle and Koster | SBs 260 & 71-Koster, et al, with SCS |
| SB 53-Koster and Engler, with SCS | SB 274-Shields |
| SB 101-Mayer | SB 282-Griesheimer, with SCS & SS for SCS (pending) |
| SB 131-Rupp | SB 287-Crowell and Vogel, with SS (pending) |
| SB 153-Engler, et al, with SCS | SB 292-Mayer |
| SB 155-Engler, with SCS & SS for SCS (pending) | SB 297-Loudon, with SCS |
| SB 160-Rupp, with SCS | SB 300-Bartle |
| SB 168-Mayer and Crowell, with SCS | SB 341-Goodman, with SCS |
| SB 169-Rupp, with SCS, SS for SCS & SA 3 (pending) | SB 363-Bartle |
| SB 205-Stouffer and Gibbons, with SCS | SB 364-Koster, with SCS, SS for SCS, SA 1 & SSA 1 for SA 1 (pending) |
| SB 212-Goodman | SBs 370, 375 & 432-Scott and Koster, with SCS & SA 5 (pending) |
| SB 213-McKenna | |
| SB 242-Nodler, with SCS | |

SB 385-Gibbons, with SCS
 SB 389-Nodler, et al, with SCS & SS#4
 for SCS (pending)
 SB 400-Crowell, et al
 SB 430-Shields, et al, with SCS, SS#2 for
 SCS, SA 4 & SSA 3 for SA 4 (pending)
 SB 444-Goodman
 SB 453-Scott, with SCS
 SB 458-Gibbons
 SB 476-Crowell
 SB 480-Ridgeway, et al, with SCS
 SB 492-Crowell
 SB 499-Engler and Clemens, with SCS
 SB 511-Scott, with SCS
 SB 521-Lager, et al, with SCS
 SB 523-Scott, with SCS
 SB 531-Gibbons, with SCS

SB 534-Nodler
 SB 537-Lager
 SB 542-Scott, with SCS
 SBs 555 & 38-Gibbons, with SCS
 SB 563-Lager, with SCS
 SB 570-Clemens
 SB 572-Vogel
 SB 586-Crowell, with SCS
 SB 592-Scott, with SCS
 SB 599-Engler, with SCS
 SB 627-Ridgeway
 SB 635-Loudon, with SCS
 SBs 660, 553, 557, 167, 258, 114 &
 378-Mayer, with SCS
 SB 664-Scott, with SCS
 SB 668-Loudon, with SCS
 SB 698-Ridgeway, et al, with SCS

HOUSE BILLS ON THIRD READING

HJR 7-Nieves, et al, with SCS (Engler)

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Reported 2/15

SB 8-Kennedy

Reported 3/8

SB 185-Green

House Bills

Reported 4/5

HB 62-Ruestman, et al (Nodler)
 HCS for HB 405 (Scott)

HB 754-Kelly, et al (Vogel)
 HB 576-Cooper (120), et al (Clemens)

HB 264-Cunningham (86) (Rupp)

HB 732-Parson, et al (Scott)

Reported 4/12

HCS for HB 780, with SCS (Scott)

HB 554-Cooper (155), et al (Engler)

HCS for HB 555 (Engler)

HB 268-Moore and Bivins

HCS for HB 459 (Griesheimer)

HB 467-Cox (Scott)

HCS for HB 616 (Goodman)

HB 665-Ervin, et al (Ridgeway)

HB 205-Marsh, et al (Griesheimer)

HCS for HB 795, with SCS (Ridgeway)

HB 684-Bruns, with SCS

HB 740-Pearce, with SCS (Koster)

HCS for HB 272 (Goodman)

HB 344-Munzlinger, et al (Clemens)

HB 351-Wood, et al (Goodman)

HB 428-Cox (Scott)

HB 680-May, et al (Clemens)

HB 75-Sutherland (Mayer)

HB 265-Cunningham (86) (Rupp)

HB 267-Jones (117) and Cunningham (86)
(Rupp)

HB 56-Sater, et al (Goodman)

HB 933-Grill, et al (Shields)

HCS for HB 796 (Purgason)

HB 574-St. Onge

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 327, with SS for SCS,
as amended (Griesheimer)

RESOLUTIONS

Reported from Committee

HCR 15-Threlkeld, et al, with SCS (Shields)

SCR 10-Koster and Shields

HCR 25-Yates, et al (Bartle)

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Journal of the Senate

FIRST REGULAR SESSION

FIFTY-SIXTH DAY—WEDNESDAY, APRIL 18, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“It is neither safe nor honest to act contrary to conscience! Here I stand; I cannot do otherwise, so help me God! Amen.”
(Martin Luther, April 18, 1521)

Lord, You know that sometimes we are hesitant to let people really know what it is we believe and stand for, so help us, O Lord, to determine under Your rule to make a difference in the world as we share our faith wherever we go. Let us act boldly so that our efforts tell others what is truly important to us and for what we will stand and willingly be counted. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager

Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Bartle offered Senate Resolution No. 964, regarding Joshua Patrick Zans, Lee’s Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 965, regarding Travis James Foster, Lee’s Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 966, regarding Kevin Aaron Lewis, Lee’s Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 967, regarding Alex J. Martin, Lee’s Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 968, regarding Joseph Whalon, Lee’s Summit,

which was adopted.

Senator Bartle offered Senate Resolution No. 969, regarding Evan Michael Wright, Lee's Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 970, regarding Joshua Blane Abernathy, Lee's Summit, which was adopted.

Senator Green offered Senate Resolution No. 971, regarding the One Hundredth Anniversary of the Santa Cruz Knights of Columbus Council 1215, which was adopted.

Senator Green offered Senate Resolution No. 972, regarding Lowell Girardier, which was adopted.

Senator Green offered Senate Resolution No. 973, regarding Cathy Bono, which was adopted.

Senator Green offered Senate Resolution No. 974, regarding Harry Behlmann, Florissant Valley, which was adopted.

Senator Shields offered Senate Resolution No. 975, regarding Jason Turnbull, Weston, which was adopted.

Senator Clemens offered Senate Resolution No. 976, regarding Susan Krieger, Strafford, which was adopted.

Senator Purgason offered Senate Resolution No. 977, regarding Ozarkia Class, Horizons Laker Educational Center, Camdenton High School, which was adopted.

Senator Purgason offered Senate Resolution No. 978, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Jack Gamble, West Plains, which was adopted.

Senator Purgason offered Senate Resolution No. 979, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Clinton McGuire, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 980, regarding Heather Little, which was

adopted.

Senator Crowell offered Senate Resolution No. 981, regarding Austin Baker, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 982, regarding Victoria Baker, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 983, regarding Beverly Sue Duncan, Benton, which was adopted.

Senator Crowell offered Senate Resolution No. 984, regarding Sharon Wendel, Whitewater, which was adopted.

Senator Crowell offered Senate Resolution No. 985, regarding Patti House, Cape Girardeau, which was adopted.

REFERRALS

President Pro Tem Gibbons referred the Gubernatorial Appointments appearing on pages 880 and 881 of the Senate Journal for Tuesday, April 17, 2007, to the Committee on Gubernatorial Appointments.

President Pro Tem Gibbons referred **SS** for **SCS** for **SB 428** to the Committee on Governmental Accountability and Fiscal Oversight.

Senator Shields announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

SENATE BILLS FOR PERFECTION

Senator Loudon moved that **SB 668**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 668**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 668

An Act to repeal sections 287.020, 287.200, 287.220, and 287.230, RSMo, and to enact in lieu thereof four new sections relating to workers'

compensation.

Was taken up.

Senator Loudon moved that **SCS** for **SB 668** be adopted.

Senator Loudon offered **SS** for **SCS** for **SB 668**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 668

An Act to repeal sections 287.020, 287.200, 287.220, and 287.230, RSMo, and to enact in lieu thereof five new sections relating to workers' compensation, with an expiration date for a certain section and an emergency clause.

Senator Loudon moved that **SS** for **SCS** for **SB 668** be adopted, which motion prevailed.

On motion of Senator Loudon, **SS** for **SCS** for **SB 668** was declared perfected and ordered printed.

Senator Lager moved that **SB 563**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 563**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 563

An Act to repeal section 537.340, RSMo, and to enact in lieu thereof one new section relating to tree trimming by electric utilities.

Was taken up.

Senator Lager moved that **SCS** for **SB 563** be adopted.

Senator Lager offered **SS** for **SCS** for **SB 563**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 563

An Act to repeal section 537.340, RSMo, and to enact in lieu thereof one new section relating to

tree trimming by electric utilities.

Senator Lager moved that **SS** for **SCS** for **SB 563** be adopted.

Senator Green offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 563, Page 1, Section A, Line 3 of said page, by inserting after all of said line the following:

“393.140. The commission shall:

(1) Have general supervision of all gas corporations, electrical corporations, water corporations and sewer corporations having authority under any special or general law or under any charter or franchise to lay down, erect or maintain wires, pipes, conduits, ducts or other fixtures in, over or under the streets, highways and public places of any municipality, for the purpose of furnishing or distributing water or gas or of furnishing or transmitting electricity for light, heat or power, or maintaining underground conduits or ducts for electrical conductors, or for the purpose of collecting, carrying, treating, or disposing of sewage, and all gas plants, electric plants, water systems and sewer systems owned, leased or operated by any gas corporation, electrical corporation, water corporation, or sewer corporation.

(2) Investigate and ascertain, from time to time, the quality of gas or water supplied and sewer service furnished by persons and corporations, examine or investigate the methods employed by such persons and corporations in manufacturing, distributing and supplying gas or electricity for light, heat or power and in transmitting the same, and in supplying and distributing water for any purpose whatsoever, and in furnishing a sewer system, and have power to order such reasonable improvements as will best promote the public interest, preserve the public health and protect those using such gas, electricity, water, or sewer system, and those employed in the manufacture and distribution thereof, and have

power to order reasonable improvements and extensions of the works, wires, poles, pipes, lines, conduits, ducts and other reasonable devices, apparatus and property of gas corporations, electrical corporations, water corporations, and sewer corporations.

(3) Have power, by order, to fix from time to time standards for the measurement of the purity or illuminating power of gas to be manufactured, distributed or sold by persons or corporations for lighting, heating or power purposes, to prescribe from time to time the efficiency of the electric supply system, of the current supplied and of the lamps furnished by the persons or corporations generating and selling electric current, and to fix from time to time standards for the measurement of the purity or pressure of water to be distributed or sold by persons or corporations for any purpose whatsoever, and to fix from time to time the standards for designing, constructing, operating and maintaining sewer systems of sewer corporations, including sewers, sewage pumping stations, sewage treatment works, primary treatment facilities, sludge digestion and disposal facilities, secondary treatment facilities, disinfection facilities, and any and all facilities related thereto; provided, however, that such standards shall be supplemental to and in no way set standards lesser than the minimum standards adopted by the state water pollution board, and by order to require gas so manufactured, distributed or sold to equal the standards so fixed by it, and to prescribe from time to time the reasonable minimum and maximum pressure at which gas shall be delivered by said persons or corporations. For the purpose of determining whether the gas manufactured, distributed or sold by such persons or corporations for lighting, heating or power purposes conforms to the standards of illuminating power, purity and pressure, and for the purpose of determining whether the efficiency of the electric supply system, of the current supplied and of the lamps furnished, and for the purpose of determining whether the water furnished or sold

conforms to the standard of purity and pressure, and for the purpose of determining whether the sewer system conforms to the standards for designing, constructing, operating and maintaining sewer systems, and conforms to the orders issued by the commission, the commission shall have power, of its own motion, to examine and investigate the plants and methods employed in manufacturing, delivering and supplying gas, electricity or water, and the collecting, carrying, treating and disposing of sewage, and shall have access, through its members or persons employed and authorized by it, to make such examinations and investigations to all parts of the manufacturing plants owned, used or operated for the manufacture, transmission or distribution of gas or electricity by any such person or corporation, and to all parts of the systems owned, used or operated for the supplying and distribution of water and the collecting, carrying, treating and disposing of sewage by any such person or corporation. Any employee or agent of the commission who divulges any fact or information which may come to his knowledge during the course of any such inspection or examination, except insofar as he may be directed by the commission, or by a court or judge thereof, or authorized by law, shall be guilty of a misdemeanor.

(4) Promulgate rules by January 1, 2008, under the authority of section 386.125, RSMo, that establish:

(a) Minimum standards for the management of vegetation in, and adjacent to, the utility system easement or right-of-way of electrical corporations. Such standards may be prescriptive standards, performance standards, or both; and

(b) Reporting requirements for electrical corporations under the requirements of paragraph (a) of this subdivision. Any reports issued by an electrical corporation under this subdivision shall be made available to the public.

(5) Conduct inspection and monitoring activities as necessary to ensure and enforce compliance by electrical corporations with the standards developed under subdivision 4 of this section.

(6) Have power, in its discretion, to prescribe uniform methods of keeping accounts, records and books, to be observed by gas corporations, electrical corporations, water corporations and sewer corporations engaged in the manufacture, sale or distribution of gas and electricity for light, heat or power, or in the distribution and sale of water for any purpose whatsoever, or in the collection, carriage, treatment and disposal of sewage for municipal, domestic or other necessary beneficial purpose. It may also, in its discretion, prescribe, by order, forms of accounts, records and memoranda to be kept by such persons and corporations. Notice of alterations by the commission in the required method or form of keeping a system of accounts shall be given to such persons or corporations by the commission at least six months before the same shall take effect. Any other and additional forms of accounts, records and memoranda kept by such corporation shall be subject to examination by the commission.

[(5)] (7) Examine all persons and corporations under its supervision and keep informed as to the methods, practices, regulations and property employed by them in the transaction of their business. Whenever the commission shall be of the opinion, after a hearing had upon its own motion or upon complaint, that the rates or charges or the acts or regulations of any such persons or corporations are unjust, unreasonable, unjustly discriminatory or unduly preferential or in any wise in violation of any provision of law, the commission shall determine and prescribe the just and reasonable rates and charges thereafter to be in force for the service to be furnished, notwithstanding that a higher rate or charge has heretofore been authorized by statute, and the just and reasonable acts and regulations to be done and observed; and

whenever the commission shall be of the opinion, after a hearing had upon its own motion or upon complaints, that the property, equipment or appliances of any such person or corporation are unsafe, insufficient or inadequate, the commission shall determine and prescribe the safe, efficient and adequate property, equipment and appliances thereafter to be used, maintained and operated for the security and accommodation of the public and in compliance with the provisions of law and of their franchises and charters.

[(6)] (8) Require every person and corporation under its supervision and it shall be the duty of every person and corporation to file with the commission an annual report, verified by the oath of the president, treasurer, general manager or receiver, if any, thereof. The verification shall be made by said official holding office at the time of the filing of said report, and if not made upon the knowledge of the person verifying the same, shall set forth the sources of his information and the grounds of his belief as to any matters not stated to be verified upon his knowledge. The report shall show in detail the amount of its authorized capital stock and the amount thereof issued and outstanding; the amount of its authorized bonded indebtedness and the amount of its bonds and other forms of evidence of indebtedness issued and outstanding; its receipts and expenditures during the preceding year; the amount paid as dividends upon its stock and as interest upon its bonds; the names of its officers and the aggregate amount paid as salaries to them and the amount paid as wages to its employees; the location of its plant or plants and system, with a full description of its property and franchises, stating in detail how each franchise stated to be owned was acquired; and such other facts pertaining to the operation and maintenance of the plant and system, and the affairs of such person or corporation as may be required by the commission. Such reports shall be in the form, cover the period and be filed at the time prescribed by the commission. The commission may, from time to time, make changes

and additions in such forms. When any such report is defective or believed to be erroneous, the commission shall notify the person or corporation making such report to amend the same within a time prescribed by the commission. Any such person or corporation which shall neglect to make any such report or which shall fail to correct any such report within the time prescribed by the commission shall be liable to a penalty of one hundred dollars and an additional penalty of one hundred dollars for each day after the prescribed time for which it shall neglect to file or correct the same, to be sued for in the name of the state of Missouri. The amount recovered in any such action shall be paid to the public school fund of the state. The commission may extend the time prescribed for cause shown.

[(7)] (9) Have power, either through its members or inspectors or employees duly authorized by it, to enter in or upon and to inspect the property, buildings, plants, factories, powerhouses, ducts, conduits and offices of any such corporations or persons.

[(8)] (10) Have power to examine the accounts, books, contracts, records, documents and papers of any such corporation or person, and have power, after hearing, to prescribe by order the accounts in which particular outlays and receipts shall be entered, charged or credited.

[(9)] (11) Have power to compel, by subpoena duces tecum, the production of any accounts, books, contracts, records, documents, memoranda and papers. In lieu of requiring production of originals by subpoena duces tecum the commission or any commissioner may require sworn copies of any such books, records, contracts, documents and papers, or parts thereof, to be filed with it. The commission may require of all such corporations or persons specific answers to questions upon which the commission may need information, and may also require such corporations or persons to file periodic reports in the form, covering the period and filed at the time prescribed by the

commission. If such corporation or person shall fail to make specific answer to any question or shall fail to make a periodic report when required by the commission as herein provided within the time and in the form prescribed by the commission for the making and filing of any such report or answer, such corporation or person shall forfeit to the state the sum of one hundred dollars for each and every day it shall continue to be in default with respect to such report or answer. Such forfeiture shall be recovered in an action brought by the commission in the name of the state of Missouri. The amount recovered in any such action shall be paid to the public school fund of the state.

[(10)] (12) Have power in all parts of the state, either as a commission or through its members, to subpoena witnesses, take testimony and administer oaths to witnesses in any proceeding or examination instituted before it, or conducted by it, in reference to any matter under sections 393.110 to 393.285.

[(11)] (13) Have power to require every gas corporation, electrical corporation, water corporation, and sewer corporation to file with the commission and to print and keep open to public inspection schedules showing all rates and charges made, established or enforced or to be charged or enforced, all forms of contract or agreement and all rules and regulations relating to rates, charges or service used or to be used, and all general privileges and facilities granted or allowed by such gas corporation, electrical corporation, water corporation, or sewer corporation; but this subdivision shall not apply to state, municipal or federal contracts. Unless the commission otherwise orders, no change shall be made in any rate or charge, or in any form of contract or agreement, or any rule or regulation relating to any rate, charge or service, or in any general privilege or facility, which shall have been filed and published by a gas corporation, electrical corporation, water corporation, or sewer corporation in compliance with an order or decision of the commission,

except after thirty days' notice to the commission and publication for thirty days as required by order of the commission, which shall plainly state the changes proposed to be made in the schedule then in force and the time when the change will go into effect. The commission for good cause shown may allow changes without requiring the thirty days' notice under such conditions as it may prescribe. No corporation shall charge, demand, collect or receive a greater or less or different compensation for any service rendered or to be rendered than the rates and charges applicable to such services as specified in its schedule filed and in effect at the time; nor shall any corporation refund or remit in any manner or by any device any portion of the rates or charges so specified, nor to extend to any person or corporation any form of contract or agreement, or any rule or regulation, or any privilege or facility, except such as are regularly and uniformly extended to all persons and corporations under like circumstances. The commission shall have power to prescribe the form of every such schedule, and from time to time prescribe by order such changes in the form thereof as may be deemed wise. The commission shall also have power to establish such rules and regulations, to carry into effect the provisions of this subdivision, as it may deem necessary, and to modify and amend such rules or regulations from time to time.

[(12)] (14) In case any electrical corporation, gas corporation, water corporation or sewer corporation engaged in carrying on any other business than owning, operating or managing a gas plant, electric plant, water system or sewer system which other business is not otherwise subject to the jurisdiction of the commission, and is so conducted that its operations are to be substantially kept separate and apart from the owning, operating, managing or controlling of such gas plant, electric plant, water system or sewer system, said corporation in respect to such other business shall not be subject to any of the provisions of this chapter and shall not be required to procure the

consent or authorization of the commission to any act in such other business or to make any report in respect thereof. But this subdivision shall not restrict or limit the powers of the commission in respect to the owning, operating, managing or controlling by such corporation of such gas plant, electric plant, water system or sewer system, and said powers shall include also the right to inquire as to, and prescribe the apportionment of, capitalization, earnings, debts and expenses fairly and justly to be awarded to or borne by the ownership, operation, management or control of such gas plant, electric plant, water system or sewer system as distinguished from such other business. In any such case if the owning, operating, managing or controlling of such gas plant, electric plant, water system or sewer system by any such corporation is wholly subsidiary and incidental to the other business carried on by it and is inconsiderable in amount and not general in its character, the commission may by general rules exempt such corporation from making full reports and from the keeping of accounts as to such subsidiary and incidental business.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Shields assumed the Chair.

Senator Griesheimer assumed the Chair.

At the request of Senator Lager, **SB 563**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 391**; **SS** for **SB 654**; **SCS** for **SB 368**; **SS** for **SB 358**; and **SCS** for **SB 75**, begs

leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

HOUSE BILLS ON THIRD READING

HCS for **HB 16**, with **SCS**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2007.

Was taken up by Senator Gross.

SCS for **HCS** for **HB 16**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 16

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, for the purchase of equipment, and for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2007.

Was taken up.

Senator Gross moved that **SCS** for **HCS** for **HB 16** be adopted.

At the request of Senator Gross, **HCS** for **HB 16**, with **SCS** (pending), was placed on the Informal Calendar.

SENATE BILLS FOR PERFECTION

Senator Scott moved that **SB 664**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 664**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 664

An Act to repeal sections 344.020, 344.030, 344.040, 344.050, 344.060, 344.070, 344.080, and 344.105, RSMo, and to enact in lieu thereof nine new sections relating to board of nursing home administrators.

Was taken up.

Senator Scott moved that **SCS** for **SB 664** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SB 664** was declared perfected and ordered printed.

Senator Nodler moved that **SB 389**, with **SCS** and **SS No. 4** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS No. 4 for **SCS** for **SB 389** was again taken up.

At the request of Senator Nodler, **SS No. 4** for **SCS** for **SB 389** was withdrawn.

Senator Koster assumed the Chair.

Senator Nodler offered **SS No. 5** for **SCS** for **SB 389**, entitled:

SENATE SUBSTITUTE NO. 5 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 389

An Act to repeal sections 160.254, 173.005, 173.200, 173.203, 173.205, 173.210, 173.215, 173.220, 173.225, 173.230, 173.355, 173.360, 173.385, 173.425, 173.616, 173.810, 173.813, 173.816, 173.820, 173.825, 173.827, 173.830, and 313.835, RSMo, and to enact in lieu thereof twenty-nine new sections relating to higher education, with penalty provisions and an emergency clause.

Senator Nodler moved that **SS No. 5** for **SCS** for **SB 389** be adopted.

Senator Graham offered **SA 1**, which was

read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 28, Section 173.392, Line 24 of said page, by inserting after “universities” the following: “, **provided that moneys shall not be appropriated to any public college or university that employs a person registered under sections 589.400 to 589.425, RSMo.**”.

Senator Graham moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Days, Green, Justus and Shoemyer.

Senator Graham offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 28, Section 173.392, Line 24 of said page, by inserting after the word “universities” the following:

“, **provided that monies shall not be appropriated to any public college or university that employs any person, as a professor or instructor, registered under sections 589.400 to 589.425, RSMo.**”.

Senator Graham moved that the above substitute amendment be adopted.

Senator Graham offered **SA 1** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 1, Section 173.392, Line 6, by inserting after the word “instructor”, the following:

“required to be”.

Senator Graham moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Coleman, Days and Smith.

SA 1 to **SSA 1** for **SA 1** was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senator Champion—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

SSA 1 for **SA 1**, as amended, was again taken up.

Senator Graham moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Green, Justus, Smith and Wilson.

SSA 1 for **SA 1**, as amended, was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator Champion—1

Absent with leave—Senators—None

Vacancies—None

At the request of Senator Nodler, **SB 389**, with **SCS** and **SS No. 5** for **SCS**, as amended (pending), was placed on the Informal Calendar.

On motion of Senator Shields, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Koster.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 17, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Stephen S. Davis, 2022 West Main Street, Jefferson City, Cole County, Missouri 65109, as a member of the Second State Capitol Commission, for a term ending April 18, 2010, and until his successor is duly appointed and qualified; vice, Scott Burnett, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 18, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Chasity L. Anderson, 6084 LIV 430, Dawn, Livingston

County, Missouri 64638, as a member of the Amber Alert System Oversight Committee, for a term ending April 17, 2009, and until her successor is duly appointed and qualified; vice, Brian Hauswirth, term expired.

Respectfully submitted,

MATT BLUNT

Senator Shields announced that photographers from KOMU-TV and KMIZ-TV were given permission to take pictures in the Senate Chamber today.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SB 668** and **SCS** for **SB 664**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SCS** for **SB 611**; **SS** for **SCS** for **SB 5**; and **SS** for **SCS** for **SB 496**, begs leave to report that it has considered the same and recommends that the bills do pass.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 845**, entitled:

An Act to amend chapter 115, RSMo, by adding thereto one new section relating to voter registration for hunting and fishing permit

applicants.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

CONCURRENT RESOLUTIONS

Senator Loudon offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 26

WHEREAS, access to the capital markets of the United States is vital to the economic health and continued development of both private and publicly traded companies located and conducting business in the state of Missouri; and

WHEREAS, integrity and transparency of regulation and the fair application of regulations designed to insure the public and private rights of ownership are the hallmarks of healthy capital markets for both private and public investors; and

WHEREAS, it is the policy of the state of Missouri to assist entrepreneurs, and private and publicly traded businesses with access to healthy capital markets to further business development and job creation within the state; and

WHEREAS, many citizens of the state of Missouri are invested in private and publicly traded companies and are vested in numerous pension and retirement systems that have been established by Missouri law; and

WHEREAS, many of these pension and retirement systems funds depend on the healthy growth of investments in securities of various private and publicly traded companies in order to provide benefits to plan members; and

WHEREAS, the citizens of Missouri desire to be made aware of the occurrence of any short selling practices that may hinder the future development of both private and publicly traded companies, may be harmful to investors, and may hurt pension systems and retirees in this state:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby strongly encourage the Security and Exchange Commission, the Missouri Secretary of State, and all state and federal agencies regulating securities to create and enforce rules and regulations that are designed to eliminate fraud and other abusive practices by requiring greater transparency, promoting greater investor confidence, protecting private and public investors from failed trades where a short seller of securities receives the buyer's money, but does not deliver the promised security to the buyer; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies

of this resolution for the Security and Exchange Commission and the Missouri Secretary of State.

THIRD READING OF SENATE BILLS

SCS for **SB 611**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 611

An Act to repeal sections 600.011 and 600.042, RSMo, and to enact in lieu thereof four new sections relating to the public defender system.

Was taken up by Senator Goodman.

On motion of Senator Goodman, **SCS for SB 611** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for SCS for SB 5, introduced by Senator

Loudon, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE
SENATE BILL NO. 5

An Act to repeal sections 195.503, 566.147, 573.025, 573.035, 573.037, and 650.120, RSMo, and to enact in lieu thereof nine new sections relating to sexual offenses against children, with penalty provisions and an emergency clause for certain sections.

Was taken up.

On motion of Senator Loudon, **SS** for **SCS** for **SB 5** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler

Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Nodler moved that **SB 389**, with **SCS** and **SS No. 5** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS No. 5 for **SCS** for **SB 389**, as amended, was again taken up.

Senator Nodler offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 29, Section 173.392, Line 1 of said page, by inserting immediately after said line the following:

“3. The provisions of subdivision (1) of subsection 2 of this section shall only apply to any public college or university that knowingly employs any person as a professor or instructor required to be registered under sections 589.400 to 589.425, RSMo.”; and further amend said section by renumbering the remaining subsection accordingly.

Senator Nodler moved that the above amendment be adopted.

Senator Graham raised the point of order that **SA 2** is out of order as it is dilatory in nature, and further, that the amendment attempts to amend previously amended material.

The points of order were referred to the President Pro Tem who ruled them not well taken.

Senator Graham offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 1, Section 173.392, Line 6, by inserting after the word “employs”, the following: **“as of April 17th, 2007”**.

Senator Graham moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Callahan, Green, Justus and Shoemyer.

SA 1 to **SA 2** was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

SA 2, as amended, was again taken up.

Senator Nodler moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 30, Section 173.425, Line 17 of said page, by inserting after all of said line the following:

“173.475. Notwithstanding any provision of law or policy of a public institution of higher education to the contrary, no public college or university, as defined in section 173.355, shall reject an applicant for a faculty position in political science based solely on the applicant having not earned a graduate degree, provided that the applicant has earned an undergraduate baccalaureate degree and has served for at least eight years in the general assembly.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 43, Section 173.1105, Lines 14-18 of said page, by striking all of said lines and inserting in lieu thereof the following:

“all sectors by the percentage of the shortfall. If appropriated funds exceed the amount necessary to fund the program, the additional funds shall be used solely to increase the size of the financial assistance awarded to the applicant and shall not be used to increase the number of recipients by raising the cutoff for the expected family contribution.”.

Senator Green moved that the above amendment be adopted, which motion failed.

Senator Green offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 5 for Senate

Committee Substitute for Senate Bill No. 389, Page 1, Section A, Line 10 of said page, by inserting immediately after said line the following:

“143.121. 1. The Missouri adjusted gross income of a resident individual shall be the taxpayer's federal adjusted gross income subject to the modifications in this section.

2. There shall be added to the taxpayer's federal adjusted gross income:

(a) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit;

(b) Interest on certain governmental obligations excluded from federal gross income by Section 103 of the Internal Revenue Code. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (a) of subsection 3 of this section. The amount added pursuant to this paragraph shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of Section 265 of the Internal Revenue Code. The reduction shall only be made if it is at least five hundred dollars;

(c) The amount of any deduction that is included in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount deducted exceeds the amount that would have been deductible pursuant to Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002; and

(d) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by Section 172 of the Internal Revenue Code of 1986, as

amended, other than the deduction allowed by Section 172(b)(1)(G) and Section 172(i) of the Internal Revenue Code of 1986, as amended, for a net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a period of more than twenty years and carries backward for more than two years. Any amount of net operating loss taken against federal taxable income but disallowed for Missouri income tax purposes pursuant to this paragraph after June 18, 2002, may be carried forward and taken against any income on the Missouri income tax return for a period of not more than twenty years from the year of the initial loss.

3. There shall be subtracted from the taxpayer's federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(a) Interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from Missouri income taxes pursuant to the laws of the United States. The amount subtracted pursuant to this paragraph shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this paragraph. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining the taxpayer's federal adjusted gross income or included in the taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(b) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax

purposes, the modification shall be limited to one-half of such portion of the gain;

(c) The amount necessary to prevent the taxation pursuant to this chapter of any annuity or other amount of income or gain which was properly included in income or gain and was taxed pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(d) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(e) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(f) The portion of capital gain specified in section 135.357, RSMo, that would otherwise be included in federal adjusted gross income;

(g) The amount that would have been deducted in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as in effect on January 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002;

(h) For all tax years beginning on or after January 1, 2005, the amount of any income received for military service while the taxpayer serves in a combat zone which is included in federal adjusted gross income and not otherwise excluded therefrom. As used in this section, "combat zone" means any area which the President of the United States by Executive Order designates as an area in which armed forces of the United States are or have engaged in combat. Service is

performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combat activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone; [and]

(i) For all tax years ending on or after July 1, 2002, with respect to qualified property that is sold or otherwise disposed of during a taxable year by a taxpayer and for which an addition modification was made under paragraph (c) of subsection 2 of this section, the amount by which addition modification made under paragraph (c) of subsection 2 of this section on qualified property has not been recovered through the additional subtractions provided in paragraph (g) of this subsection; **and**

(j) The amount of any qualified higher education expenses determined under section 143.1014.

4. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the modifications provided in section 143.411.

6. In addition to the modifications to a taxpayer's federal adjusted gross income in this section, to calculate Missouri adjusted gross income there shall be subtracted from the taxpayer's federal adjusted gross income any gain recognized pursuant to Section 1033 of the Internal Revenue Code of 1986, as amended, arising from compulsory or involuntary conversion of property as a result of condemnation or the imminence thereof.

143.1014. 1. This section shall be known and may be cited as the "Higher Education Expenses Deduction".

2. As used in this section, the following

terms mean:

(1) “Department”, the department of revenue;

(2) “Director”, the director of the department of revenue;

(3) “Higher education institution”, an institution that meets the standards for accreditation as determined by either the North Central Association of Colleges and Secondary Schools or by other accrediting bodies recognized by the United States Department of Education or by utilizing accreditation standards applicable to non-degree granting institutions as established by the coordinating board for higher education.

(4) “Tax liability”, the tax due under chapter 143, other than taxes withheld under sections 143.191 to 143.265; and

(5) “Taxpayer”, any student filing income tax returns or a taxpayer who claims a student as a dependent.

3. If any taxpayer with a federal adjusted gross income of less than two hundred thousand dollars incurs tuition or fee expenses for enrollment of at least half time at a higher education institution, such taxpayer shall subtract from such taxpayer's federal adjusted gross income an amount equal to one hundred percent of such costs the taxpayer paid during the taxable year.

4. The department may promulgate such rules or regulations as are necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter

536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

5. The provisions of this section shall apply to all tax years beginning on or after January 1, 2008.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Barnitz, Bray, Graham and Smith.

SA 5 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman
Crowell	Days	Graham	Green
Justus	Kennedy	McKenna	Shoemyer
Smith	Wilson—14		

NAYS—Senators

Bartle	Clemens	Engler	Gibbons
Goodman	Griesheimer	Gross	Koster
Lager	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel—19	

Absent—Senator Champion—1

Absent with leave—Senators—None

Vacancies—None

Senator Smith offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 19, Section 173.125, Line 26 of said page, by inserting immediately after said line the following:

“173.250. 1. There is hereby established a “Higher Education Academic Scholarship

Program” and any moneys appropriated by the general assembly for this program shall be used to provide scholarships for Missouri citizens to attend a Missouri college or university of their choice pursuant to the provisions of this section.

2. The definitions of terms set forth in section 173.205 shall be applicable to such terms as used in this section. The term “academic scholarship” means an amount of money paid by the state of Missouri to a qualified college or university student who has demonstrated superior academic achievement pursuant to the provisions of this section.

3. The coordinating board for higher education shall be the administrative agency for the implementation of the program established by this section, and shall:

(1) Promulgate reasonable rules and regulations for the exercise of its functions and the effectuation of the purposes of this section, including regulations for granting scholarship deferments;

(2) Prescribe the form and the time and method of awarding academic scholarships, and shall supervise the processing thereof; and

(3) Select qualified recipients to receive academic scholarships, make such awards of academic scholarships to qualified recipients and determine the manner and method of payment to the recipient.

4. A student shall be eligible for initial or renewed academic scholarship if he or she is in compliance with the eligibility requirements set forth in section 173.215 excluding the requirement of financial need and undergraduate status, and in addition meets the following requirements:

(1) Initial academic scholarships shall be offered in the academic year immediately following graduation from high school to Missouri high school seniors whose composite scores on the American College Testing Program (ACT) or the Scholastic Aptitude Test (SAT) of the College

Board are in the top three percent of all Missouri students taking those tests during the school year in which the scholarship recipients graduate from high school. In the freshman year of college, scholarship recipients are required to maintain status as a full-time student;

(2) Academic scholarships are renewable if the recipient remains in compliance with the applicable provisions of section 173.215 and the recipient makes satisfactory academic degree progress as a full-time student.

5. A student who is enrolled or has been accepted for enrollment as a postsecondary student at an approved private or public institution beginning with the fall, 1987, term and who meets the other eligibility requirements for an academic scholarship shall, within the limits of the funds appropriated and made available, be offered an academic scholarship in the amount of [two] **four** thousand dollars for the first academic year of study, which scholarship shall be renewable in the amount of [two] **four** thousand dollars annually for the second, third and fourth academic years or as long as the recipient is in compliance with the applicable eligibility requirements set forth in section 173.215, provided those years of study are continuous and the student continues to meet eligibility requirements for the scholarship; provided, however, if a recipient ceases all attendance at an approved public or private institution for the purpose of providing service to a nonprofit organization, a state or federal government agency or any branch of the armed forces of the United States, the recipient shall be eligible for a renewal scholarship upon return to any approved public or private institution, provided the recipient:

(1) Returns to full-time status within twenty-seven months;

(2) Provides verification in compliance with coordinating board for higher education rules that the service to the nonprofit organization was satisfactorily completed and was not compensated

other than for expenses or that the service to the state or federal governmental agency or branch of the armed forces of the United States was satisfactorily completed; and

(3) Meets all other requirements established for eligibility to receive a renewal scholarship.

6. A recipient of academic scholarship awarded under this section may transfer from one approved Missouri public or private institution to another without losing eligibility for the scholarship. If a recipient of the scholarship at any time withdraws from an approved private or public institution so that under the rules and regulations of that institution he or she is entitled to a refund of any tuition, fees or other charges, the institution shall pay the portion of the refund attributable to the scholarship for that term to the coordinating board for higher education.

7. Other provisions of this section to the contrary notwithstanding, if a recipient has been awarded an initial academic scholarship pursuant to the provisions of this section but is unable to use the scholarship during the first academic year because of illness, disability, pregnancy or other medical need or if a recipient ceases all attendance at an approved public or private institution because of illness, disability, pregnancy or other medical need, the recipient shall be eligible for an initial or renewal scholarship upon enrollment in or return to any approved public or private institution, provided the recipient:

(1) Enrolls in or returns to full-time status within twenty-seven months;

(2) Provides verification in compliance with coordinating board for higher education rules of sufficient medical evidence documenting an illness, disability, pregnancy or other medical need of such person to require that that person will not be able to use the initial or renewal scholarship during the time period for which it was originally offered; and

(3) Meets all other requirements established

for eligibility to receive an initial or a renewal scholarship.”; and

Further amend the title and enacting clause accordingly.

Senator Smith moved that the above amendment be adopted.

Senator Smith offered **SA 1 to SA 6**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Substitute No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 3, Section 173.250, Line 4, by striking all of said line and inserting in lieu thereof the following: **“amount of two thousand dollars for each fiscal year prior to fiscal year 2010, and four thousand dollars for fiscal year 2010 and every fiscal year thereafter, for the first academic year”**; and further amend line 6 by striking all of said line and inserting in lieu thereof the following: **“two thousand dollars for each fiscal year prior to fiscal year 2010, and four thousand dollars for fiscal year 2010 and every fiscal year thereafter, annually for the second, third and”**.

Senator Smith moved that the above amendment be adopted.

At the request of Senator Smith, **SA 1 to SA 6** was withdrawn.

SA 6 was again taken up.

Senator Smith offered **SA 2 to SA 6**, which was read:

SENATE AMENDMENT NO. 2 TO
SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Substitute No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 3, Section 173.250, Line 4, by striking all of said line and inserting in lieu thereof the following: **“amount of two thousand dollars for each fiscal year prior to fiscal year 2010, and, subject to appropriations,**

four thousand dollars for fiscal year 2011 and every fiscal year thereafter, for the first academic year”; and further amend line 6 by striking all of said line and inserting in lieu thereof the following: “two thousand dollars for each fiscal year prior to fiscal year 2010, and, subject to appropriations, four thousand dollars for fiscal year 2011 and every fiscal year thereafter, annually for the second, third and”.

Senator Smith moved that the above amendment be adopted.

At the request of Senator Smith, **SA 2 to SA 6** was withdrawn.

At the request of Senator Smith, **SA 6** was withdrawn.

Senator Shoemyer offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 1, Section A, Line 10 of said page, by inserting after all of said line the following:

“8.250. 1. “Project” for the purposes of this chapter means the labor or material necessary for the construction, renovation, or repair of improvements to real property so that the work, when complete, shall be ready for service for its intended purpose and shall require no other work to be a completed system or component.

2. All contracts for projects, the cost of which exceeds twenty-five thousand dollars, entered into by any officer or agency of this state **or of the administrative entity known as “The Curators of the University of Missouri” as established by section 172.020, RSMo**, or of any city containing five hundred thousand inhabitants or more shall be let to the lowest, responsive, responsible bidder or bidders after notice and publication of an advertisement for five days in a daily newspaper in the county where the work is located, or at least

twice over a period of ten days or more in a newspaper in the county where the work is located, and in two daily newspapers in the state which do not have less than fifty thousand daily circulation, and by such other means as are determined to be most likely to reach potential bidders.

3. The number of such public bids shall not be restricted or curtailed, but shall be open to all persons complying with the terms upon which the bids are requested or solicited unless debarred for cause. No contract shall be awarded when the amount appropriated for same is not sufficient to complete the work ready for service.

4. Dividing a project into component labor or material allocations for the purpose of avoiding bidding or advertising provisions required by this section is specifically prohibited.”; and

Further amend the title and enacting clause accordingly.

Senator Shoemyer moved that the above amendment be adopted, which motion failed.

Senator Crowell assumed the Chair.

Senator Bray offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 56, Section 1, Line 24 of said page, by inserting immediately after said line the following:

“Section 2. If the bonding rating of the state or any public college or university of the state, as defined in section 173.355, RSMo, is lowered by any one of the nationally recognized bond rating agencies as a result of any provision of this act, then all of the provisions of this act shall be rendered null and void.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Scott assumed the Chair.

At the request of Senator Bray, **SA 8** was withdrawn.

Senator Smith offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Substitute No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 5, Section 168.700, Line 3 of said page, by striking the following: “department of elementary and secondary” and inserting in lieu thereof the following: **“state board of ”**; and

Further amend said bill, Page 8, Line 11 of said page, by inserting after “section” the following: **“, and to fund the coordinator position described in subsection 5 of this section”**.

Senator Smith moved that the above amendment be adopted.

Senator Smith offered **SSA 1** for **SA 9**, which was read:

**SENATE SUBSTITUTE AMENDMENT NO.1
FOR SENATE AMENDMENT NO. 9**

Amend Senate Substitute No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 5, Section 168.700, Line 3 of said page, by striking the following: “department of elementary and secondary” and inserting in lieu thereof the following: **“state board of ”**; and

Further amend said bill, Page 8, Line 11 of said page, by inserting after “section” the following: **“, coordinator position described in subsection 5 of this section through a supplemental appropriation”**.

Senator Smith moved that the above substitute amendment be adopted.

Senator Nodler requested a roll call vote be taken on the adoption of **SA 9** and was joined in his request by Senators Shields, Gibbons, Rupp and Callahan.

Senator Smith offered **SA 1** to **SSA 1** for **SA 9**, which was read:

**SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 9**

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 9 to Senate Substitute No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 1 of said amendment, Lines 5-7, by striking said lines.

Senator Smith moved that the above amendment be adopted, which motion prevailed.

SSA 1 for **SA 9**, as amended, was again taken up.

Senator Smith moved that the above substitute amendment be adopted, which motion prevailed.

Senator Smith offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 19, Section 173.125, Line 19 of said page, by inserting immediately after said line the following:

“173.250. 1. There is hereby established a “Higher Education Academic Scholarship Program” and any moneys appropriated by the general assembly for this program shall be used to provide scholarships for Missouri citizens to attend a Missouri college or university of their choice pursuant to the provisions of this section.

2. The definitions of terms set forth in section 173.205 shall be applicable to such terms as used in this section. The term “academic scholarship” means an amount of money paid by the state of Missouri to a qualified college or university student who has demonstrated superior academic achievement pursuant to the provisions of this section.

3. The coordinating board for higher education shall be the administrative agency for the implementation of the program established by this section, and shall:

(1) Promulgate reasonable rules and regulations for the exercise of its functions and the

effectuation of the purposes of this section, including regulations for granting scholarship deferments;

(2) Prescribe the form and the time and method of awarding academic scholarships, and shall supervise the processing thereof; and

(3) Select qualified recipients to receive academic scholarships, make such awards of academic scholarships to qualified recipients and determine the manner and method of payment to the recipient.

4. A student shall be eligible for initial or renewed academic scholarship if he or she is in compliance with the eligibility requirements set forth in section 173.215 excluding the requirement of financial need and undergraduate status, and in addition meets the following requirements:

(1) Initial academic scholarships shall be offered in the academic year immediately following graduation from high school to Missouri high school seniors whose composite scores on the American College Testing Program (ACT) or the Scholastic Aptitude Test (SAT) of the College Board are in the top [three] **five** percent of all Missouri students taking those tests during the school year in which the scholarship recipients graduate from high school. In the freshman year of college, scholarship recipients are required to maintain status as a full-time student;

(2) Academic scholarships are renewable if the recipient remains in compliance with the applicable provisions of section 173.215 and the recipient makes satisfactory academic degree progress as a full-time student.

5. A student who is enrolled or has been accepted for enrollment as a postsecondary student at an approved private or public institution beginning with the fall, 1987, term and who meets the other eligibility requirements for an academic scholarship shall, within the limits of the funds appropriated and made available, be offered an academic scholarship in the amount of two

thousand dollars **for each eligible student whose composite scores on the American College Testing Program (ACT) or the Scholastic Aptitude Test (SAT) of the College Board are in the top three percent of all Missouri students taking those tests during the school year in which the scholarship recipients graduate from high school for each fiscal year prior to fiscal year 2011, and, subject to appropriations, three thousand dollars for fiscal year 2011 and every fiscal year thereafter, and one thousand dollars for fiscal year 2011 and every fiscal year thereafter for each eligible student whose composite scores on the American College Testing Program (ACT) or the Scholastic Aptitude Test (SAT) of the College Board are between the top five and three percent of all Missouri students taking those tests during the school year in which the scholarship recipients graduate from high school, for the first academic year of study, which scholarship shall be renewable in the amount of two thousand dollars for each eligible student whose composite scores on the American College Testing Program (ACT) or the Scholastic Aptitude Test (SAT) of the College Board are in the top three percent of all Missouri students taking those tests during the school year in which the scholarship recipients graduate from high school for each fiscal year prior to fiscal year 2011, and, subject to appropriations, three thousand dollars for fiscal year 2011 and every fiscal year thereafter, and one thousand dollars for fiscal year 2011 and every fiscal year thereafter for each eligible student whose composite scores on the American College Testing Program (ACT) or the Scholastic Aptitude Test (SAT) of the College Board are between the top five and three percent of all Missouri students taking those tests during the school year in which the scholarship recipients graduate from high school, annually for the second, third and fourth academic years or as long as the recipient is in compliance with the applicable eligibility requirements set forth in section 173.215, provided**

those years of study are continuous and the student continues to meet eligibility requirements for the scholarship; provided, however, if a recipient ceases all attendance at an approved public or private institution for the purpose of providing service to a nonprofit organization, a state or federal government agency or any branch of the armed forces of the United States, the recipient shall be eligible for a renewal scholarship upon return to any approved public or private institution, provided the recipient:

(1) Returns to full-time status within twenty-seven months;

(2) Provides verification in compliance with coordinating board for higher education rules that the service to the nonprofit organization was satisfactorily completed and was not compensated other than for expenses or that the service to the state or federal governmental agency or branch of the armed forces of the United States was satisfactorily completed; and

(3) Meets all other requirements established for eligibility to receive a renewal scholarship.

6. A recipient of academic scholarship awarded under this section may transfer from one approved Missouri public or private institution to another without losing eligibility for the scholarship. If a recipient of the scholarship at any time withdraws from an approved private or public institution so that under the rules and regulations of that institution he or she is entitled to a refund of any tuition, fees or other charges, the institution shall pay the portion of the refund attributable to the scholarship for that term to the coordinating board for higher education.

7. Other provisions of this section to the contrary notwithstanding, if a recipient has been awarded an initial academic scholarship pursuant to the provisions of this section but is unable to use the scholarship during the first academic year because of illness, disability, pregnancy or other medical need or if a recipient ceases all attendance at an approved public or private institution because

of illness, disability, pregnancy or other medical need, the recipient shall be eligible for an initial or renewal scholarship upon enrollment in or return to any approved public or private institution, provided the recipient:

(1) Enrolls in or returns to full-time status within twenty-seven months;

(2) Provides verification in compliance with coordinating board for higher education rules of sufficient medical evidence documenting an illness, disability, pregnancy or other medical need of such person to require that that person will not be able to use the initial or renewal scholarship during the time period for which it was originally offered; and

(3) Meets all other requirements established for eligibility to receive an initial or a renewal scholarship.”; and

Further amend the title and enacting clause accordingly.

Senator Smith moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered SA 11, which was read:

SENATE AMENDMENT NO. 11

Amend Senate Substitute No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 56, Section 1, Line 24, by inserting after all of said line the following:

“Section 2. If the bonding rating of any public college or university of the state, as defined in section 173.355, RSMo, is lowered by any one of the nationally recognized bond rating agencies as a result of any provision of section 173.1003, RSMo, then all of the provisions of section 173.1003, RSMo, shall be rendered null and void.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Bray offered **SA 1** to **SA 11**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 11

Amend Senate Amendment No. 11 to Senate Substitute No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 1, Section 2, Line 3, by striking the word “any” and inserting in lieu thereof the following: “**a**”; and further amend line 8 by inserting immediately after the word “void” the following:

“as the provisions apply to that public college or university”.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

SA 11, as amended, was again taken up.

Senator Bray requested a roll call vote be taken on the adoption of **SA 11**, as amended, and was joined in her request by Senators Coleman, Graham, Justus and Smith.

SA 11, as amended, failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman
Graham	Justus	Kennedy	McKenna
Shoemyer	Smith	Wilson—11	

NAYS—Senators

Bartle	Champion	Clemens	Crowell
Engler	Gibbons	Goodman	Green
Griesheimer	Gross	Koster	Lager
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel—22		

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

Senator Rupp assumed the Chair.

Senator Bray offered **SA 12**, which was read:

SENATE AMENDMENT NO. 12

Amend Senate Substitute No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 66, Section B, Line 10 of said page, by inserting after all of said line the following:

“Section C. Notwithstanding the provisions of section 1.140, RSMo, to the contrary, the provisions of this act shall be nonseverable, and if any provision is for any reason held to be invalid, such decision shall invalidate all of the remaining provisions of this act.”; and

Further amend the title accordingly.

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Callahan, Coleman, Green and Justus.

SA 12 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman
Graham	Green	Justus	Kennedy
McKenna	Shoemyer	Wilson—11	

NAYS—Senators

Bartle	Champion	Clemens	Crowell
Engler	Gibbons	Goodman	Griesheimer
Gross	Koster	Lager	Loudon
Mayer	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Stouffer
Vogel—21			

Absent—Senator Smith—1

Absent with leave—Senator Days—1

Vacancies—None

Senator Justus offered **SA 13**, which was read:

SENATE AMENDMENT NO. 13

Amend Senate Substitute No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 27, Section 173.385, Lines 1-8, by striking all of said lines from the bill; and

Further renumber the remaining subsection accordingly.

Senator Justus moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Callahan, Green, Kennedy and Smith.

SA 13 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman
Graham	Green	Justus	Kennedy
McKenna	Shoemyer	Smith	Wilson—12

NAYS—Senators

Bartle	Champion	Clemens	Crowell
Engler	Gibbons	Goodman	Griesheimer
Gross	Koster	Lager	Loudon
Mayer	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Stouffer
Vogel—21			

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

Senator Justus offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 27, Section 173.385, Lines 6-8, by striking all of said lines and inserting in lieu thereof the following:

“deliberations, acts, or votes.”.

Senator Justus moved that the above amendment be adopted.

Senator Graham requested a roll call vote be taken on the adoption of **SA 14** and was joined in his request by Senators Callahan, Coleman, Shoemyer and Smith.

SA 14 failed of adoption by the following

vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman
Graham	Justus	Kennedy	Koster
McKenna	Shoemyer	Smith	Wilson—12

NAYS—Senators

Bartle	Champion	Clemens	Crowell
Engler	Gibbons	Goodman	Griesheimer
Gross	Lager	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel—20

Absent—Senator Green—1

Absent with leave—Senator Days—1

Vacancies—None

Senator Justus offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 56, Section 1, Line 24 of said page, by inserting immediately after said line the following:

“Section 2. 1. Each student registering for classes as a full-time or a part-time student at a public junior college, college, or university shall receive a voter registration application at the time of such student's registration. Such student may complete the voter registration application form at the time they register or may mail the voter registration form to the appropriate election authority.

2. Any voter registration application received under this section shall be forwarded to the appropriate election authority not later than five business days after the form is completed by the applicant.”; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted, which motion failed.

At the request of Senator Nodler, **SS No. 5** for **SCS** for **SB 389**, as amended, was withdrawn.

Senator Nodler offered **SS No. 6** for **SCS** for **SB 389**, entitled:

SENATE SUBSTITUTE NO. 6 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 389

An Act to repeal sections 160.254, 173.005, 173.200, 173.203, 173.205, 173.210, 173.215, 173.220, 173.225, 173.230, 173.250, 173.355, 173.360, 173.385, 173.425, 173.616, 173.810, 173.813, 173.816, 173.820, 173.825, 173.827, 173.830, and 313.835, RSMo, and to enact in lieu thereof thirty-one new sections relating to higher education, with penalty provisions and an emergency clause.

Senator Nodler moved that **SS No. 6** for **SCS** for **SB 389** be adopted.

Senator Nodler offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 6 for Senate Committee Substitute for Senate Bill No. 389, Page 33, Section 173.392, Line 20 of said page, by striking the following: "August 1, 2007" and inserting in lieu thereof the following: "**September 1, 2007**".

Senator Nodler moved that the above amendment be adopted.

Senator Graham offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 6 for Senate Committee Substitute for Senate Bill No. 389, Page 33, Section 173.392, Line 20, by striking the following: "August 1, 2007"; and inserting in lieu thereof the following: "**April 16, 2007**".

Senator Graham moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Callahan, Coleman and Wilson.

Senator Graham offered **SA 1** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute No. 6 for Senate Committee Substitute for Senate Bill No. 389, Page 1, Section 173.392, Line 3, by striking "16" and inserting in lieu thereof the following: "**17**".

Senator Graham moved that the above amendment be adopted, and requested a roll call vote be taken. He was joined in his request by Senators Callahan, Coleman, Kennedy and Wilson.

SA 1 to **SSA 1** for **SA 1** failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Coleman	Graham
Green	Justus	Kennedy	McKenna
Shoemyer	Smith	Wilson—11	

NAYS—Senators

Bartle	Callahan	Champion	Clemens
Crowell	Engler	Gibbons	Goodman
Griesheimer	Gross	Lager	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel—20

Absent—Senators

Koster	Loudon—2
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Absent with leave—Senator Days—1

Vacancies—None

SSA 1 for **SA 1** was again taken up.

Senator Graham moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Callahan, Coleman, Kennedy and Wilson.

SSA 1 for **SA 1** failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman
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Graham	Green	Justus	Kennedy
McKenna	Shoemyer	Smith	Wilson—12

NAYS—Senators

Bartle	Champion	Clemens	Crowell
Engler	Gibbons	Goodman	Griesheimer
Gross	Lager	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel—20

Absent—Senator Koster—1

Absent with leave—Senator Days—1

Vacancies—None

SA 1 was again taken up.

Senator Nodler moved that the above amendment be adopted.

Senator Graham requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Bray, Callahan, Shoemyer and Wilson.

SA 1 was adopted by the following vote:

YEAS—Senators

Bartle	Callahan	Champion	Clemens
Crowell	Engler	Gibbons	Goodman
Griesheimer	Gross	Koster	Lager
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel—22		

NAYS—Senators

Barnitz	Bray	Coleman	Graham
Green	Justus	Kennedy	McKenna
Shoemyer	Smith	Wilson—11	

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

Senator Crowell assumed the Chair.

Senator Graham offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 6 for Senate Committee Substitute for Senate Bill No. 389, Page 9, Section 168.702, Line 22, by inserting after all of said line the following:

“172.030. **1.** The board of curators of the University of the state of Missouri shall hereafter consist of nine members, **one of which shall be a student curator**, who shall be appointed by the governor, by and with the advice and consent of the senate; provided, that not more than one [person] **of the eight nonstudent curators** shall be appointed upon said board from the same congressional district, and no person shall be appointed a curator who shall not be a citizen of the United States, and who shall not have been a resident of the state of Missouri two years next prior to his **or her** appointment. Not more than five curators shall belong to any one political party.

2. Beginning with the next appointment to the board of curators by the governor after August 28, 2007, one of the nine members of the board shall be a current full-time student of the University of Missouri, whose title shall be student curator, and notwithstanding the provisions of sections 172.040 and 172.060, whose term of service shall be two years provided the person maintains the status of a full-time student. The student curator shall have the right to vote on any matter before the board, except for matters involving personnel. At the end of the student curator's term of service, the governor shall appoint a current full-time student from the University of Missouri to serve as student curator.

3. No voting student curator shall be appointed after August 28, 2011. For the first appointment after August 28, 2011, the governor shall appoint a voting nonstudent member and a nonvoting student member, pursuant to section 172.035, to serve on the board of curators.

172.035. 1. The governor shall, by and with

the advice and consent of the senate, appoint a student representative to the board of curators of the University of Missouri, who shall attend all meetings and participate in all deliberations of the board. **Before August 28, 2007, and for any appointment of a student made after August 28, 2011,** such student representative shall not have the right to vote on any matter before the board. **The appointment process set out in this section for a student curator, whether voting or nonvoting, shall remain unchanged.**

2. Such student representative shall be a full-time student at the university as defined by the board, selected from a panel of three names submitted to the governor by the student government presidents of the campuses of the university, a citizen of the United States, and a resident of the state of Missouri. No person may be appointed who [is not actually enrolled during the term of such person's appointment as a student at the University of Missouri] **will not begin his or her term as a full-time student.**

3. The term of the student representative shall be two years[, except that the person first appointed shall serve until January 1, 1986].

4. If a vacancy occurs for any reason in the position of student representative, the governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until the student representative's successor is appointed and qualified.

5. If the student representative ceases to be a student at the University of Missouri **for a reason other than the completion of his or her degree program at the university of Missouri, or ceases to be** a resident of the state of Missouri, or fails to follow the board's attendance policy, the student representative's position shall at once become vacant, unless such absence is caused by sickness or some accident preventing such representative's arrival at the time and place appointed for the meeting.

6. The student representative shall receive the same reimbursement for expenses as other members of the board of curators receive pursuant to section 172.040.

7. Appointments made under this section shall be made in rotation from each of the four campuses of the University of Missouri, beginning with a student from the Columbia campus, next from the Rolla campus, next from the Kansas City campus, and then from the St. Louis campus.

8. Appointments under this section shall be made in rotation from each of the congressional districts in the state until all congressional districts have been represented.

9. Unless alternative arrangements for payment have been made and agreed to by the student and the university, the student representative shall have paid all student and tuition fees due prior to such appointment and shall pay all future student and tuition fees during the term of office when such fees are due.

172.037. 1. For the purposes of this chapter, confidentiality, as determined by the board and as provided by law, shall apply to all members and representatives on the board.

2. Any member or representative on the board may recuse himself or herself from any deliberation or proceeding of the board.

3. Upon a unanimous affirmative vote of the members of the board who are present and who are not student representatives, a given meeting closed pursuant to sections 610.021 and 610.022, RSMo, shall be closed to the **nonvoting** student representative.

172.040. **Except as provided in section 172.030 for student curators,** the term of service of the curators shall be six years[, with the terms of three expiring every two years[; the first expiration occurring on the first day of January, 1911, and succeeding expirations of three members every two years thereafter. Said] . Such curators, while attending the meetings of the board, shall

receive their actual expenses, which shall be paid out of the ordinary revenues of the university.

172.060. **Except as provided in section 172.030 for student curators**, all appointments to fill vacancies, except such as may be made to fill out unexpired terms, shall be for the term of six years, and until the successors of such appointees shall be appointed and qualified.”; and

Further amend said bill, page 50, section 173.1108, line 12 by inserting immediately after all of said line the following:

“174.055. 1. The governor shall, by and with the advice and consent of the senate, appoint a student representative to the board of regents or governors of each educational institution referred to in section 174.020 who shall attend all meetings and participate in all deliberations of the board. **Except for the voting student curator appointed to the board for Missouri State University after August 28, 2007, and before August 28, 2011, under subdivision (2) of subsection 2 of section 174.450 and the voting student curator appointed to the board for the University of Central Missouri after August 28, 2007, and before August 28, 2011, under subdivision (2) of subsection 7 of section 174.450**, such student representative shall not have the right to vote on any matter before the board.

2. Such student representative shall be a full-time student at the institution as defined by the board, selected from a panel of three names submitted to the governor by the student government president, a citizen of the United States, and a resident of the state of Missouri. No person may be appointed who is not actually enrolled during the term of such person's appointment as a student at the institution.

3. The term of the student representative shall be two years[, except that the person first appointed shall serve until January 1, 1986].

4. If a vacancy occurs for any reason in the position of student representative, the governor

shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until such representative's successor is appointed and qualified.

5. If the student representative ceases to be a student at the institution, or a resident of the state of Missouri, or fails to follow the board's attendance policy, the student representative's position shall at once become vacant, unless the student representative's absence is caused by sickness or some accident preventing the student representative's arrival at the time and place appointed for the meeting.

6. The student representative shall receive the same reimbursement for expenses as other members of the board of regents receive pursuant to section 174.100.

7. Unless alternative arrangements for payment have been made and agreed to by the student and the educational institution, the student representative shall have paid all student and tuition fees due prior to such appointment and shall pay all future student and tuition fees during the term of office when such fees are due.

174.450. 1. Except as provided in subsection 2 and subsection 6 of this section, the governing board of Central Missouri State University, Missouri State University, Missouri Southern State University, Missouri Western State University, and of each other public institution of higher education which, through the procedures established in subdivision (7) or (8) of section 173.030, RSMo, is charged with a statewide mission shall be a board of governors consisting of eight members, composed of seven voting members and one nonvoting member as provided in sections 174.453 and 174.455, who shall be appointed by the governor of Missouri, by and with the advice and consent of the senate. No person shall be appointed a voting member who is not a citizen of the United States and who has not been a resident of the state of Missouri for at least two years immediately

prior to such appointment. Not more than four voting members shall belong to any one political party. The appointed members of the board of regents serving on the date of the statutory mission change shall become members of the board of governors on the effective date of the statutory mission change and serve until the expiration of the terms for which they were appointed. The board of regents of any such institution shall be abolished on the effective date of the statutory mission change, as prescribed in subdivision (7) or (8) of section 173.030, RSMo.

2. (1) The governing board of Missouri State University, a public institution of higher education charged with a statewide mission in public affairs, shall be a board of governors of ten members[, composed of nine voting members and one nonvoting member,] who shall be appointed by the governor, by and with the advice and consent of the senate. [The nonvoting member shall be a student selected in the same manner as prescribed in section 174.055.] No more than one [voting] **nonstudent** member shall be appointed to the board from the same congressional district, and every member of the board shall be a citizen of the United States, and a resident of this state for at least two years prior to his or her appointment. No more than five voting members shall belong to any one political party. The term of office of the governors shall be six years. The voting members of the board of governors serving on August 28, 2005, shall serve until the expiration of the terms for which they were appointed. For those voting members appointed after August 28, 2005, the term of office will be established in a manner where no more than three terms shall expire in a given year. The term of office for those appointed hereafter shall end January first in years ending in an odd number.

(2) Beginning with the next appointment to the governing board by the governor of Missouri after August 28, 2007, one of the nine voting members of the board of governors of Missouri State University shall be a current

full-time student of Missouri State University, whose title shall be student governor, and notwithstanding the provisions of subsection 2 of section 174.453, whose term of service shall be two years provided the person maintains the status of full-time student. The student governor shall have the right to vote on any matter before the board, except for matters involving personnel. At the end of the student governor's term of service the governor shall appoint a current full-time student from Missouri State University to serve as student governor.

(3) No voting student governor shall be appointed after August 28, 2011. For the first appointment after August 28, 2011, the governor shall appoint a voting nonstudent member and a nonvoting student member, pursuant to section 174.453, to serve on the board of governors.

3. If a voting member of the board of governors of Missouri State University is found by unanimous vote of the other governors to have moved such governor's residence from the district from which such governor was appointed, then the office of such governor shall be forfeited and considered vacant.

4. Should the total number of Missouri congressional districts be altered, all members of the board of governors of Missouri State University shall be allowed to serve the remainder of the term for which they were appointed.

5. Should the boundaries of any congressional districts be altered in a manner that displaces a member of the board of governors of Missouri State University from the congressional district from which the member was appointed, the member shall be allowed to serve the remainder of the term for which the member was appointed.

6. The governing board of Missouri Southern State University shall be a board of governors consisting of nine members, composed of eight voting members and one nonvoting member as

provided in sections 174.453 and 174.455, who shall be appointed by the governor of Missouri, by and with the advice and consent of the senate. No person shall be appointed a voting member who is not a citizen of the United States and who has not been a resident of the state of Missouri for at least two years immediately prior to such appointment. Not more than four voting members shall belong to any one political party.

7. (1) Beginning with the next appointment to the governing board by the governor of Missouri after August 28, 2007, one of the nine voting members of the board of governors of the University of Central Missouri shall be a current full-time student of the University of Central Missouri, whose title shall be student governor, and notwithstanding the provisions of subsection 2 of section 174.453, whose term of service shall be two years provided the person maintains the status of full-time student. The student governor shall have the right to vote on any matter before the board, except for matters involving personnel. At the end of the student governor's term of service the governor shall appoint a current full-time student from the University of Central Missouri to serve as student governor.

(2) No voting student governor shall be appointed after August 28, 2011. For the first appointment after August 28, 2011, the governor shall appoint a voting nonstudent member and a nonvoting student member, under section 174.453, to serve on the board of governors.

174.453. 1. Except as provided in section 174.450, the board of governors shall be appointed as follows:

(1) Five voting members shall be selected from the counties comprising the institution's historic statutory service region as described in section 174.010, except that no more than two members shall be appointed from any one county with a population of less than two hundred

thousand inhabitants;

(2) Two voting members shall be selected from any of the counties in the state which are outside of the institution's historic service region; and

(3) Excluding Missouri State University for the period of time contemplated in subdivision (2) of subsection 2 of section 174.450 and the University of Central Missouri for the period of time contemplated in subdivision (2) of subsection 7 of section 174.450, one nonvoting member who is a student shall be selected in the same manner as prescribed in section 174.055.

2. The term of service of the governors shall be as follows:

(1) The voting members shall be appointed for terms of six years; and

(2) The nonvoting student member shall serve a two-year term.

3. [Members of any board of governors selected pursuant to this section and in office on May 13, 1999, shall serve the remainder of their unexpired terms.

4.] Notwithstanding the provisions of subsection 1 of this section, the board of governors of Missouri Southern State University shall be appointed as follows:

(1) Six voting members shall be selected from any of the following counties: Barton, Jasper, Newton, McDonald, Dade, Lawrence, and Barry provided that no more than three of these six members shall be appointed from any one county;

(2) Two voting members shall be selected from any of the counties in the state which are outside of the counties articulated in subdivision (1) of this subsection;

(3) One nonvoting member who is a student shall be selected in the same manner as prescribed in section 174.055; and

(4) The provisions of subdivisions (1) and (2)

of this subsection shall only apply to board members first appointed after August 28, 2004.

[5.] **4.** Notwithstanding the provisions of subsection 1 of this section, the board of governors of Missouri Western State University shall be appointed as follows:

(1) Five voting members shall be selected from any of the following counties: Buchanan, Platte, Clinton, Andrew, and DeKalb provided that no more than three of these five members shall be appointed from any one county;

(2) Two voting members shall be selected from any of the counties in the state which are outside of the counties articulated in subdivision (1) of this subsection;

(3) One nonvoting member who is a student shall be selected in the same manner as prescribed in section 174.055; and

(4) The provisions of subdivisions (1) and (2) of this subsection shall only apply to board members first appointed after August 28, 2005.

174.610. **1.** The governing board of the Truman State University shall be a board of governors consisting of ten members, composed of seven voting members, **one of whom shall be a student governor**, and three nonvoting members as provided in section 174.620, who shall be appointed by the governor of Missouri, by and with the advice and consent of the senate. No person shall be appointed a voting governor who is not a citizen of the United States and who has not been a resident of the state of Missouri for at least two years immediately prior to such person's appointment. Not more than four voting governors shall belong to any one political party. [The appointed members of the board of regents serving on January 1, 1986, shall become members of the board of governors on January 1, 1986, and serve until the expiration of the terms for which they were appointed.]

2. Beginning with the next appointment to the governing board by the governor of

Missouri after August 28, 2007, one of the seven voting members of the board shall be a current full-time student of Truman State University, whose title shall be student governor, and, notwithstanding the provisions of subdivision (1) of subsection 2 of section 174.620, whose term of service shall be two years, provided the person maintains the status of a full-time student. The student governor shall have the right to vote on any matter before the board, except for matters involving personnel. At the end of the student governor's term of service, the governor of Missouri shall appoint a current full-time student from Truman State University to serve as student governor.

3. No voting student governor shall be appointed after August 28, 2011. For the first appointment after August 28, 2011, the governor shall appoint a voting nonstudent member and a nonvoting student member to serve on the board of governors.

174.620. 1. The board of governors shall be appointed as follows:

(1) Four voting members from the counties of Adair, Audrain, Boone, Callaway, Chariton, Clark, Howard, Knox, Lewis, Lincoln, Linn, Marion, Macon, Monroe, Montgomery, Pike, Putnam, Ralls, Randolph, St. Charles, Schuyler, Scotland, Shelby, Sullivan, and Warren, provided that not more than one member shall be appointed from the same county;

(2) Three voting members from any of the seven college districts as contained in section 174.010, provided that no more than one **nonstudent** member shall be appointed from the same congressional district;

(3) Two nonvoting members whose residence is other than the state of Missouri and who are knowledgeable of the educational mission of liberal arts institutions; and

(4) One nonvoting member who is a student. Such student representative shall attend all

meetings and participate in all deliberations of the board. **Before August 28, 2007, and for any appointment of a student made after August 28, 2011,** such student representative shall not have the right to vote on any matter before the board, but shall have all other powers and duties of section 174.055, and shall also meet the qualifications of section 174.055.

2. **Except as provided in subsection 2 of section 174.610,** the term of service of the governors shall be as follows:

(1) The voting members shall be appointed for terms of six years; except, that of the voting members first appointed, two shall serve for terms of two years, two for terms of four years, and three for terms of six years;

(2) The nonvoting members who are not students shall be appointed for terms of six years; except, that of the nonvoting members first appointed, one shall serve for a term of three years, and one shall serve a term of six years; and

(3) The nonvoting student member shall serve a two-year term as provided in section 174.055.

3. The governors, both voting and nonvoting, while attending the meetings of the board shall receive their actual and necessary expenses, which shall be paid out of the ordinary revenues of the university. Vacancies in terms of office caused by death, resignation or removal shall be filled in the manner provided by law for such vacancies on the board of curators of the University of Missouri.

174.621. 1. For the purposes of this chapter, confidentiality, as determined by the board and as provided by law, shall apply to all members and representatives on the board.

2. Any member or representative on the board may recuse himself or herself from any deliberation or proceeding of the board.

3. Upon a unanimous affirmative vote of the members of the board who are present and who are not student representatives, a given meeting closed pursuant to sections 610.021 and 610.022, RSMo,

shall be closed to the **nonvoting** student representative.”; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted and requested a roll vote be taken. He was joined in his request by Senators Green, Justus, Kennedy and Smith.

SA 2 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Callahan	Coleman	Engler
Graham	Green	Justus	Kennedy
McKenna	Shoemyer	Smith	Wilson—12

NAYS—Senators

Bartle	Clemens	Crowell	Gibbons
Goodman	Griesheimer	Gross	Koster
Lager	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel—19	

Absent—Senators

Bray	Champion—2
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Absent with leave—Senator Days—1

Vacancies—None

Senator Graham offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 6 for Senate Committee Substitute for Senate Bill No. 389, Pages 38-40, Section 173.1003, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted.

Senator Shields requested a roll call vote be taken on the adoption of **SA 3**. He was joined in his request by Senators Clemens, Nodler,

Ridgeway and Stouffer.

SA 3 failed of adoption by the following vote:

YEAS—Senators

Coleman	Graham	Justus	Wilson—4
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NAYS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Green	Griesheimer	Gross
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel—28

Absent—Senator Bray—1

Absent with leave—Senator Days—1

Vacancies—None

Senator Graham offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 6 for Senate Committee Substitute for Senate Bill No. 389, Page 40, Section 173.1003, Line 22, by inserting after all of said line the following:

“9. The provisions of this section shall not apply to any institution with the University of Missouri system.”.

Senator Graham moved that the above amendment be adopted.

Senator Engler assumed the Chair.

Senator Crowell assumed the Chair.

Senator Nodler submitted the following privileged motion:

Motion for Previous Question - Pursuant to Rule 84 of the Missouri Senate:

Shall the Main question be now put?

Signed:

/s/ Gary Nodler	/s/ Kevin Engler
/s/ Michael R. Gibbons	/s/ Charlie Shields
/s/ Delbert Scott	/s/ Chris Koster
/s/ Scott Rupp	/s/ Chuck Purgason
/s/ Jason Crowell	/s/ Carl M. Vogel
/s/ Brad Lager	/s/ John E. Griesheimer
/s/ Robert N. Mayer	/s/ Bill Stouffer
/s/ Norma Champion	/s/ Charles R. Gross
/s/ Jack A.L. Goodman	/s/ Dan J. Clemens
/s/ Luann Ridgeway	

The motion to move the previous question was adopted by the following vote:

YEAS—Senators

Champion	Clemens	Crowell	Engler
Gibbons	Goodman	Griesheimer	Gross
Koster	Lager	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel—20

NAYS—Senators

Barnitz	Bartle	Bray	Callahan
Coleman	Graham	Green	Justus
Kennedy	McKenna	Shoemyer	Smith
Wilson—13			

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

SA 4 to SS No. 6 for SCS for SB 389 failed of adoption.

Senator Nodler moved that **SS No. 6 for SCS for SB 389**, as amended, be adopted and submitted the following privileged motion:

Motion for Previous Question - Pursuant to Rule 84 of the Missouri Senate:

Shall the Main question be now put?

Signed:

/s/ Charlie Shields /s/ Chris Koster
 /s/ Kevin Engler /s/ Michael R. Gibbons
 /s/ Gary Nodler /s/ Delbert Scott

The motion to move the previous question was
 adopted by the following vote:

YEAS—Senators

Champion	Clemens	Crowell	Engler
Gibbons	Goodman	Griesheimer	Gross
Koster	Lager	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel—20

NAYS—Senators

Barnitz	Bartle	Bray	Callahan
Coleman	Graham	Green	Justus
Kennedy	McKenna	Shoemyer	Smith
Wilson—13			

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

SS No. 6 for SCS for SB 389, as amended,
 was adopted.

Senator Nodler moved that **SS No. 6 for SCS**
 for **SB 389**, as amended, be declared perfected and
 ordered printed and submitted the following
 privileged motion:

Motion for Previous Question - Pursuant to
 Rule 84 of the Missouri Senate:

Shall the Main question be now put?

Signed:

/s/ Gary Nodler /s/ Charlie Shields
 /s/ Michael R. Gibbons /s/ Chris Koster
 /s/ Delbert Scott /s/ Kevin Engler

The motion to move the previous question was

adopted by the following vote:

YEAS—Senators

Champion	Clemens	Crowell	Engler
Gibbons	Goodman	Griesheimer	Gross
Koster	Lager	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel—20

NAYS—Senators

Barnitz	Bartle	Bray	Callahan
Coleman	Graham	Green	Justus
Kennedy	McKenna	Shoemyer	Smith
Wilson—13			

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

Senator Graham requested a roll call vote be
 taken on the perfection of **SS No. 6 for SCS** for
SB 389, as amended, and was joined in his request
 by Senators Justus, Coleman, Bray and Smith.

SS No. 6 for SCS for SB 389, as amended,
 was declared perfected and ordered printed by the
 following vote:

YEAS—Senators

Callahan	Champion	Clemens	Crowell
Engler	Gibbons	Goodman	Griesheimer
Gross	Koster	Lager	Loudon
Mayer	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Stouffer
Vogel—21			

NAYS—Senators

Barnitz	Bartle	Bray	Coleman
Graham	Green	Justus	Kennedy
McKenna	Shoemyer	Smith	Wilson—12

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

HOUSE BILLS ON THIRD READING

Senator Gross moved that **HCS** for **HB 16**, with **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HCS** for **HB 16** was again taken up.

Senator Gross offered **SS** for **SCS** for **HCS** for **HB 16**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 16

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, for the purchase of equipment, and for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2007.

Senator Gross moved that **SS** for **SCS** for **HCS** for **HB 16** be adopted and submitted the following privileged motion:

Motion for Previous Question - Pursuant to Rule 84 of the Missouri Senate:

Shall the Main question be now put?

Signed:

/s/ Gary Nodler /s/ Charlie Shields

/s/ Michael R. Gibbons /s/ Chris Koster

/s/ Delbert Scott /s/ Kevin Engler

The motion to move the previous question was adopted by the following vote:

YEAS—Senators

Champion	Clemens	Crowell	Engler
Gibbons	Goodman	Griesheimer	Gross
Koster	Lager	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel—20

NAYS—Senators

Barnitz	Bartle	Bray	Callahan
Coleman	Graham	Green	Justus
Kennedy	McKenna	Shoemyer	Smith
Wilson—13			

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

Senator Graham requested a roll call vote be taken on the adoption of **SS** for **SCS** for **HCS** for **HB 16** and was joined in his request by Senators Justus, Coleman, Bray and Smith.

SS for **SCS** for **HCS** for **HB 16** was adopted by the following vote:

YEAS—Senators

Champion	Clemens	Crowell	Engler
Gibbons	Goodman	Griesheimer	Gross
Koster	Lager	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel—20

NAYS—Senators

Barnitz	Bartle	Bray	Callahan
Coleman	Graham	Green	Justus
Kennedy	McKenna	Shoemyer	Smith
Wilson—13			

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

Senator Gross moved that **SS** for **SCS** for **HCS** for **HB 16** be read the 3rd time and finally passed and submitted the following privileged motion:

Motion for Previous Question - Pursuant to Rule 84 of the Missouri Senate:

Shall the Main question be now put?

Signed:

/s/ Gary Nodler /s/ Charlie Shields
 /s/ Michael R. Gibbons /s/ Chris Koster
 /s/ Delbert Scott /s/ Kevin Engler

The motion to move the previous question was adopted by the following vote:

YEAS—Senators

Champion	Clemens	Crowell	Engler
Gibbons	Goodman	Griesheimer	Gross
Koster	Lager	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel—20

NAYS—Senators

Barnitz	Bartle	Bray	Callahan
Coleman	Graham	Green	Justus
Kennedy	McKenna	Shoemyer	Smith
Wilson—13			

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

SS for SCS for HCS for HB 16 was read the 3rd time and passed by the following vote:

YEAS—Senators

Champion	Clemens	Crowell	Engler
Gibbons	Goodman	Griesheimer	Gross
Koster	Lager	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel—20

NAYS—Senators

Barnitz	Bartle	Bray	Callahan
Coleman	Graham	Green	Justus
Kennedy	McKenna	Shoemyer	Smith
Wilson—13			

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

The President declared the bill passed.

Senator Gross moved the title be agreed to and submitted the following privileged motion:

Motion for Previous Question - Pursuant to Rule 84 of the Missouri Senate:

Shall the Main question be now put?

Signed:

/s/ Gary Nodler /s/ Charlie Shields
 /s/ Michael R. Gibbons /s/ Chris Koster
 /s/ Delbert Scott /s/ Kevin Engler

The motion to move the previous question was adopted by the following vote:

YEAS—Senators

Champion	Clemens	Crowell	Engler
Gibbons	Goodman	Griesheimer	Gross
Koster	Lager	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel—20

NAYS—Senators

Barnitz	Bartle	Bray	Callahan
Coleman	Graham	Green	Justus
Kennedy	McKenna	Shoemyer	Smith
Wilson—13			

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

Senator Graham requested a roll call vote be taken on the motion to agree to the title and was joined in his request by Senators Justus, Bray, Coleman and Smith.

The title to **SS for SCS for HCS for HB 16** was agreed to by the following vote:

YEAS—Senators

Champion	Clemens	Crowell	Engler
Gibbons	Goodman	Griesheimer	Gross
Koster	Lager	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel—20

NAYS—Senators

Barnitz	Bartle	Bray	Callahan
Coleman	Graham	Justus	Kennedy
McKenna	Shoemyer	Smith	Wilson—12

Absent—Senator Green—1

Absent with leave—Senator Days—1

Vacancies—None

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table.

Senator Graham requested a roll call vote be taken on Senator Shields' motion and was joined in his request by Senators Coleman, Justus, Smith and Bray.

Senator Shields' motion was adopted by the following vote:

YEAS—Senators

Bartle	Champion	Clemens	Crowell
Engler	Gibbons	Goodman	Griesheimer
Gross	Koster	Lager	Loudon
Mayer	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Stouffer
Vogel—21			

NAYS—Senators

Barnitz	Bray	Callahan	Coleman
Graham	Justus	Kennedy	McKenna
Shoemyer	Smith	Wilson—11	

Absent—Senator Green—1

Absent with leave—Senator Days—1

Vacancies—None

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HB 684**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HCS** for **HB 796**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

COMMUNICATIONS

Senator Bray submitted the following:

April 18, 2007

Terry Spieler, Secretary of Senate
Missouri State Capitol
Room 325
Jefferson City, Missouri 65101
Dear Ms. Spieler,

I would like to request that HB 428 be removed from the Consent Calendar.

Sincerely,
/s/ Joan Bray
Joan Bray

Also,

April 18, 2007

Terry Spieler, Secretary of Senate
Missouri State Capitol
Room 325
Jefferson City, Missouri 65101
Dear Ms. Spieler,

I would like to request that HB 344 be removed from the Consent Calendar.

Sincerely,
/s/ Joan Bray
Joan Bray

Also,

April 18, 2007

Terry Spieler, Secretary of Senate
Missouri State Capitol
Room 325
Jefferson City, Missouri 65101

Dear Ms. Spieler,

I would like to request that SCS HCS HB 780 be removed from the Consent Calendar.

Sincerely,
/s/ Joan Bray
Joan Bray

Also,

April 18, 2007

Terry Spieler, Secretary of Senate
Missouri State Capitol
Room 325
Jefferson City, Missouri 65101

Dear Ms. Spieler,

I would like to request that HB 554 be removed from the Consent Calendar.

Sincerely,
/s/ Joan Bray
Joan Bray

Also,

April 18, 2007

Terry Spieler, Secretary of Senate
Missouri State Capitol
Room 325
Jefferson City, Missouri 65101

Dear Ms. Spieler,

I would like to request that HB 555 be removed from the Consent Calendar.

Sincerely,
/s/ Joan Bray
Joan Bray

Also,

April 18, 2007

Terry Spieler, Secretary of Senate
Missouri State Capitol
Room 325
Jefferson City, Missouri 65101

Dear Ms. Spieler,

I would like to request that HB 268 be removed from the

Consent Calendar.

Sincerely,
/s/ Joan Bray
Joan Bray

Also,

April 18, 2007

Terry Spieler, Secretary of Senate
Missouri State Capitol
Room 325
Jefferson City, Missouri 65101

Dear Ms. Spieler,

I would like to request that HB 459 be removed from the Consent Calendar.

Sincerely,
/s/ Joan Bray
Joan Bray

Also,

April 18, 2007

Terry Spieler, Secretary of Senate
Missouri State Capitol
Room 325
Jefferson City, Missouri 65101

Dear Ms. Spieler,

I would like to request that HB 467 be removed from the Consent Calendar.

Sincerely,
/s/ Joan Bray
Joan Bray

Also,

April 18, 2007

Terry Spieler, Secretary of Senate
Missouri State Capitol
Room 325
Jefferson City, Missouri 65101

Dear Ms. Spieler,

I would like to request that HB 616 be removed from the Consent Calendar.

Sincerely,
/s/ Joan Bray
Joan Bray

Also,

April 18, 2007

Terry Spieler, Secretary of Senate
Missouri State Capitol
Room 325
Jefferson City, Missouri 65101

Dear Ms. Spieler,

I would like to request that HB 665 be removed from the
Consent Calendar.

Sincerely,
/s/ Joan Bray
Joan Bray

Also,

April 18, 2007

Terry Spieler, Secretary of Senate
Missouri State Capitol
Room 325
Jefferson City, Missouri 65101

Dear Ms. Spieler,

I would like to request that HB 205 be removed from the
Consent Calendar.

Sincerely,
/s/ Joan Bray
Joan Bray

Also,

April 18, 2007

Terry Spieler, Secretary of Senate
Missouri State Capitol
Room 325
Jefferson City, Missouri 65101

Dear Ms. Spieler,

I would like to request that HB 795 be removed from the
Consent Calendar.

Sincerely,
/s/ Joan Bray
Joan Bray

Also,

April 18, 2007

Terry Spieler, Secretary of Senate
Missouri State Capitol
Room 325
Jefferson City, Missouri 65101

Dear Ms. Spieler,

I would like to request that HB 740 be removed from the

Consent Calendar.

Sincerely,
/s/ Joan Bray
Joan Bray

Also,

April 18, 2007

Terry Spieler, Secretary of Senate
Missouri State Capitol
Room 325
Jefferson City, Missouri 65101

Dear Ms. Spieler,

I would like to request that HB 272 be removed from the
Consent Calendar.

Sincerely,
/s/ Joan Bray
Joan Bray

Also,

April 18, 2007

Terry Spieler, Secretary of Senate
Missouri State Capitol
Room 325
Jefferson City, Missouri 65101

Dear Ms. Spieler,

I would like to request that HB 351 be removed from the
Consent Calendar.

Sincerely,
/s/ Joan Bray
Joan Bray

Also,

April 18, 2007

Terry Spieler, Secretary of Senate
Missouri State Capitol
Room 325
Jefferson City, Missouri 65101

Dear Ms. Spieler,

I would like to request that HB 680 be removed from the
Consent Calendar.

Sincerely,
/s/ Joan Bray
Joan Bray

Also,

April 18, 2007

Terry Spieler, Secretary of Senate
Missouri State Capitol
Room 325
Jefferson City, Missouri 65101

Dear Ms. Spieler,

I would like to request that HB 75 be removed from the
Consent Calendar.

Sincerely,
/s/ Joan Bray
Joan Bray

Also,

April 18, 2007

Terry Spieler, Secretary of Senate
Missouri State Capitol
Room 325
Jefferson City, Missouri 65101

Dear Ms. Spieler,

I would like to request that HB 265 be removed from the
Consent Calendar.

Sincerely,
/s/ Joan Bray
Joan Bray

Also,

April 18, 2007

Terry Spieler, Secretary of Senate
Missouri State Capitol
Room 325
Jefferson City, Missouri 65101

Dear Ms. Spieler,

I would like to request that HB 267 be removed from the
Consent Calendar.

Sincerely,
/s/ Joan Bray
Joan Bray

Also,

April 18, 2007

Terry Spieler, Secretary of Senate
Missouri State Capitol
Room 325
Jefferson City, Missouri 65101

Dear Ms. Spieler,

I would like to request that HB 56 be removed from the

Consent Calendar.

Sincerely,
/s/ Joan Bray
Joan Bray

Also,

April 18, 2007

Terry Spieler, Secretary of Senate
Missouri State Capitol
Room 325
Jefferson City, Missouri 65101

Dear Ms. Spieler,

I would like to request that HB 933 be removed from the
Consent Calendar.

Sincerely,
/s/ Joan Bray
Joan Bray

Also,

April 18, 2007

Terry Spieler, Secretary of Senate
Missouri State Capitol
Room 325
Jefferson City, Missouri 65101

Dear Ms. Spieler,

I would like to request that HB 574 be removed from the
Consent Calendar.

Sincerely,
/s/ Joan Bray
Joan Bray

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 986, regarding Patricia Bratton, Cape Girardeau, which was adopted.

Senator Champion offered Senate Resolution No. 987, regarding Portland Elementary School, Springfield R-XII School District, which was adopted.

Senators Loudon, Gibbons and Griesheimer offered Senate Resolution No. 988, regarding Donald F. Essen, which was adopted.

Senator Gross offered Senate Resolution No. 989, regarding Gateway Panel, Inc., St. Charles, which was adopted.

Senator Gross offered Senate Resolution No. 990, regarding the Performing Arts Centre, Inc., and The Dance Closet, St. Charles, which was adopted.

Senator Gross offered Senate Resolution No. 991, regarding Client Services, Inc., St. Charles, which was adopted.

Senator Green offered Senate Resolution No. 992, regarding Michael Jude Gibson, Florissant, which was adopted.

Senator Green offered Senate Resolution No. 993, regarding Donald Edward Gibson, Florissant, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Engler introduced to the Senate, MSTA Teachers from the Third Senatorial District.

Senator Mayer introduced to the Senate, Dennis and Cheryl Boggess, Dexter.

Senator Smith introduced to the Senate, Tyler Habiger, Bolivar High School; Audra Williams and Emily Moore, Fair Play High School; Kevin Demster, Stockton High School; Muhanned Emiroglu, Skyline High School; and Dusty Eggleston and Thomas Stewart, Lakeland High School, winners of the Mel Carnahan "Why it is Important to Vote" contest.

Senator Shields introduced to the Senate, students from St. Therese School, Parkville; and Michelle Royle, Amanda Price and Chris Greger were made honorary pages.

Senator Clemens introduced to the Senate, Megan McDevitt, Ava.

Senator Shields introduced to the Senate, students from Central High School, St. Joseph.

Senator Smith introduced to the Senate, fourth grade students from St. Ambrose School, St. Louis; and Michaela Byers and Jenna Javanovic were made honorary pages.

Senator Smith introduced to the Senate, the Physician of the Day, Dr. Catherine M. Dunn, M.D., Ballwin.

Senator Shoemyer introduced to the Senate, Susan Coe and Zaida Novinger, chaperones and fourth grade students from North Shelby Elementary School, Shelbyville.

Senator Crowell introduced to the Senate, students from Immaculate Conception School, Jackson.

Senator Loudon introduced to the Senate, Mary Liese, Maryland Heights; and students from Incarnate Word Elementary School, Chesterfield.

On behalf of Senator Purgason and himself, Senator Clemens introduced to the Senate, Jim Clark and David Chastain, Lebanon.

Senator Coleman introduced to the Senate, Jared Williams, Jamestown Elementary School, Florissant; and Jared was made an honorary page.

Senator Gibbons introduced to the Senate, sixth grade students from The College School of Webster Groves; and Addie Conway, Sabrina Walch, Luke Schmidt, Nick Glover and Reece Hartsfield were made honorary pages.

Senator Smith introduced to the Senate, Michael Simpson and fourth grade students from Forsyth Elementary School, St. Louis County.

Senator Green introduced to the Senate, Principal Tom Henke, Ms. Rose Sigears, parents and fifty eighth grade students from St. Rose Philippine Duchesne, Florissant; and Michael West, Maggie Raftery, David Kraft, Caitlyn Miloszewski, Dan Luebbert and Haley Schildroth.

Senator Bray introduced to the Senate, teachers, parents and fourth grade students from Forsyth Elementary School, St. Louis County.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-SEVENTH DAY—THURSDAY, APRIL 19, 2007

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 827

HCS for HB 159

HCS for HBs 952 & 674

HCS for HB 845

THIRD READING OF SENATE BILLS

- | | |
|--|----------------------------------|
| 1. SS for SB 40-Ridgeway
(In Fiscal Oversight) | 6. SCS for SB 391-Days |
| 2. SS for SCS for SB 616-McKenna | 7. SS for SB 654-Kennedy |
| 3. SS for SCS for SB 496-Koster | 8. SCS for SB 368-Barnitz, et al |
| 4. SS for SB 303-Loudon | 9. SS for SB 358-Engler |
| 5. SS for SCS for SB 428-Purgason
(In Fiscal Oversight) | 10. SCS for SB 75-Coleman, et al |
| | 11. SS for SCS for SB 668-Loudon |
| | 12. SCS for SB 664-Scott |

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| 1. SB 644-Griesheimer | 7. SB 699-Lager, with SCS |
| 2. SBs 372 & 366-Justus and Koster, with
SCS | 8. SB 11-Coleman, with SCS |
| 3. SB 388-Mayer, with SCS | 9. SB 536-Lager, with SCS |
| 4. SB 225-Stouffer, with SCS | 10. SB 552-Bartle |
| 5. SB 571-Mayer, with SCS | 11. SB 484-Stouffer, with SCS |
| 6. SB 652-Coleman and Gibbons, with SCS | 12. SBs 348, 626 & 461-Koster, et al,
with SCS |

HOUSE BILLS ON THIRD READING

- | | |
|-----------------------------------|---------------------------------------|
| 1. HCS for HB 221 (Loudon) | 4. HCS for HB 346 (Clemens) |
| 2. HB 454-Jetton, et al (Mayer) | 5. HB 155-Dusenberg, et al (Ridgeway) |
| 3. HCS for HJR 1, with SCS (Rupp) | 6. HB 69-Day, with SCS (Barnitz) |

- 7. HCS for HB 469, with SCS (Crowell)
- 8. HCS for HB 620, with SCS (Ridgeway)
- 9. HCS for HB 39, with SCS (Koster)
(In Fiscal Oversight)

- 10. HCS for HB 774 (Crowell)
- 11. HB 269-Nolte, et al (Ridgeway)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- SB 2-Gibbons, with SCS
- SB 17-Shields, with SCS
- SB 20-Griesheimer, with SCS
- SB 27-Bartle and Koster
- SB 53-Koster and Engler, with SCS
- SB 101-Mayer
- SB 131-Rupp
- SB 153-Engler, et al, with SCS
- SB 155-Engler, with SCS & SS for SCS
(pending)
- SB 160-Rupp, with SCS
- SB 168-Mayer and Crowell, with SCS
- SB 169-Rupp, with SCS, SS for SCS &
SA 3 (pending)
- SB 205-Stouffer and Gibbons, with SCS
- SB 212-Goodman
- SB 213-McKenna
- SB 242-Nodler, with SCS
- SB 250-Ridgeway and Vogel
- SB 252-Ridgeway and McKenna
- SB 254-Nodler, et al, with SCS
- SBs 260 & 71-Koster, et al, with SCS
- SB 274-Shields
- SB 282-Griesheimer, with SCS & SS for
SCS (pending)
- SB 287-Crowell and Vogel, with SS
(pending)
- SB 292-Mayer
- SB 297-Loudon, with SCS
- SB 300-Bartle

- SB 341-Goodman, with SCS
- SB 363-Bartle
- SB 364-Koster, with SCS, SS for SCS,
SA 1 & SSA 1 for SA 1 (pending)
- SBs 370, 375 & 432-Scott and Koster,
with SCS & SA 5 (pending)
- SB 385-Gibbons, with SCS
- SB 400-Crowell, et al
- SB 430-Shields, et al, with SCS, SS#2
for SCS, SA 4 & SSA 3 for SA 4
(pending)
- SB 444-Goodman
- SB 453-Scott, with SCS
- SB 458-Gibbons
- SB 476-Crowell
- SB 480-Ridgeway, et al, with SCS
- SB 492-Crowell
- SB 499-Engler and Clemens, with SCS
- SB 511-Scott, with SCS
- SB 521-Lager, et al, with SCS
- SB 523-Scott, with SCS
- SB 531-Gibbons, with SCS
- SB 534-Nodler
- SB 537-Lager
- SB 542-Scott, with SCS
- SBs 555 & 38-Gibbons, with SCS
- SB 563-Lager, with SCS & SS for SCS
(pending)
- SB 570-Clemens
- SB 572-Vogel

SB 586-Crowell, with SCS
SB 592-Scott, with SCS
SB 599-Engler, with SCS
SB 627-Ridgeway

SB 635-Loudon, with SCS
SBs 660, 553, 557, 167, 258, 114 &
378-Mayer, with SCS
SB 698-Ridgeway, et al, with SCS

HOUSE BILLS ON THIRD READING

HJR 7-Nieves, et al, with SCS (Engler)

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Reported 2/15

SB 8-Kennedy

Reported 3/8

SB 185-Green

House Bills

Reported 4/5

HB 62-Ruestman, et al (Nodler)
HCS for HB 405 (Scott)
HB 754-Kelly, et al (Vogel)

HB 576-Cooper (120), et al (Clemens)
HB 264-Cunningham (86) (Rupp)
HB 732-Parson, et al (Scott)

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

HCS for HB 327, with SS for SCS, as
amended (Griesheimer)

RESOLUTIONS

Reported from Committee

HCR 15-Threlkeld, et al, with SCS
(Shields)

SCR 10-Koster and Shields
HCR 25-Yates, et al (Bartle)

To be Referred

SCR 26-Loudon

Unofficial
✓

Journal

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Journal of the Senate

FIRST REGULAR SESSION

FIFTY-SEVENTH DAY—THURSDAY, APRIL 19, 2007

The Senate met pursuant to adjournment.

Senator Koster in the Chair.

Reverend Carl Gauck offered the following prayer:

“For the Lord is righteous; he loves righteous deeds; the upright shall behold his face.” (Psalm 11:7)

We know, O Lord that we are tired and that opens us up to say and do things we regret later; so help us do that which is righteous in Your sight and may our actions and deeds proclaim faithfulness to Your teaching as we complete the work before us so that we can return to those we love. May we never give up on those You have given us to love. Help us to do that which is right with them and for them and so to behold Your face. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus

Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Kennedy offered Senate Resolution No. 994, regarding Bob Oldani, St. Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 995, regarding Carol Ann Fisher, St. Louis, which was adopted.

Senator Shoemyer offered Senate Resolution No. 996, regarding Margie Tarpein, La Grange, which was adopted.

Senator Smith offered Senate Resolution No. 997, regarding the fourth- and fifth-graders at St. Margaret of Scotland elementary school, which was adopted.

Senator Lager offered Senate Resolution No. 998, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Edward Holt, Trenton, which was adopted.

Senator Lager offered Senate Resolution No. 999, regarding Charlotte Kathryn Woodward, Bowie, Maryland, which was adopted.

Senator Justus offered Senate Resolution No. 1000, regarding the death of Peter Daniel Nugent, which was adopted.

Senator Callahan offered Senate Resolution No. 1001, regarding Jeanne Cavender, which was adopted.

Senator Loudon offered Senate Resolution No. 1002, regarding Abby MacConnell, Hazelwood, which was adopted.

Senator Loudon offered Senate Resolution No. 1003, regarding Caitlin Mueller, Hazelwood, which was adopted.

Senator Loudon offered Senate Resolution No. 1004, regarding Josh Newberry, Hazelwood, which was adopted.

Senator Kennedy offered Senate Resolution No. 1005, regarding Rosemarie Storey, St. Louis, which was adopted.

REFERRALS

President Pro Tem Gibbons referred the Gubernatorial Appointments appearing on page 895 of the Senate Journal for Wednesday, April 18, 2007, to the Committee on Gubernatorial Appointments.

President Pro Tem Gibbons referred **SCR 26** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Gibbons referred **SCS** for

SB 368 and **SS** for **SCS** for **SB 668** to the Committee on Governmental Accountability and Fiscal Oversight.

REPORTS OF STANDING COMMITTEES

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SS** for **SB 40**; **SCS** for **HCS** for **HB 39**; and **SS** for **SCS** for **SB 428**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Kelly D. Swanson, Republican, as a member of the Tourism Commission;

Also,

Rudolph E. Farber, Republican, as a member of the State Highway and Transportation Commission;

Also,

Betty A. Knight, as a member of the Advisory Committee for 911 Service Oversight;

Also,

Brenda K. Shields, as a member of the Coordinating Board for Early Childhood;

Also,

Kimberley J. Mathis, as a member of the Children's Trust Fund Board;

Also,

Neal E. Boyd, as a member of the Missouri Training and Employment Council.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion, which request was denied.

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Kelly D. Swanson, Republican, as a member of the Tourism Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Goodman moved that the Committee Report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Rudolph E. Farber, Republican, as a member of the State Highway and Transportation Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Nodler moved that the Committee Report be adopted and the Senate do give its advice and consent to the above appointment.

Senator Bray requested a roll call vote be taken on the motion to adopt the Committee Report. She was joined in her request by Senators Coleman, Nodler, Shoemyer and Smith.

On motion of Senator Nodler, the Committee Report was adopted and the Senate gave its advice and consent to the appointment of Rudolph E. Farber, by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Coleman	Crowell	Engler
Gibbons	Goodman	Green	Griesheimer
Gross	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel	Wilson—27	

NAYS—Senators

Bray	Graham	Justus	Kennedy
Shoemyer—5			

Absent—Senator Smith—1

Absent with leave—Senator Days—1

Vacancies—None

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Betty A. Knight, as a member of the Advisory Committee for 911 Service Oversight, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Shields moved that the Committee Report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Brenda K. Shields, as a member of the Coordinating Board for Early Childhood, begs leave to report that it has considered the same and recommends that the Senate do give its advice and

consent to said appointment.

Senator Shields moved that the Committee Report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Kimberley J. Mathis, as a member of the Children's Trust Fund Board, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Smith moved that the Committee Report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Neal E. Boyd, as a member of the Missouri Training and Employment Council, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Gibbons moved that the Committee Report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Senator Shields announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

THIRD READING OF SENATE BILLS

SS for SB 40, introduced by Senator Ridgeway, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 40

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof six new sections relating to

tax incentives for certain energy uses.

Was taken up.

President Kinder assumed the Chair.

On motion of Senator Ridgeway, **SS for SB 40** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senator Purgason—1

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Ridgeway, title to the bill was agreed to.

Senator Ridgeway moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for SCS for SB 616, introduced by Senator McKenna, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 616

An Act to repeal sections 311.070, 311.174, 311.178, 311.190, and 311.240, and to enact in lieu thereof nine new sections relating to liquor control, with penalty provisions.

Was taken up.

On motion of Senator McKenna, **SS** for **SCS** for **SB 616** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 496**, introduced by Senator Koster, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 496

An Act to repeal sections 58.451, 58.720, 194.119, 194.210, 194.220, 194.230, 194.233, 194.240, 194.250, 194.260, 194.270, 194.280, 194.290, 194.304, and 302.171, RSMo, and to enact in lieu thereof twenty-nine new sections relating to anatomical gifts, with penalty provisions.

Was taken up.

Senator Griesheimer assumed the Chair.

On motion of Senator Koster, **SS** for **SCS** for **SB 496** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Koster, title to the bill was agreed to.

Senator Koster moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for **SB 303**, introduced by Senator Loudon, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 303

An Act to repeal sections 334.010, 334.120, and 334.260, RSMo, and to enact in lieu thereof eight new sections relating to the practice of midwifery, with penalty provisions.

Was taken up.

At the request of Senator Loudon, **SS** for

SB 303 was placed on the Informal Calendar.

SS for **SCS** for **SB 428**, introduced by Senator Purgason, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 428

An Act to amend chapter 261, RSMo, by adding thereto one new section relating to participation in an animal identification system.

Was taken up.

On motion of Senator Purgason, **SS** for **SCS** for **SB 428** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Clemens	Coleman	Crowell	Engler
Gibbons	Goodman	Graham	Griesheimer
Gross	Justus	Kennedy	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Vogel
Wilson—29			

NAYS—Senators

Koster Stouffer—2

Absent—Senators

Champion Green—2

Absent with leave—Senator Days—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Purgason, title to the bill was agreed to.

Senator Purgason moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for **SB 391** was placed on the Informal

Calendar.

SS for **SB 654**, introduced by Senator Kennedy, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 654

An Act to repeal sections 84.120, 84.170, and 590.040, RSMo, and to enact in lieu thereof three new sections relating to the St. Louis board of police commissioners.

Was taken up.

Senator Rupp assumed the Chair.

Under the provisions of Senate Rule 91, Senator Wilson was excused from voting.

On motion of Senator Kennedy, **SS** for **SB 654** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Clemens	Coleman	Crowell	Engler
Gibbons	Goodman	Graham	Griesheimer
Gross	Justus	Kennedy	Koster
Lager	Loudon	Mayer	McKenna
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith
Stouffer	Vogel—30		

NAYS—Senators—None

Absent—Senators

Champion Green—2

Absent with leave—Senator Days—1

Excused from voting—Senator Wilson—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Kennedy, title to the bill was agreed to.

Senator Kennedy moved that the vote by

which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for **SB 358**, introduced by Senator Engler, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 358

An Act to repeal section 301.640, RSMo, and to enact in lieu thereof one new section relating to the release of a lienholder's rights upon the satisfaction of a lien or encumbrance, with penalty provisions.

Was taken up.

On motion of Senator Engler, **SS** for **SB 358** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator Days—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for **SB 75**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 75

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to combat veterans.

Was taken up by Senator Coleman.

On motion of Senator Coleman, **SCS** for **SB 75** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator Days—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Coleman, title to the bill was agreed to.

Senator Coleman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for **SB 664**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 664

An Act to repeal sections 344.020, 344.030, 344.040, 344.050, 344.060, 344.070, 344.080, and

344.105, RSMo, and to enact in lieu thereof nine new sections relating to board of nursing home administrators.

Was taken up by Senator Scott.

On motion of Senator Scott, **SCS** for **SB 664** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator Days—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Clemens moved that **SB 570** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Clemens offered **SS** for **SB 570**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 570

An Act to repeal sections 640.703, 640.710, 640.715, 640.740, 640.745, 640.747, 643.151, and

644.076, RSMo, and to enact in lieu thereof eighteen new sections relating to concentrated animal feeding operations, with penalty provisions.

Senator Clemens moved that **SS** for **SB 570** be adopted.

Senator Shields offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 570, Pages 1-2, Section 261.085, by striking all of said section from the bill; and

Further amend said bill, Pages 2-3, Section 261.175, by striking all of said section from the bill; and

Further amend said bill, Pages 3-4, Section 261.270, by striking all of said section from the bill; and

Further amend said bill, Pages 4-11, Section 640.703, by striking all of said section from the bill; and

Further amend said bill, Pages 11-14, Section 640.710, by striking all of said section from the bill; and

Further amend said bill, Page 14-15, Section 640.712, by striking all of said section from the bill; and

Further amend said bill, Pages 15-17, Section 640.715, by striking all of said section from the bill; and

Further amend said bill, Page 17, Section 640.716, Lines 21-28, by striking all said section from the bill; and

Further amend said bill, Pages 18-27, Section 640.728, by striking all of said section from the bill; and

Further amend said bill, Page 27-28, Section 640.729, by striking all of said section from the bill; and

Further amend said bill, Pages 28-29, Section 640.738, by striking all of said section from the

bill; and

Further amend said bill, Pages 29-30, Section 640.740, by striking all of said section from the bill; and

Further amend said bill, Pages 30-33, Section 640.745, by striking all of said section from the bill; and

Further amend said bill, Page 33, Section 640.747, Lines 11 to 18 of said page, by striking all of said section from the bill; and

Further amend said bill, Pages 33-34, Section 640.748, by striking all of said section from the bill; and

Further amend said bill, Pages 34-35, Section 640.749, by striking all of said section from the bill; and

Further amend said bill, Pages 36-39, Section 643.151, by striking all of said section from the bill; and

Further amend said bill, Pages 39-42, Section 644.076, by striking all of said section from the bill; and inserting in lieu thereof the following:

“Section 1. 1. There is hereby created a joint committee on concentrated animal feeding operations. The committee shall be composed of:

(1) Five members appointed by the speaker of the house of representatives with no more than three representing the majority party; and

(2) Five members appointed by the president pro tem of the senate with no more than three representing the majority party;

2. The committee shall be appointed prior to the end of the First Regular Session of the Ninety-Fourth General Assembly and the committee shall expire on December 31, 2007.

3. The committee shall conduct a comprehensive study of concentrated animal feeding operations in Missouri, to include the economic impact of such operations, issues

pertaining to the regulation of such operations at the local and state levels of government, and any other issue the committee deems relevant. The committee shall develop a report that describes its findings and makes recommendations regarding concentrated animal feeding operations in the state. Such report shall be submitted to the General Assembly no later than December 31, 2007.

4. The committee may create sub-committees, hold hearings as it deems advisable, and obtain any input or information necessary to fulfill its duties. The committee shall have access to the staff services of house research, senate research, and the joint committee on legislative research for any legal, research, clerical, technical, and bill drafting services it deems necessary in the performance of its duties.”; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted.

Senator Shoemyer offered SA 1 to SA 1, which was read:

**SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1**

Amend Senate Amendment No. 1 to Senate Substitute for Senate Bill No. 570, Page 2, Lines 20-24, by striking all of said lines and inserting in lieu thereof the following:

“(1) Five members of the house of representatives, with three members appointed by the speaker of the house of representatives and two members appointed by the minority leader of the house of representatives; and

(2) Five members of the senate, with three members appointed by the president pro tem of the senate and two members appointed by the minority leader of the senate.”.

Senator Shoemyer moved that the above

amendment be adopted, which motion prevailed.

SA 1, as amended, was again taken up.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Clemens moved that **SS** for **SB 570**, as amended, be adopted, which motion prevailed.

On motion of Senator Clemens, **SS** for **SB 570**, as amended, was declared perfected and ordered printed.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Gross, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HB 1**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 3**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 4**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 5**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 6**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 7**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 8**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 9**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 10**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 11**, begs leave to report that it has considered the same and recommends that the Senate Committee

Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 12**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 13**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SJR 15**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 780**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 497**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 255**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto

attached, do pass.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 41**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 125**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Champion, Chairman of the Committee on Seniors, Families and Public Health, submitted the following report:

Mr. President: Your Committee on Seniors, Families and Public Health, to which was referred **HB 352**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 629**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 526**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 220**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HB 46**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Nodler, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HB 489**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Purgason, Chairman of the Committee on Health and Mental Health, submitted the following report:

Mr. President: Your Committee on Health and Mental Health, to which was referred **SB 122**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HCS for HB 135**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Pensions,

Veterans' Affairs and General Laws, to which was referred **HB 875**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 491**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Shields, on behalf of Senator Engler, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **HCS for HB 426**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **HCS for HB 298**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS No. 6 for SCS for SB 389**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **HB 596**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 744**, begs leave to report that it has considered the same and recommends that the bill do pass.

REFERRALS

President Pro Tem Gibbons referred **SS No. 6** for **SCS** for **SB 389** to the Committee on Governmental Accountability and Fiscal Oversight.

Senator Gross assumed the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SB 195**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 16**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 376**, entitled:

An Act to repeal section 620.467, RSMo, and to enact in lieu thereof two new sections relating to financial impact on tourism, with an emergency clause.

With House Substitute Amendment No. 1 for House Amendment No. 1.

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 376, Section 171.035, Page 1, Lines 1-2 by deleting all of said Lines and inserting in lieu thereof the following:

“171.035. No school”; and

Further amend said Section and Page, Line 5, by inserting after the word **“from”** the following:

“January 12, 2007 to”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 916**, entitled:

An Act to repeal section 313.057, RSMo, and to enact in lieu thereof one new section relating to an exemption for veteran's, service and fraternal organizations from taxes on pull-tab cards, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 329**, entitled:

An Act to repeal sections 425.010 and 425.020, RSMo, and to enact in lieu thereof four new sections relating to debt adjusters, with a

penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 98**, entitled:

An Act to amend chapter 660, RSMo, by adding thereto one new section relating to transportation services for the elderly.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 461**, entitled:

An Act to repeal sections 36.030, 36.031, 306.161, 306.163, and 650.005, RSMo, and to enact in lieu thereof ten new sections relating to the water patrol, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 134**, entitled:

An Act to repeal section 172.287, RSMo, and to enact in lieu thereof one new section relating to equipment grants for engineering programs.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 17**, entitled:

An Act to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2007 and ending June 30, 2009.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 18**, entitled:

An Act to appropriate money for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems, and to transfer money among certain funds.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 827**—Seniors, Families and Public Health.

HCS for **HB 159**—Commerce, Energy and the Environment.

HCS for **HBs 952** and **674**—Health and

Mental Health.

HCS for HB 845—Financial and Governmental Organizations and Elections.

INTRODUCTIONS OF GUESTS

Senator Green introduced to the Senate, Bill and Rosemary Cira, Florissant.

Senator Green introduced to the Senate, Richard and Eva Boggs and Sue Hamilton, Hannibal.

Senator Engler introduced to the Senate, students from East Carter County R-II, Ellsinore.

Senator Lager introduced to the Senate, eighth grade students from Nodaway Holt School, Graham.

Senator Bartle introduced to the Senate,

Kaleigh Shirley, Lee's Summit; and Kaliegh was made an honorary page.

Senator Ridgeway introduced to the Senate, Arianne Fortune and debate team members Sohail Jouya, Courtney Mundell and Sarah Smith, Oak Park High School, Kansas City.

Senator Scott introduced to the Senate, Julie Hayton and her son Cody, Lee's Summit.

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Tom Stamos, M.D., Chesterfield.

On behalf of Senator Gibbons and himself, Senator Kennedy introduced to the Senate, thirty students from Crestwood Elementary School, St. Louis.

On motion of Senator Shields, the Senate adjourned until 2:00 p.m., Monday, April 23, 2007.

SENATE CALENDAR

FIFTY-EIGHTH DAY—MONDAY, APRIL 23, 2007

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 916-Dougherty, et al
HCS for HB 329
HCS for HB 98
HCS for HB 461

HB 134-Guest, et al
HCS for HB 17
HCS for HB 18

THIRD READING OF SENATE BILLS

SCS for SB 368-Barnitz, et al
(In Fiscal Oversight)
SS for SCS for SB 668-Loudon
(In Fiscal Oversight)

SS#6 for SCS for SB 389-Nodler
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

- | | |
|--|--|
| 1. SB 644-Griesheimer | 9. SB 536-Lager, with SCS |
| 2. SBs 372 & 366-Justus and Koster, with SCS | 10. SB 552-Bartle |
| 3. SB 388-Mayer, with SCS | 11. SB 484-Stouffer, with SCS |
| 4. SB 225-Stouffer, with SCS | 12. SBs 348, 626 & 461-Koster, et al, with SCS |
| 5. SB 571-Mayer, with SCS | 13. SJR 15-Green |
| 6. SB 652-Coleman and Gibbons, with SCS | 14. SB 629-Smith, with SCS |
| 7. SB 699-Lager, with SCS | 15. SB 122-Bray and Days, with SCS |
| 8. SB 11-Coleman, with SCS | 16. SB 491-Ridgeway |

HOUSE BILLS ON THIRD READING

- | | |
|---|---|
| 1. HCS for HB 221 (Loudon) | 22. HCS for HB 11, with SCS (Gross) |
| 2. HB 454-Jetton, et al (Mayer) | 23. HCS for HB 12, with SCS (Gross) |
| 3. HCS for HJR 1, with SCS (Rupp) | 24. HCS for HB 13, with SCS (Gross) |
| 4. HCS for HB 346 (Clemens) | 25. HCS for HB 780, with SCS (Scott) |
| 5. HB 155-Dusenberger, et al (Ridgeway) | 26. HCS for HB 497 (Lager) |
| 6. HB 69-Day, with SCS (Barnitz) | 27. HB 255-Bruns, with SCS |
| 7. HCS for HB 469, with SCS (Crowell) | 28. HB 41-Portwood, with SCS (Loudon) |
| 8. HCS for HB 620, with SCS (Ridgeway) | 29. HB 125-Franz, with SCS (Shoemyer) |
| 9. HCS for HB 39, with SCS (Koster) | 30. HB 352-Hobbs, et al (Gibbons) |
| 10. HCS for HB 774 (Crowell) | 31. HB 526-Pratt (Loudon) |
| 11. HB 269-Nolte, et al (Ridgeway) | 32. HB 220-Stevenson |
| 12. HB 1 (Icet), with SCS (Gross) | 33. HB 46-Viebrock and Stevenson |
| 13. HCS for HB 2, with SCS (Gross) | 34. HB 489-Baker (123), et al, with SCS (Shields) |
| 14. HCS for HB 3, with SCS (Gross) | 35. HCS for HB 135, with SCS |
| 15. HCS for HB 4, with SCS (Gross) | 36. HB 875-Franz, with SCS (Purgason) |
| 16. HCS for HB 5, with SCS (Gross) | 37. HCS for HB 426, with SCS |
| 17. HCS for HB 6, with SCS (Gross) | 38. HCS for HB 298, with SCS |
| 18. HCS for HB 7, with SCS (Gross) | 39. HB 596-St. Onge, with SCS |
| 19. HCS for HB 8, with SCS (Gross) | 40. HB 744-St. Onge |
| 20. HCS for HB 9, with SCS (Gross) | |
| 21. HCS for HB 10, with SCS (Gross) | |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SB 303-Loudon

SCS for SB 391-Days

SENATE BILLS FOR PERFECTION

SB 2-Gibbons, with SCS	SBs 370, 375 & 432-Scott and Koster,
SB 17-Shields, with SCS	with SCS & SA 5 (pending)
SB 20-Griesheimer, with SCS	SB 385-Gibbons, with SCS
SB 27-Bartle and Koster	SB 400-Crowell, et al
SB 53-Koster and Engler, with SCS	SB 430-Shields, et al, with SCS, SS#2 for
SB 101-Mayer	SCS, SA 4 & SSA 3 for SA 4 (pending)
SB 131-Rupp	SB 444-Goodman
SB 153-Engler, et al, with SCS	SB 453-Scott, with SCS
SB 155-Engler, with SCS & SS for SCS	SB 458-Gibbons
(pending)	SB 476-Crowell
SB 160-Rupp, with SCS	SB 480-Ridgeway, et al, with SCS
SB 168-Mayer and Crowell, with SCS	SB 492-Crowell
SB 169-Rupp, with SCS, SS for SCS & SA 3	SB 499-Engler and Clemens, with SCS
(pending)	SB 511-Scott, with SCS
SB 205-Stouffer and Gibbons, with SCS	SB 521-Lager, et al, with SCS
SB 212-Goodman	SB 523-Scott, with SCS
SB 213-McKenna	SB 531-Gibbons, with SCS
SB 242-Nodler, with SCS	SB 534-Nodler
SB 250-Ridgeway and Vogel	SB 537-Lager
SB 252-Ridgeway and McKenna	SB 542-Scott, with SCS
SB 254-Nodler, et al, with SCS	SBs 555 & 38-Gibbons, with SCS
SBs 260 & 71-Koster, et al, with SCS	SB 563-Lager, with SCS & SS for SCS
SB 274-Shields	(pending)
SB 282-Griesheimer, with SCS & SS for SCS	SB 572-Vogel
(pending)	SB 586-Crowell, with SCS
SB 287-Crowell and Vogel, with SS	SB 592-Scott, with SCS
(pending)	SB 599-Engler, with SCS
SB 292-Mayer	SB 627-Ridgeway
SB 297-Loudon, with SCS	SB 635-Loudon, with SCS
SB 300-Bartle	SBs 660, 553, 557, 167, 258, 114 &
SB 341-Goodman, with SCS	378-Mayer, with SCS
SB 363-Bartle	SB 698-Ridgeway, et al, with SCS
SB 364-Koster, with SCS, SS for SCS, SA 1	
& SSA 1 for SA 1 (pending)	

HOUSE BILLS ON THIRD READING

HJR 7-Nieves, et al, with SCS (Engler)

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Reported 2/15

SB 8-Kennedy

Reported 3/8

SB 185-Green

House Bills

Reported 4/5

HB 62-Ruestman, et al (Nodler)

HCS for HB 405 (Scott)

HB 754-Kelly, et al (Vogel)

HB 576-Cooper (120), et al (Clemens)

HB 264-Cunningham (86) (Rupp)

HB 732-Parson, et al (Scott)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 376-Griesheimer, with HCS, as amended

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 327, with SS for SCS, as
amended (Griesheimer)

RESOLUTIONS

Reported from Committee

HCR 15-Threlkeld, et al, with SCS (Shields)
SCR 10-Koster and Shields

HCR 25-Yates, et al (Bartle)

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Journal

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Journal of the Senate

FIRST REGULAR SESSION

FIFTY-EIGHTH DAY—MONDAY, APRIL 23, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Out of the depths I cry to you, O Lord.” (Psalm 130:1)

We join those who remember and mourn the deaths at Virginia Tech this day; knowing You, Our God, is present in the sadness that has touched our nation and brought fear to all parents of students home and away. Walk with the victims’ families and all who grieve, and let them know of Your presence and comforting care. Guide and direct our way this week and the work that must be done; treating each other with respect and courtesy, for we know each is Your child of great worth. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 19, 2007 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus

Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

Absent—Senators—None

Absent with leave—Senator Coleman—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Barnitz offered Senate Resolution No. 1006, regarding the 48th Annual Missouri State Square and Round Dance Festival, which was adopted.

Senator Bray offered Senate Resolution No. 1007, regarding Jack Butler, Clayton, which was adopted.

Senator Vogel offered Senate Resolution No. 1008, regarding the Ninetieth Birthday of Marie Rose Bacon, which was adopted.

Senator Justus offered Senate Resolution No. 1009, regarding Browne’s Market and Deli, Kansas City, which was adopted.

Senator Lager offered Senate Resolution No. 1010, regarding the Jefferson High School Boys Basketball 2007 State Champions, Conception Junction, which was adopted.

Senator Lager offered Senate Resolution No. 1011, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Emery Dale Totten, Maryville, which was adopted.

Senator Barnitz offered Senate Resolution No. 1012, regarding Tyler Coleman, Cherryville, which was adopted.

Senator Mayer offered Senate Resolution No. 1013, regarding Greg Hoberock, Union, which was adopted.

On behalf of Senator Coleman, Senator Shields offered Senate Resolution No. 1014, regarding Marietta Hearn, St. Louis, which was adopted.

On behalf of Senator Coleman, Senator Shields offered Senate Resolution No. 1015, regarding Aaron Bobb, Saint Louis, which was adopted.

On behalf of Senator Coleman, Senator Shields offered Senate Resolution No. 1016, regarding Johnnie Day, II, Saint Louis, which was adopted.

On behalf of Senator Coleman, Senator Shields offered Senate Resolution No. 1017, regarding Jenn Fish, Saint Louis, which was adopted.

Senator Nodler offered Senate Resolution No. 1018, regarding Sandra Feiser, Joplin, which was adopted.

Senator Gibbons offered Senate Resolution No. 1019, regarding Grace Sibbitts, Kirkwood, which was adopted.

Senator Gibbons offered Senate Resolution No. 1020, regarding the Bayless High School “Meal Runners”, Saint Louis, which was adopted.

Senator Rupp offered Senate Resolution No. 1021, regarding Jennifer Lynn Flores, Cottleville, which was adopted.

Senator Bray offered Senate Resolution No. 1022, regarding the Conway Elementary School, St. Louis, which was adopted.

Senator Vogel offered Senate Resolution No. 1023, regarding Kathleen “Kay” Green, Jefferson City, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS No. 6** for **SCS** for **SB 389**; **SS** for **SCS** for **SB 668**; and **SCS** for **SB 368**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SB 570**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 30**, entitled:

An Act to repeal sections 71.011, 71.012, 144.030, 144.518, 144.605, 147.010, 208.750, 208.755, and 390.030, RSMo, and to enact in lieu thereof eighteen new sections relating to taxation, with an emergency clause for certain sections.

With House Amendment Nos. 1, 2, 3, 4, 5, 6, House Amendment No. 1 to House Amendment No. 7, House Amendment No. 7, as amended, House Amendment No. 8, House Substitute

Amendment No. 1 for House Amendment No. 1 to House Amendment No. 9, House Amendment No. 9, as amended, House Amendment Nos. 10, 11, 12, 13, 14, 15, House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 16, House Substitute Amendment No. 1 for House Amendment No. 16, as amended and House Amendment No. 17.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 30, Page 1, Section 32.130, by deleting all of said section; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 30, Page 2, Section 67.997, Line 1, by inserting before all of said section the following:

“67.113. 1. This section shall be known and may be cited as “The Children's Services Protection Act”.

2. Any city or county which has levied the sales tax under section 67.1775 to provide services for children in need shall reimburse the community children's services fund in an amount equal to the portion of revenue from the tax that is used for or diverted to any redevelopment plan or project approved or adopted after August 28, 2007, in any tax increment financing district in any county in this state.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 30, Section 71.012, Page 7, Line 69, by inserting after said section, the following:

“135.610. 1. As used in this section, the following terms mean:

(1) “Monetary compensation”, includes any economic return for services and shall not include:

(a) Life insurance, sickness, health, disability, annuity, length of service, retirement, pension, and other employee-type fringe benefits;

(b) De minimus compensation to pay for fuel, minor costs related to transportation, and other minor operation costs;

(2) “Tax credit”, a credit against the tax otherwise due under chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo;

(3) “Taxpayer”, any volunteer firefighter subject to the tax imposed in chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo;

(4) “Volunteer firefighter”, any firefighter in this state who is in the service of any fire department or fire protection district, including but not limited to any municipal, volunteer, rural, or subscription fire department or organization, or volunteer fire protection association, who receives no monetary compensation for the firefighter's services.

2. For all taxable years beginning on or after January 1, 2007, a taxpayer shall be allowed a tax credit as provided in this section. The tax credit authorized in this section shall be claimed as follows:

(1) The taxpayer may claim a tax credit in the amount of one hundred eighty dollars if the taxpayer has completed at least twelve hours of any firefighter training program approved by the office of the state fire marshal up to three years before or in the tax year for which the tax credit is claimed. The taxpayer may claim the tax credit authorized in this subdivision in each

subsequent tax year if the taxpayer completes at least twelve hours of any firefighter training program approved by the office of the state fire marshal, to include but not be limited to hazardous materials training and incident management systems training in such subsequent tax year; or

(2) The taxpayer may claim a tax credit in the amount of three hundred sixty dollars if the taxpayer has completed the office of the state fire marshal's thirty-six hour basic firefighter program or a firefighter training program approved by the office of the state fire marshal up to three years before or in the tax year for which the tax credit is claimed. The taxpayer may claim the tax credit authorized in this subdivision in each subsequent tax year if the taxpayer completes at least thirty-six hours of firefighter training approved by the office of the state fire marshal in such subsequent tax year.

3. If the amount of the tax credit issued exceeds the amount of the taxpayer's state tax liability for the tax year for which the credit is claimed, the difference shall not be refundable but may be carried forward to any of the taxpayer's four subsequent taxable years. No tax credit granted under this section shall be transferred, sold, or assigned. The tax credit provided in this section shall be claimed by the taxpayer at the time such taxpayer files a return, and shall be applied against the taxpayer's income tax liability after all other credits provided by law have been applied. The director of revenue shall establish the procedure by which the tax credit in this section may be claimed.

4. The state fire marshal may develop or approve existing training programs for volunteer firefighters, may establish procedures for providing documentation that the taxpayer is a volunteer firefighter in good standing with a registered fire department, as required in chapter 320, RSMo, and has completed the

training requirements in this section.

5. The department of revenue and the state fire marshal may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

6. Under section 23.253, RSMo, of the Missouri Sunset Act:

(1) The provisions of the new program authorized under this section shall automatically sunset on December thirty-first six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for

Senate Bill No. 30, Section 143.432, Page 9, Line 2, by inserting after the words, “**manufacturer in this state**”, the following words, “**and any existing Missouri corporation that manufactures a similar product and is in direct competition with the new manufacturer as defined by the same market**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 30, Page 7, Section 71.012, by inserting after all of said section the following:

“82.875. 1. The governing body of any home rule city with more than one hundred thirteen thousand two hundred but fewer than one hundred thirteen thousand three hundred inhabitants may impose, by order or ordinance, a sales tax on all retail sales made within the city which are subject to sales tax under chapter 144, RSMo. The tax authorized in this section shall not exceed one percent of the gross receipts of such retail sales, may be imposed in increments of one-eighth of one percent, and shall be imposed solely for the purpose of funding police services provided by the police department of the city. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. No such order or ordinance adopted under this section shall become effective unless the governing body of the city submits to the voters residing within the city at a state general, primary, or special election a proposal to authorize the governing body of the city to impose a tax under this section. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter

after the director of revenue receives notification of adoption of the local sales tax. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. All revenue collected under this section by the director of the department of revenue on behalf of any city, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the “City Police Services Sales Tax Fund”, and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the trust fund and credited to the city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such city. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The governing body of any city that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax

authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

5. Whenever the governing body of any city that has adopted the sales tax authorized in this section receives a petition, signed by a number of registered voters of the city equal to at least two percent of the number of registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

6. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the city shall notify the director of the department of revenue of the action at least ninety days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director shall remit the balance in the account to the city and close

the account of that city. The director shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 30, Page 26, Section 208.755, by inserting after all of said section the following:

“238.410. 1. Any county transit authority established pursuant to section 238.400 may impose a sales tax of up to one percent on all retail sales made in such county which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no sales tax imposed under the provisions of this section shall be effective unless the governing body of the county, on behalf of the transit authority, submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the transit authority to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the Transit Authority impose a countywide sales tax of (insert amount) in order to provide revenues for the operation of transportation facilities operated by the transit authority?

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall become effective on the first day of the second calendar quarter following notification to the department of revenue

of adoption of the tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the transit authority shall have no power to impose the sales tax authorized by this section unless and until another proposal to authorize the transit authority to impose the sales tax authorized by this section has been submitted and such proposal is approved by a majority of the qualified voters voting thereon.

3. All revenue received by the transit authority from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely by the transit authority for construction, purchase, lease, maintenance and operation of transportation facilities located within the county for so long as the tax shall remain in effect. Any funds in such special trust fund which are not needed for current expenditures may be invested by the transit authority in accordance with applicable laws relating to the investment of county funds.

4. No transit authority imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment is submitted to and approved by the voters of the county in the same manner as provided in subsection 1 of this section for approval of such tax. Whenever the governing body of any county in which a sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent of the registered voters of such county voting in the last gubernatorial election, calling for an election to repeal such sales tax, the governing body shall submit to the voters of such county a proposal to repeal the sales tax imposed under the provisions of this section. If a majority of the votes cast on the proposal by the registered voters voting thereon are in favor of the proposal to repeal the sales tax, then such sales tax is repealed. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal the sales tax, then such sales tax shall remain in effect.

5. The sales tax imposed under the provisions of this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, RSMo, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate approved pursuant to this section. The amount reported and returned to the director of revenue by the seller shall be computed on the basis of the combined rate of the tax imposed by sections 144.010 to 144.525, RSMo, and the tax imposed by this section, plus any amounts imposed under other provisions of law.

6. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect in addition to the sales tax for the state of Missouri the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue. In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the applicable provisions of section 144.285, RSMo, shall apply to all taxable transactions.

7. All applicable provisions contained in sections 144.010 to 144.525, RSMo, governing the state sales tax and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section. All exemptions

granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.525, RSMo, are hereby made applicable to the imposition and collection of the tax imposed by this section. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue may prescribe a form of exemption certificate for an exemption from the tax imposed by this section. All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under chapter 144, RSMo, are hereby allowed and made applicable to any taxes collected under the provisions of this section. The penalties provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, for a violation of those sections are hereby made applicable to violations of this section.

8. For the purposes of a sales tax imposed pursuant to this section, all retail sales shall be deemed to be consummated at the place of business of the retailer, except for tangible personal property sold which is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination and except for the sale of motor vehicles, trailers, boats and outboard motors, which is provided for in subsection 12 of this section. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be

consummated at the place of business from which he works.

9. All sales taxes collected by the director of revenue under this section on behalf of any transit authority, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in this section, shall be deposited in the state treasury in a special trust fund, which is hereby created, to be known as the "County Transit Authority Sales Tax Trust Fund". The moneys in the county transit authority sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each transit authority imposing a sales tax under this section, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the transit authority which levied the tax.

10. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any transit authority for erroneous payments and overpayments made, and may authorize the state treasurer to redeem dishonored checks and drafts deposited to the credit of such transit authorities. If any transit authority abolishes the tax, the transit authority shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such transit authority, the director of revenue shall authorize

the state treasurer to remit the balance in the account to the transit authority and close the account of that transit authority. The director of revenue shall notify each transit authority of each instance of any amount refunded or any check redeemed from receipts due the transit authority. The director of revenue shall annually report on his management of the trust fund and administration of the sales taxes authorized by this section. He shall provide each transit authority imposing the tax authorized by this section with a detailed accounting of the source of all funds received by him for the transit authority.

11. The director of revenue and any of his deputies, assistants and employees, who shall have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of this section shall enter a surety bond or bonds payable to any and all transit authorities in whose behalf such funds have been collected under this section in the amount of one hundred thousand dollars; but the director of revenue may enter into a blanket bond or bonds covering himself and all such deputies, assistants and employees. The cost of the premium or premiums for the surety bond or bonds shall be paid by the director of revenue from the share of the collection retained by the director of revenue for the benefit of the state.

12. Sales taxes imposed pursuant to this section and use taxes on the purchase and sale of motor vehicles, trailers, boats, and outboard motors shall not be collected and remitted by the seller, but shall be collected by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a county where a sales tax is imposed under this section. The amounts so collected, less the one percent collection cost, shall be deposited in the county transit authority sales tax trust fund. The purchase or sale of motor vehicles, trailers, boats,

and outboard motors shall be deemed to be consummated at the address of the applicant. As used in this subsection, the term "boat" shall only include motorboats and vessels as the terms "motorboat" and "vessel" are defined in section 306.010, RSMo.

13. In any county where the transit authority sales tax has been imposed, if any person is delinquent in the payment of the amount required to be paid by him under this section or in the event a determination has been made against him for taxes and penalty under this section, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525, RSMo. Where the director of revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is also delinquent in payment of taxes under this section, the director of revenue shall notify the transit authority to which delinquent taxes are due under this section by United States registered mail or certified mail at least ten days before turning the case over to the attorney general. The transit authority, acting through its attorney, may join in such suit as a party plaintiff to seek a judgment for the delinquent taxes and penalty due such transit authority. In the event any person fails or refuses to pay the amount of any sales tax due under this section, the director of revenue shall promptly notify the transit authority to which the tax would be due so that appropriate action may be taken by the transit authority.

14. Where property is seized by the director of revenue under the provisions of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by this section, the director of revenue shall permit the transit authority to join in any sale of property to pay the delinquent taxes and penalties due the

state and to the transit authority under this section. The proceeds from such sale shall first be applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such transit authority under this section.

15. The transit authority created under the provisions of sections 238.400 to 238.412 shall notify any and all affected businesses of the change in tax rate caused by the imposition of the tax authorized by sections 238.400 to 238.412.

16. In the event that any transit authority in any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants submits a proposal in any election to increase the sales tax under this section, and such proposal is approved by the voters, the county shall be reimbursed for the costs of submitting such proposal from the funds derived from the tax levied under this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 7

Amend House Amendment No. 7 to House Committee Substitute for Senate Bill No. 30, Page 4, Line 17, by inserting the word, **“two”** after the word, **“thirty”**; and

Further amend said amendment, Page 5, Line 3, by deleting the words, **“eighteen thousand”** and inserting in lieu thereof the words, **“thirteen thousand three hundred”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 30, Section 71.012, Page 7, Line 69, by inserting after all of said section, the

following:

“135.010. As used in sections 135.010 to 135.030 the following words and terms mean:

(1) “Claimant”, a person or persons claiming a credit under sections 135.010 to 135.030. If the persons are eligible to file a joint federal income tax return and reside at the same address at any time during the taxable year, then the credit may only be allowed if claimed on a combined Missouri income tax return or a combined claim return reporting their combined incomes and property taxes. A claimant shall not be allowed a property tax credit unless the claimant or spouse has attained the age of sixty-five on or before the last day of the calendar year and the claimant or spouse was a resident of Missouri for the entire year, or the claimant or spouse is a veteran of any branch of the armed forces of the United States or this state who became one hundred percent disabled as a result of such service, or the claimant or spouse is disabled as defined in subdivision (2) of this section, and such claimant or spouse provides proof of such disability in such form and manner, and at such times, as the director of revenue may require, or if the claimant has reached the age of sixty on or before the last day of the calendar year and such claimant received surviving spouse Social Security benefits during the calendar year and the claimant provides proof, as required by the director of revenue, that the claimant received surviving spouse Social Security benefits during the calendar year for which the credit will be claimed. A claimant shall not be allowed a property tax credit if the claimant filed a valid claim for a credit under section 137.106, RSMo, in the year following the year for which the property tax credit is claimed. The residency requirement shall be deemed to have been fulfilled for the purpose of determining the eligibility of a surviving spouse for a property tax credit if a person of the age of sixty-five years or older who would have otherwise met the requirements for a property tax credit dies before the last day of the calendar year. The residency

requirement shall also be deemed to have been fulfilled for the purpose of determining the eligibility of a claimant who would have otherwise met the requirements for a property tax credit but who dies before the last day of the calendar year;

(2) "Disabled", the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months. A claimant shall not be required to be gainfully employed prior to such disability to qualify for a property tax credit;

(3) "Gross rent", amount paid by a claimant to a landlord for the rental, at arm's length, of a homestead during the calendar year, exclusive of charges for health and personal care services and food furnished as part of the rental agreement, whether or not expressly set out in the rental agreement. If the director of revenue determines that the landlord and tenant have not dealt at arm's length, and that the gross rent is excessive, then [he] **the director** shall determine the gross rent based upon a reasonable amount of rent. Gross rent shall be deemed to be paid only if actually paid prior to the date a return is filed. The director of revenue may prescribe regulations requiring a return of information by a landlord receiving rent, certifying for a calendar year the amount of gross rent received from a tenant claiming a property tax credit and shall, by regulation, provide a method for certification by the claimant of the amount of gross rent paid for any calendar year for which a claim is made. The regulations authorized by this subdivision may require a landlord or a tenant or both to provide data relating to health and personal care services and to food. Neither a landlord nor a tenant may be required to provide data relating to utilities, furniture, home furnishings or appliances;

(4) "Homestead", the dwelling in Missouri owned or rented by the claimant and not to exceed five acres of land surrounding it as is reasonably

necessary for use of the dwelling as a home. It may consist of part of a multidwelling or multipurpose building and part of the land upon which it is built. "Owned" includes a vendee in possession under a land contract and one or more tenants by the entireties, joint tenants, or tenants in common and includes a claimant actually in possession if he was the immediate former owner of record, if a lineal descendant is presently the owner of record, and if the claimant actually pays all taxes upon the property. It may include a mobile home;

(5) "Income", Missouri adjusted gross income as defined in section 143.121, RSMo, less [two] **four** thousand dollars as an exemption for the claimant's spouse residing at the same address, and increased, where necessary, to reflect the following:

(a) Social Security, railroad retirement, and veterans payments and benefits unless the claimant is a one hundred percent service-connected, disabled veteran or a spouse of a one hundred percent service-connected, disabled veteran. The one hundred percent service-connected disabled veteran shall not be required to list veterans payments and benefits;

(b) The total amount of all other public and private pensions and annuities;

(c) Public relief, public assistance, and unemployment benefits received in cash, other than benefits received under this chapter;

(d) No deduction being allowed for losses not incurred in a trade or business;

(e) Interest on the obligations of the United States, any state, or any of their subdivisions and instrumentalities;

(6) "Property taxes accrued", property taxes paid, exclusive of special assessments, penalties, interest, and charges for service levied on a claimant's homestead in any calendar year. Property taxes shall qualify for the credit only if actually paid prior to the date a return is filed. The director of revenue shall require a tax receipt or

other proof of property tax payment. If a homestead is owned only partially by claimant, then “property taxes accrued” is that part of property taxes levied on the homestead which was actually paid by the claimant. For purposes of this subdivision, property taxes are “levied” when the tax roll is delivered to the director of revenue for collection. If a claimant owns a homestead part of the preceding calendar year and rents it or a different homestead for part of the same year, “property taxes accrued” means only taxes levied on the homestead both owned and occupied by the claimant, multiplied by the percentage of twelve months that such property was owned and occupied as the homestead of the claimant during the year. When a claimant owns and occupies two or more different homesteads in the same calendar year, property taxes accrued shall be the sum of taxes allocable to those several properties occupied by the claimant as a homestead for the year. If a homestead is an integral part of a larger unit such as a farm, or multipurpose or multidwelling building, property taxes accrued shall be that percentage of the total property taxes accrued as the value of the homestead is of the total value. For purposes of this subdivision “unit” refers to the parcel of property covered by a single tax statement of which the homestead is a part;

(7) “Rent constituting property taxes accrued”, twenty percent of the gross rent paid by a claimant and spouse in the calendar year.

135.030. 1. As used in this section:

(1) [The term “maximum upper limit” shall, in the calendar year 1989, be the sum of thirteen thousand five hundred dollars. For each calendar year through December 31, 1992, the maximum upper limit shall be increased by five hundred dollars per year. For calendar years after December 31, 1992, and prior to calendar year 1998, the maximum upper limit shall be the sum used on December 31, 1992.] For each calendar year after December 31, 1997, **and before calendar year 2007**, the term “maximum upper limit” shall be the sum of twenty-five thousand dollars. **For the**

calendar year beginning on January 1, 2007, the maximum upper limit shall be the sum of thirty thousand dollars, and for all subsequent calendar years such limit shall be increased in one-hundred-dollar increments on the first day of January in each year by the same percentage of increase in the Consumer Price Index for All Urban Consumers, as published by the Bureau of Labor Statistics of the United States Department of Labor, or its successor index;

(2) [The term “minimum base” shall, in the calendar year 1989, be the sum of five thousand dollars. For each succeeding calendar year through December 31, 1992, the minimum base shall be increased, in one hundred-dollar increments, by the same percentage as the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor, or its successor agency, or five percent, whichever is greater. The increase in the index shall be that as first published by the Department of Labor for the calendar year immediately preceding the year in which the minimum base is calculated. For calendar years after December 31, 1992, and prior to calendar year 1998, the minimum base shall be the sum used on December 31, 1992.] For each calendar year after December 31, 1997, **and before calendar year 2007**, the term “minimum base” shall be the sum of thirteen thousand dollars. **For the calendar year beginning on January 1, 2007, the minimum base shall be the sum of eighteen thousand dollars, and for all subsequent calendar years such base shall be increased in one-hundred-dollar increments on the first day of January in each year by the same percentage of increase in the Consumer Price Index for All Urban Consumers, as published by the Bureau of Labor Statistics of the United States Department of Labor, or its successor index.**

2. When calculating the **maximum upper limit and the minimum base** for purposes of this

section, whenever the increase in the Consumer Price Index used in the calculation would result in a figure which is greater than one one-hundred-dollar increment but less than another one-hundred-dollar increment, the director of revenue shall always round that figure off to the next higher one-hundred-dollar increment when determining the table of credits under this section.

3. If the income on a return is equal to or less than the maximum upper limit for the calendar year for which the return is filed, the property tax credit shall be determined from a table of credits based upon the amount by which the total property tax described in section 135.025 exceeds the percent of income in the following list:

If the income on the return is: The percent is:

Not over the minimum base	0 percent with credit not to exceed actual property tax or rent equivalent paid up to \$750
Over the minimum base but not over the maximum upper limit	[1/16] 1/32 percent accumulative per \$300 from 0 percent to 4 percent.

The director of revenue shall prescribe a table based upon the preceding sentences. The property tax shall be in increments of twenty-five dollars and the income in increments of three hundred dollars. The credit shall be the amount rounded to the nearest whole dollar computed on the basis of the property tax and income at the midpoints of each increment. As used in this subsection, the term "accumulative" means an increase by continuous or repeated application of the percent to the income increment at each three hundred dollar level.

4. Notwithstanding [the provision of] subsection 4 of section 32.057, RSMo, the

department of revenue or any duly authorized employee or agent shall determine whether any taxpayer filing a report or return with the department of revenue who has not applied for the credit allowed pursuant to section 135.020 may qualify for the credit, and shall notify any qualified claimant of [his or her] **the claimant's** potential eligibility, where the department determines such potential eligibility exists.

135.634. 1. As used in this section, the following terms mean:

(1) "Tax credit", a credit against the tax otherwise due under chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo;

(2) "Taxpayer", any individual subject to the tax imposed in chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, and who is eligible for the federal earned income credit.

2. For all taxable years beginning on or after January 1, 2007, a taxpayer shall be allowed a tax credit for income earned by the taxpayer. The tax credit amount shall be equal to twenty percent of the amount of any federal earned income credit claimed by the taxpayer in the tax year for which the tax credit is claimed. The amount of the tax credit issued shall not exceed the amount of the taxpayer's state tax liability for the tax year for which the credit is claimed. No amount of credit that the taxpayer is prohibited by this section from claiming in a tax year shall be refundable, nor shall any tax credit granted under this section be transferred, sold, or assigned.

3. The department of revenue may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if

applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

4. Under section 23.253, RSMo, of the Missouri Sunset Act:

(1) The provisions of the new program authorized under this section shall automatically sunset on December thirty-first six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

Further amend said bill, Section 143.006, Page 9, Line 15, by inserting after all of said section, the following:

“143.126. 1. As used in this section, “taxpayer” means any resident individual who is sixty-five years of age or older and whose Missouri adjusted gross income is either:

(1) Forty thousand dollars or less if the taxpayer's filing status is single, head of household, or married filing separately; or

(2) Fifty thousand dollars or less if the taxpayer's filing status is married filing combined.

2. For all taxable years beginning on or after January 1, 2007, any taxpayer shall be allowed to subtract from the taxpayer's Missouri adjusted gross income to determine Missouri taxable income an amount equal to the amount of any Social Security benefits or Social Security disability benefits received by the taxpayer and that are included in federal adjusted gross income under Section 86 of the Internal Revenue Code of 1986, as amended.

3. The director of the department of revenue may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

4. Under section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on December thirty-first of the calendar year immediately following the calendar year in

which the program authorized under this section is sunset.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Bill No. 30, Page 25, Section 163.016, Line 6, by inserting after all of said line the following:

“205.563. 1. The governing body of a city of the fourth classification with more than two hundred but fewer than three hundred inhabitants and located in any county of the second classification with more than forty-eight thousand two hundred but fewer than forty-eight thousand three hundred inhabitants may impose, by order or ordinance, an annual real property tax to fund the construction, operation, and maintenance of a community health center. The tax authorized in this section shall not exceed thirty-five cents per year on each one hundred dollars of assessed valuation on all taxable real property within the city. Any city may enter into an agreement or agreements with taxing jurisdictions located at least partially within the incorporated limits of such city to levy the tax authorized under this section upon real property located within the jurisdiction of such district, but outside the incorporated limits of such city, provided that any taxing jurisdiction desiring to levy such tax shall first receive voter approval of such measure in the manner and form contained in this section. The tax authorized in this section shall be in addition to all other property taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. No order or ordinance adopted under this section shall become effective unless the governing body of the city submits to the voters residing within such city at a state general, primary, or special election a proposal to authorize the city to impose a tax under this

section.

3. The question shall be submitted in substantially the following form:

“Shall the city of and district (if applicable) be authorized to impose a tax on owners of real property in an amount equal to (insert amount not to exceed thirty-five cents) per one hundred dollars assessed valuation for the purpose of constructing, operating, and maintaining a community health center?

~ YES

~ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.”

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective in the tax year immediately following its approval. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

4. The tax authorized under this section shall be levied and collected in the same manner as other real property taxes are levied and collected within the city.

5. The governing body of any city that has imposed a real property tax under this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of repeal, that repeal shall become effective on the first day of the tax year immediately following its approval. If a majority of the votes cast on the question by the

qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

6. Whenever the governing body of any city that has imposed a real property tax under this section receives a petition, signed by a number of registered voters of the city equal to at least two percent of the number of registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the tax, the governing body shall submit to the voters of such city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on the first day of the tax year immediately following its approval. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

7. If the real property tax authorized under this section is repealed or terminated by any means, all funds collected under the tax shall continue to be used solely for the designated purposes.”; and

Further amend said title, enacting clause and intersectional references accordingly.

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1
FOR HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 9

Amend House Amendment No. 9 to House Committee Substitute for Senate Bill No. 30, Page 20, Section 144.518, Line 58, by inserting after the

word “bowling” the following:

“and golf”, “video and game rental”, and “rental tools”, and “batting cages”.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Bill No. 30, Section 144.518, Page 20, Line 58, by inserting after all of said section, the following:

“144.521. In addition to the exemptions granted under section 144.030, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525, sections 144.600 to 144.761, sections 190.335 to 190.337, RSMo, section 238.235, RSMo, section 238.236, RSMo, section 238.410, RSMo, section 321.242, RSMo, section 573.505, RSMo, section 644.032, RSMo, and any local sales tax law as defined in section 32.085, RSMo, and from the computation of the tax levied, assessed or payable under sections 144.010 to 144.525, sections 144.600 to 144.761, sections 190.335 to 190.337, RSMo, section 238.235, RSMo, section 238.236, RSMo, section 238.410, RSMo, section 321.242, RSMo, section 573.505, RSMo, section 644.032, RSMo, and any local sales tax law as defined in section 32.085, RSMo, all purchases of equipment, machinery, materials, supplies, fixtures, and shoes by the owner or operator of a facility used for the sport of bowling where sales tax is collected and remitted on all amounts charged for participation in such sport, including amounts paid for the rental of items used to participate in such sport.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Bill No. 30, Page 7, Section 71.012, by inserting after all of said section the following:

“135.631. 1. As used in this section, the

following terms mean:

(1) “Military retirement benefits”, any military retirement benefits included in federal adjusted gross income and not otherwise excluded therefrom;

(2) “Tax credit”, a credit against the tax otherwise due under chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo;

(3) “Taxpayer”, any individual subject to the tax imposed in chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo.

2. For all taxable years beginning on or after January 1, 2007, a taxpayer shall be allowed a tax credit for military retirement benefits received by the taxpayer. The tax credit amount shall be equal to the amount of state income tax otherwise due for military retirement benefits received in the taxable year for which the credit is claimed. The amount of the tax credit issued shall not exceed the amount of the taxpayer's state tax liability for the tax year for which the credit is claimed. No amount of credit that the taxpayer is prohibited by this section from claiming in a tax year shall be refundable, nor shall any tax credit granted under this section be transferred, sold, or assigned.

3. The department of revenue may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently

held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Bill No. 30, Section 71.012, Page 7, Line 69, by inserting after all of said section, the following:

“135.090. 1. As used in this section, the following terms mean:

(1) “Homestead”, the dwelling in Missouri owned by the surviving spouse and not exceeding five acres of land surrounding it as is reasonably necessary for use of the dwelling as a home. As used in this section, “homestead” shall not include any dwelling which is occupied by more than two families;

(2) “Public safety officer”, any firefighter, police officer, capitol police officer, parole officer, probation officer, correctional employee, water patrol officer, park ranger, conservation officer, commercial motor enforcement officer, emergency medical technician, first responder, or highway patrolman employed by the state of Missouri or a political subdivision thereof who is killed in the line of duty, unless the death was the result of the officer's own misconduct or abuse of alcohol or drugs;

(3) “Surviving spouse”, a spouse, who has not remarried, of a public safety officer.

2. For all tax years beginning on or after January 1, 2008, a surviving spouse shall be allowed a credit against the tax otherwise due under chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, in an amount equal to the total

amount of the property taxes on the surviving spouse's homestead paid during the tax year for which the credit is claimed. If the amount allowable as a credit exceeds the income tax reduced by other credits, then the excess shall be considered an overpayment of the income tax.

3. The department of revenue shall promulgate rules to implement the provisions of this section.

4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

5. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Bill No. 30, Page 27, Section 208.755, Line 38 by inserting after said line the following:

“320.093. 1. Any person, firm or corporation who purchases a dry fire hydrant, as defined in section 320.273, or provides an acceptable means of water storage for such dry fire hydrant including a pond, tank or other storage facility with the primary purpose of fire protection within the state of Missouri, shall be eligible for a credit on income taxes otherwise due pursuant to chapter 143, RSMo, except sections 143.191 to 143.261, RSMo, as an incentive to implement safe and efficient fire protection controls. The tax credit, not to exceed five thousand dollars, shall be equal to fifty percent of the cost in actual expenditure for any new water storage construction, equipment, development and installation of the dry hydrant, including pipes, valves, hydrants and labor for each such installation of a dry hydrant or new water storage facility. The amount of the tax credit claimed for in-kind contributions shall not exceed twenty-five percent of the total amount of the contribution for which the tax credit is claimed.

2. Any amount of credit which exceeds the tax due shall not be refunded but may be carried over to any subsequent taxable year, not to exceed seven years. The person, firm or corporation may elect to assign to a third party the approved tax credit. The certificate of assignment and other appropriate forms [must] **shall** be filed with the Missouri department of revenue and the department of economic development.

3. The person, firm or corporation shall make application for the credit to the department of economic development after receiving approval of the state fire marshal. The fire marshal shall establish by rule promulgated pursuant to chapter 536, RSMo, the requirements to be met based on

the National Resources Conservation Service's [Missouri] Dry Hydrant Standard. The state fire marshal or designated local representative shall **review and** authorize [and issue a permit for] the construction and installation of any dry fire hydrant site. Only approved dry fire hydrant sites [will] **shall** be eligible for tax credits as indicated in this section. Under no circumstance shall such authority deny any entity the ability to provide a dry fire hydrant site when tax credits are not requested.

4. The department of [economic development] **public safety** shall certify to the department of revenue that the dry hydrant system meets the requirements to obtain a tax credit as specified in subsection 5 of this section.

5. In order to qualify for a tax credit under this section, a dry hydrant or new water storage facility [must] **shall** meet the following minimum requirements:

(1) Each body of water or water storage structure [must] **shall** be able to provide two hundred fifty gallons per minute for a continuous two-hour period during a fifty-year drought or freeze at a vertical lift of eighteen feet;

(2) Each dry hydrant [must] **shall** be located within twenty-five feet of an all-weather roadway and [must] **shall** be accessible to fire protection equipment;

(3) Dry hydrants shall be located a reasonable distance from other dry or pressurized hydrants; and

(4) The site shall provide a measurable economic improvement potential for rural development.

6. New credits shall not be awarded under this section after August 28, [2003] **2011**. The total amount of all tax credits allowed pursuant to this section is five hundred thousand dollars in any one fiscal year as approved by the director of the department of economic development.

7. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, [1999] **2007**, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 13

Amend House Committee Substitute for Senate Bill No. 30, Section 71.012, Page 7, Line 69 by inserting after all of said line the following:

“137.106. 1. This section [may] **shall** be known and may be cited as “The Missouri Homestead Preservation Act”.

2. As used in this section, the following terms shall mean:

(1) “Department”, the department of revenue;

(2) “Director”, the director of revenue;

(3) “Disabled”, as such term is defined in section 135.010, RSMo;

(4) “Eligible owner”, any individual owner of property who is sixty-five years old or older as of January first of the tax year in which the individual is claiming the credit or who is disabled, and who had an income of equal to or less than the maximum upper limit in the year prior to completing an application pursuant to this section; or

(a) In the case of a married couple owning property either jointly or as tenants by the entirety,

or where only one spouse owns the property, such couple shall be considered an eligible taxpayer if both spouses have reached the age of sixty-five or if one spouse is disabled, or if one spouse is at least sixty-five years old and the other spouse is at least sixty years old, and the combined income of the couple in the year prior to completing an application pursuant to this section did not exceed the maximum upper limit; or

(b) In the case of joint ownership by unmarried persons or ownership by tenancy in common by two or more unmarried persons, such owners shall be considered an eligible owner if each person with an ownership interest individually satisfies the eligibility requirements for an individual eligible owner under this section and the combined income of all individuals with an interest in the property is equal to or less than the maximum upper limit in the year prior to completing an application under this section. If any individual with an ownership interest in the property fails to satisfy the eligibility requirements of an individual eligible owner or if the combined income of all individuals with interest in the property exceeds the maximum upper limit, then all individuals with an ownership interest in such property shall be deemed ineligible owners regardless of such other individual's ability to individually meet the eligibility requirements; or

(c) In the case of property held in trust, the eligible owner and recipient of the tax credit shall be the trust itself provided the previous owner of the homestead or the previous owner's spouse: is the settlor of the trust with respect to the homestead; currently resides in such homestead; and but for the transfer of such property would have satisfied the age, ownership, and maximum upper limit requirements for income as defined in subdivisions (7) and (8) of this subsection[;].

No individual shall be an eligible owner if the individual has not paid [their] **such individual's** property tax liability, if any, in full by the payment due date in any of the three prior tax years, except

that a late payment of a property tax liability in any prior year shall not disqualify a potential eligible owner if such owner paid in full the tax liability and any and all penalties, additions and interest that arose as a result of such late payment; no individual shall be an eligible owner if such person filed a valid claim for the senior citizens property tax relief credit pursuant to sections 135.010 to 135.035, RSMo;

(5) "Homestead", as such term is defined pursuant to section 135.010, RSMo, except as limited by provisions of this section to the contrary. No property shall be considered a homestead if such property was improved since the most recent annual assessment by more than five percent of the prior year appraised value, except where an eligible owner of the property has made such improvements to accommodate a disabled person;

(6) "Homestead exemption limit", a percentage increase, rounded to the nearest hundredth of a percent, which shall be equal to the percentage increase to tax liability, not including improvements, of a homestead from one tax year to the next that exceeds a certain percentage set pursuant to subsection [10] 7 of this section. [For applications filed in 2005 or 2006, the homestead exemption limit shall be based on the increase to tax liability from 2004 to 2005. For applications filed between April 1, 2005, and September 30, 2006, an eligible owner, who otherwise satisfied the requirements of this section, shall not apply for the homestead exemption credit more than once during such period.] For applications filed [after 2006] **in 2007**, the homestead exemption limit shall be based on the increase to tax liability from two years prior to application to the year immediately prior to application. **For applications filed after 2007, the homestead exemption limit shall be based on the increase to tax liability from the base year to the year prior to the application year. For purposes of this subdivision, "base year" means the year prior to the first year in which the eligible owner's**

application was approved, or 2006, whichever is later;

(7) "Income", federal adjusted gross income, and in the case of ownership of the homestead by trust, the income of the settlor applicant shall be imputed to the income of the trust for purposes of determining eligibility with regards to the maximum upper limit;

(8) "Maximum upper limit", in the calendar year 2005, the income sum of seventy thousand dollars; in each successive calendar year this amount shall be raised by the incremental increase in the general price level, as defined pursuant to article X, section 17 of the Missouri Constitution.

3. Pursuant to article X, section 6(a) of the Constitution of Missouri, if in the prior tax year, the property tax liability on any parcel of subclass (1) real property increased by more than the homestead exemption limit, without regard for any prior credit received due to the provisions of this section, then any eligible owner of the property shall receive a homestead exemption credit to be applied in the current tax year property tax liability to offset the prior year increase to tax liability that exceeds the homestead exemption limit, except as eligibility for the credit is limited by the provisions of this section. The amount of the credit shall be listed separately on each taxpayer's tax bill for the current tax year, or on a document enclosed with the taxpayer's bill. The homestead exemption credit shall not affect the process of setting the tax rate as required pursuant to article X, section 22 of the Constitution of Missouri and section 137.073 in any prior, current, or subsequent tax year.

4. [If application is made in 2005, any potential eligible owner may apply for the homestead exemption credit by completing an application through their local assessor's office. Applications may be completed between April first and September thirtieth of any tax year in order for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the homestead exemption

credit application was completed. The application shall be on forms provided to the assessor's office by the department. Forms also shall be made available on the department's Internet site and at all permanent branch offices and all full-time, temporary, or fee offices maintained by the department of revenue. The applicant shall attest under penalty of perjury:

(1) To the applicant's age;

(2) That the applicant's prior year income was less than the maximum upper limit;

(3) To the address of the homestead property; and

(4) That any improvements made to the homestead, not made to accommodate a disabled person, did not total more than five percent of the prior year appraised value. The applicant shall also include with the application copies of receipts indicating payment of property tax by the applicant for the homestead property for the two prior tax years.

5. If application is made in 2005, the assessor, upon request for an application, shall:

(1) Certify the parcel number and owner of record as of January first of the homestead, including verification of the acreage classified as residential on the assessor's property record card;

(2) Obtain appropriate prior tax year levy codes for each homestead from the county clerks for inclusion on the form;

(3) Record on the application the assessed valuation of the homestead for the current tax year, and any new construction or improvements for the current tax year; and

(4) Sign the application, certifying the accuracy of the assessor's entries.

6. If application is made after 2005,] Any potential eligible owner may apply for the homestead exemption credit by completing an application. Applications may be completed between April first and October fifteenth of any tax

year in order for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the homestead exemption credit application was completed. The application shall be on forms provided by the department. Forms also shall be made available on the department's Internet site and at all permanent branch offices and all full-time, temporary, or fee offices maintained by the department of revenue. The applicant shall attest under penalty of perjury:

- (1) To the applicant's age;
- (2) That the applicant's prior year income was less than the maximum upper limit;
- (3) To the address of the homestead property;
- (4) That any improvements made to the homestead, not made to accommodate a disabled person, did not total more than five percent of the prior year appraised value[; and
- (5)] .

The applicant shall also include with the application copies of receipts indicating payment of property tax by the applicant for the homestead property for the three prior tax years.

[7.] **5.** Each applicant shall send the application to the department by [September thirtieth] **October fifteenth** of each year for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the application was completed.

[8. If application is made in 2005, upon receipt of the applications, the department shall calculate the tax liability, adjusted to exclude new construction or improvements verify compliance with the maximum income limit, verify the age of the applicants, and make adjustments to these numbers as necessary on the applications. The department also shall disallow any application where the applicant has also filed a valid application for the senior citizens property tax

credit, pursuant to sections 135.010 to 135.035, RSMo. Once adjusted tax liability, age, and income are verified, the director shall determine eligibility for the credit, and provide a list of all verified eligible owners to the county collectors or county clerks in counties with a township form of government by December fifteenth of each year. By January fifteenth, the county collectors or county clerks in counties with a township form of government shall provide a list to the department of any verified eligible owners who failed to pay the property tax due for the tax year that ended immediately prior. Such eligible owners shall be disqualified from receiving the credit in the current tax year.

9. If application is made after 2005,] **6.** Upon receipt of the applications, the department shall calculate the tax liability, verify compliance with the maximum income limit, verify the age of the applicants, and make adjustments to these numbers as necessary on the applications. The department also shall disallow any application where the applicant also has filed a valid application for the senior citizens property tax credit under sections 135.010 to 135.035, RSMo. Once adjusted tax liability, age, and income are verified, the director shall determine eligibility for the credit and provide a list of all verified eligible owners to the county assessors or county clerks in counties with a township form of government by December fifteenth of each year. By January fifteenth, the county assessors shall provide a list to the department of any verified eligible owners who made improvements not for accommodation of a disability to the homestead and the dollar amount of the assessed value of such improvements. If the dollar amount of the assessed value of such improvements totaled more than five percent of the prior year appraised value, such eligible owners shall be disqualified from receiving the credit in the current tax year.

[10.] **7.** The director shall calculate the level of appropriation necessary [to] **and** set the homestead exemption limit at five percent when

based on a year of general reassessment or at two and one-half percent when based on a year without general reassessment for the homesteads of all verified eligible owners, and provide such calculation to the speaker of the house of representatives, the president pro tempore of the senate, and the director of the office of budget and planning in the office of administration by January thirty-first of each year.

[11. For applications made in 2005, the general assembly shall make an appropriation for the funding of the homestead exemption credit that is signed by the governor, then the director shall, by July thirty-first of such year, set the homestead exemption limit. The limit shall be a single, statewide percentage increase to tax liability, rounded to the nearest hundredth of a percent, which, if applied to all homesteads of verified eligible owners who applied for the homestead exemption credit in the immediately prior tax year, would cause all but one-quarter of one percent of the amount of the appropriation, minus any withholding by the governor, to be distributed during that fiscal year. The remaining one-quarter of one percent shall be distributed to the county assessment funds of each county on a proportional basis, based on the number of eligible owners in each county; such one-quarter percent distribution shall be delineated in any such appropriation as a separate line item in the total appropriation.]

8. If no appropriation is made by the general assembly during any tax year or no funds are actually distributed pursuant to any appropriation therefor, then no homestead preservation credit shall apply in such year.

[12. After setting the homestead exemption limit for applications made in 2005, the director shall apply the limit to the homestead of each verified eligible owner and calculate the credit to be associated with each verified eligible owner's homestead, if any. The director shall send a list of those eligible owners who are to receive the homestead exemption credit, including the amount

of each credit, the certified parcel number of the homestead, and the address of the homestead property, to the county collectors or county clerks in counties with a township form of government by August thirty-first. Pursuant to such calculation, the director shall instruct the state treasurer as to how to distribute the appropriation and assessment fund allocation to the county collector's funds of each county or the treasurer ex officio collector's fund in counties with a township form of government where recipients of the homestead exemption credit are located, so as to exactly offset each homestead exemption credit being issued, plus the one-quarter of one percent distribution for the county assessment funds. As a result of the appropriation, in no case shall a political subdivision receive more money than it would have received absent the provisions of this section plus the one-quarter of one percent distribution for the county assessment funds. Funds, at the direction of the county collector or the treasurer ex officio collector in counties with a township form of government, shall be deposited in the county collector's fund of a county or the treasurer ex officio collector's fund or may be sent by mail to the collector of a county, or the treasurer ex officio collector in counties with a township form of government, not later than October first in any year a homestead exemption credit is appropriated as a result of this section and shall be distributed as moneys in such funds are commonly distributed from other property tax revenues by the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government, so as to exactly offset each homestead exemption credit being issued. In counties with a township form of government, the county clerk shall provide the treasurer ex officio collector a summary of the homestead exemption credit for each township for the purpose of distributing the total homestead exemption credit to each township collector in a particular county.

13.] 9. If, in any given year after 2005, the general assembly shall make an appropriation for

the funding of the homestead exemption credit that is signed by the governor, then the director shall[, by July thirty-first of such year, set the homestead exemption limit. The limit shall be a single, statewide percentage increase to tax liability, rounded to the nearest hundredth of a percent, which, if applied to all homesteads of verified eligible owners who applied for the homestead exemption credit in the immediately prior tax year, would cause all of the amount of the appropriation, minus any withholding by the governor, to be distributed during that fiscal year] **determine the apportionment percentage by equally apportioning the appropriation among all eligible applicants on a percentage basis.** If no appropriation is made by the general assembly during any tax year or no funds are actually distributed pursuant to any appropriation therefor, then no homestead preservation credit shall apply in such year.

[14.] **10.** After [setting the homestead exemption limit for applications made after 2005, the director shall apply the limit to the homestead of each verified eligible owner and] **determining the apportionment percentage, the director shall** calculate the credit to be associated with each verified eligible owner's homestead, if any. The director shall send a list of those eligible owners who are to receive the homestead exemption credit, including the amount of each credit, the certified parcel number of the homestead, and the address of the homestead property, to the county collectors or county clerks in counties with a township form of government by August thirty-first. Pursuant to such calculation, the director shall instruct the state treasurer as to how to distribute the appropriation to the county collector's fund of each county where recipients of the homestead exemption credit are located, so as to exactly offset each homestead exemption credit being issued. As a result of the appropriation, in no case shall a political subdivision receive more money than it would have received absent the provisions of this section. Funds, at the direction of the collector of the

county or treasurer ex officio collector in counties with a township form of government, shall be deposited in the county collector's fund of a county or may be sent by mail to the collector of a county, or treasurer ex officio collector in counties with a township form of government, not later than October first in any year a homestead exemption credit is appropriated as a result of this section and shall be distributed as moneys in such funds are commonly distributed from other property tax revenues by the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government, so as to exactly offset each homestead exemption credit being issued.

[15.] **11.** The department shall promulgate rules for implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void. Any rule promulgated by the department shall in no way impact, affect, interrupt, or interfere with the performance of the required statutory duties of any county elected official, more particularly including the county collector when performing such duties as deemed necessary for the distribution of any homestead appropriation and the distribution of all other real and personal property taxes.

[16.] **12.** In the event that an eligible owner dies or transfers ownership of the property after the homestead exemption limit has been set in any given year, but prior to January first of the year in which the credit would otherwise be applied, the

credit shall be void and any corresponding moneys[, pursuant to subsection 12 of this section,] shall lapse to the state to be credited to the general revenue fund. In the event the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government determines prior to issuing the credit that the individual is not an eligible owner because the individual did not pay the prior three years' property tax liability in full, the credit shall be void and any corresponding moneys[, under subsection 11 of this section,] shall lapse to the state to be credited to the general revenue fund.

[17. This section shall apply to all tax years beginning on or after January 1, 2005. This subsection shall become effective June 28, 2004.

18.] **13.** In accordance with the provisions of sections 23.250 to 23.298, RSMo, and unless otherwise authorized pursuant to section 23.253, RSMo:

(1) Any new program authorized under the provisions of this section shall automatically sunset six years after the effective date of this section; and

(2) This section shall terminate on September first of the year following the year in which any new program authorized under this section is sunset, and the revisor of statutes shall designate such sections and this section in a revision bill for repeal.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Bill No. 30, Page 4, Section 67.997, by inserting after all of said section the following:

“67.1016. 1. The governing body of any county of the second, third, or fourth classification may impose, by order or ordinance, a tax on the charges for all sleeping

rooms paid by the transient guests of hotels or motels situated in the county or a portion thereof. The tax shall be not more than one cent per occupied room per night, and shall be imposed solely for the purpose of promoting tourism related activities in the county. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. No such order or ordinance shall become effective unless the governing body of the county submits to the voters of the county at a state general, primary, or special election a proposal to authorize the governing body of the county to impose a tax under this section. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters of the county and such question is approved by a majority of the qualified voters voting on the question.

3. All revenue generated by the tax shall be collected by the county collector of revenue, shall be deposited in a special trust fund, and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund that are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county funds. Any interest and moneys earned on such investments shall be credited to the fund.

4. Upon adoption of the tax under this

section, there shall be established in each county adopting the tax a “Tourism Commission”, to consist of five members appointed by the governing body of the county. No more than one member of the tourism commission shall be a member of the governing body of the county. Of the initial members appointed, two shall hold office for one year, two shall hold office for two years, and one shall hold office for three years. Members appointed after expiration of the initial terms shall be appointed to a three-year term. Each member may be reappointed. Vacancies shall be filled by appointment by the governing body of the county for the remainder of the unexpired term. The members shall not receive compensation for their services, but may be reimbursed for their actual and necessary expenses incurred in service of the tourism commission.

5. The governing body of any county that has adopted the tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the county. If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters of the county, and the repeal is approved by a majority of the qualified voters voting on the question.

6. Whenever the governing body of any county that has adopted the tax authorized in this section receives a petition, signed by a number of registered voters of the county equal to at least two percent of the number of registered voters of the county voting in the last gubernatorial election, calling for an election to repeal the tax imposed under this section, the governing body shall submit to the voters of the

county a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters of the county and the repeal is approved by a majority of the qualified voters voting on the question.

7. As used in this section, “transient guests” means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.

67.1360. The governing body of:

(1) A city with a population of more than seven thousand and less than seven thousand five hundred;

(2) A county with a population of over nine thousand six hundred and less than twelve thousand which has a total assessed valuation of at least sixty-three million dollars, if the county submits the issue to the voters of such county prior to January 1, 2003;

(3) A third class city which is the county seat of a county of the third classification without a township form of government with a population of at least twenty-five thousand but not more than thirty thousand inhabitants;

(4) Any fourth class city having, according to the last federal decennial census, a population of more than one thousand eight hundred fifty inhabitants but less than one thousand nine hundred fifty inhabitants in a county of the first classification with a charter form of government and having a population of greater than six hundred thousand but less than nine hundred thousand inhabitants;

(5) Any city having a population of more than

three thousand but less than eight thousand inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;

(6) Any city having a population of less than two hundred fifty inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;

(7) Any fourth class city having a population of more than two thousand five hundred but less than three thousand inhabitants in a county of the third classification having a population of more than twenty-five thousand but less than twenty-seven thousand inhabitants;

(8) Any third class city with a population of more than three thousand two hundred but less than three thousand three hundred located in a county of the third classification having a population of more than thirty-five thousand but less than thirty-six thousand;

(9) Any county of the second classification without a township form of government and a population of less than thirty thousand;

(10) Any city of the fourth class in a county of the second classification without a township form of government and a population of less than thirty thousand;

(11) Any county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;

(12) Any city of the fourth class with a population of more than one thousand eight hundred but less than two thousand in a county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;

(13) Any city of the third class with a population of more than seven thousand two hundred but less than seven thousand five hundred

within a county of the third classification with a population of more than twenty-one thousand but less than twenty-three thousand;

(14) Any fourth class city having a population of more than two thousand eight hundred but less than three thousand one hundred inhabitants in a county of the third classification with a township form of government having a population of more than eight thousand four hundred but less than nine thousand inhabitants;

(15) Any fourth class city with a population of more than four hundred seventy but less than five hundred twenty inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(16) Any third class city with a population of more than three thousand eight hundred but less than four thousand inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(17) Any fourth class city with a population of more than four thousand three hundred but less than four thousand five hundred inhabitants located in a county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(18) Any fourth class city with a population of more than two thousand four hundred but less than two thousand six hundred inhabitants located in a county of the first classification without a charter form of government with a population of more than fifty-five thousand but less than sixty thousand inhabitants;

(19) Any fourth class city with a population of more than two thousand five hundred but less than two thousand six hundred inhabitants located in a county of the third classification with a population of more than nineteen thousand one hundred but less than nineteen thousand two hundred

inhabitants;

(20) Any county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(21) Any county of the second classification with a population of more than forty-four thousand but less than fifty thousand inhabitants;

(22) Any third class city with a population of more than nine thousand five hundred but less than nine thousand seven hundred inhabitants located in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(23) Any city of the fourth classification with more than five thousand two hundred but less than five thousand three hundred inhabitants located in a county of the third classification without a township form of government and with more than twenty-four thousand five hundred but less than twenty-four thousand six hundred inhabitants;

(24) Any third class city with a population of more than nineteen thousand nine hundred but less than twenty thousand in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(25) Any city of the fourth classification with more than two thousand six hundred but less than two thousand seven hundred inhabitants located in any county of the third classification without a township form of government and with more than fifteen thousand three hundred but less than fifteen thousand four hundred inhabitants;

(26) Any county of the third classification without a township form of government and with more than fourteen thousand nine hundred but less than fifteen thousand inhabitants;

(27) Any city of the fourth classification with more than five thousand four hundred but fewer than five thousand five hundred inhabitants and located in more than one county;

(28) Any city of the fourth classification with more than six thousand three hundred but fewer than six thousand five hundred inhabitants and located in more than one county;

(29) Any city of the fourth classification with more than seven thousand seven hundred but less than seven thousand eight hundred inhabitants located in a county of the first classification with more than ninety-three thousand eight hundred but less than ninety-three thousand nine hundred inhabitants;

(30) Any city of the fourth classification with more than two thousand nine hundred but less than three thousand inhabitants located in a county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants; [or]

(31) Any city of the third classification with more than nine thousand three hundred but less than nine thousand four hundred inhabitants “**or**”; may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels, bed and breakfast inns and campgrounds and any docking facility which rents slips to recreational boats which are used by transients for sleeping, which shall be at least two percent, but not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general, primary or special election, a proposal to authorize the governing body of the city or county to impose a tax pursuant to the provisions of this section and section 67.1362. The tax authorized by this section and section 67.1362 shall be in addition to any charge paid to the owner or operator and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for

funding the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.

(32) Any city of the fourth classification with more than three thousand eight hundred but fewer than three thousand nine hundred inhabitants and located in any county of the first classification with more than thirty-nine thousand seven hundred but fewer than thirty-nine thousand eight hundred inhabitants;"; and

Further amend said substitute, Section B, Page 29, Line 3, by inserting after the word "act" the following:

" , and immediate action is necessary to meet an electoral deadline the repeal and reenactment of section 67.1360 of this act"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 15

Amend House Committee Substitute for Senate Bill No. 30, Section 144.054, Page 18, Line 27, by inserting after all of said section, the following:

"144.083. 1. The director of revenue shall require all persons who are responsible for the collection of taxes under the provisions of section 144.080 to procure a retail sales license at no cost to the licensee which shall be prominently displayed at [his] **the licensee's** place of business, and the license is valid until revoked by the director or surrendered by the person to whom issued when sales are discontinued. The director shall issue the retail sales license within ten working days following the receipt of a properly completed application. Any person applying for a retail sales license or reinstatement of a revoked sales tax license who owes any tax under sections 144.010 to 144.510 or sections 143.191 to 143.261, RSMo, must pay the amount due plus interest and

penalties before the department may issue the applicant a license or reinstate the revoked license. All persons beginning business subsequent to August 13, 1986, and who are required to collect the sales tax shall secure a retail sales license prior to making sales at retail. Such license may, after ten days' notice, be revoked by the director of revenue only in the event the licensee shall be in default for a period of sixty days in the payment of any taxes levied under section 144.020 or sections 143.191 to 143.261, RSMo. **Notwithstanding the provisions of section 32.057, RSMo, in the event of revocation, the director of revenue may publish the status of the business account including the date of revocation in a manner as determined by the director.**

2. The possession of a retail sales license **and a statement from the department of revenue that the licensee owes no tax due under sections 144.010 to 144.510 or sections 143.191 to 143.261, RSMo,** shall be a prerequisite to the issuance **or renewal** of any city or county occupation license or any state license which is required for conducting any business where goods are sold at retail. **The date of issuance on the statement that the licensee owes no tax due shall be no more than ninety days before the date of submission for application or renewal of the local license.** The revocation of a retailer's license by the director shall render the occupational license or the state license null and void.

3. No person responsible for the collection of taxes under section 144.080 shall make sales at retail unless such person is the holder of a valid retail sales license. After all appeals have been exhausted, the director of revenue may notify the county or city law enforcement agency representing the area in which the former licensee's business is located that the retail sales license of such person has been revoked, and that any county or city occupation license of such person is also revoked. The county or city may enforce the provisions of this section, and may prohibit further

sales at retail by such person.

4. In addition to the provisions of subsection 2 of this section, beginning January 1, 2009, the possession of a statement from the department of revenue stating no tax is due under sections 143.191 to 143.265, RSMo, or sections 144.010 to 144.510, shall also be a prerequisite to the issuance or renewal of any city or county occupation license or any state license required for conducting any business where goods are sold at retail. The statement of no tax due shall be dated no longer than sixty days before the date of submission for application or renewal of the city or county license.

5. Notwithstanding any law or rule to the contrary, sales tax shall only apply to the sale price paid by the final purchaser and not to any off-invoice discounts or other pricing discounts or mechanisms negotiated between manufacturers, wholesalers, and retailers.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE SUBSTITUTE AMENDMENT NO. 1
FOR HOUSE AMENDMENT NO. 16

Amend House Substitute Amendment No. 1 for House Amendment No. 16, as amended, to House Committee Substitute for Senate Bill No. 30, Page 4, Line 4, after the first use of the word, “that”, by deleting the words, “has an employee or consultant that is a member of the Missouri General Assembly or that”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1
FOR HOUSE AMENDMENT NO. 16

Amend House Committee Substitute for Senate Bill No. 30, Section 143.006, Page 9, Line

15, by inserting after all of said section, the following:

“143.121. 1. The Missouri adjusted gross income of a resident individual shall be the taxpayer's federal adjusted gross income subject to the modifications in this section.

2. There shall be added to the taxpayer's federal adjusted gross income:

(a) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit;

(b) Interest on certain governmental obligations excluded from federal gross income by Section 103 of the Internal Revenue Code. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (a) of subsection 3 of this section. The amount added pursuant to this paragraph shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of Section 265 of the Internal Revenue Code. The reduction shall only be made if it is at least five hundred dollars;

(c) The amount of any deduction that is included in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount deducted exceeds the amount that would have been deductible pursuant to Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002; and

(d) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by Section 172 of the Internal Revenue Code of 1986, as amended, other than the deduction allowed by

Section 172(b)(1)(G) and Section 172(i) of the Internal Revenue Code of 1986, as amended, for a net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a period of more than twenty years and carries backward for more than two years. Any amount of net operating loss taken against federal taxable income but disallowed for Missouri income tax purposes pursuant to this paragraph after June 18, 2002, may be carried forward and taken against any income on the Missouri income tax return for a period of not more than twenty years from the year of the initial loss.

3. There shall be subtracted from the taxpayer's federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(a) Interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from Missouri income taxes pursuant to the laws of the United States. The amount subtracted pursuant to this paragraph shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this paragraph. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining the taxpayer's federal adjusted gross income or included in the taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(b) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax

purposes, the modification shall be limited to one-half of such portion of the gain;

(c) The amount necessary to prevent the taxation pursuant to this chapter of any annuity or other amount of income or gain which was properly included in income or gain and was taxed pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(d) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(e) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(f) The portion of capital gain specified in section 135.357, RSMo, that would otherwise be included in federal adjusted gross income;

(g) The amount that would have been deducted in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as in effect on January 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002;

(h) For all tax years beginning on or after January 1, 2005, the amount of any income received for military service while the taxpayer serves in a combat zone which is included in federal adjusted gross income and not otherwise excluded therefrom. As used in this section, "combat zone" means any area which the President of the United States by Executive Order designates as an area in which armed forces of the United States are or have engaged in combat. Service is

performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combat activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone; [and]

(i) For all tax years ending on or after July 1, 2002, with respect to qualified property that is sold or otherwise disposed of during a taxable year by a taxpayer and for which an addition modification was made under paragraph (c) of subsection 2 of this section, the amount by which addition modification made under paragraph (c) of subsection 2 of this section on qualified property has not been recovered through the additional subtractions provided in paragraph (g) of this subsection;

(j) For all tax years beginning on or after January 1, 2007, the amount of any tuition the taxpayer pays for a student who has completed high school to attend any public or private institution, except any private institution that has an employee or consultant that is a member of the Missouri General Assembly or that has an employee that is a registered sex offender, of postsecondary education, including a university, college, vocational and technical school, and other postsecondary institutions, located within this state.

4. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the modifications provided in section 143.411.

6. In addition to the modifications to a taxpayer's federal adjusted gross income in this section, to calculate Missouri adjusted gross income there shall be subtracted from the taxpayer's federal adjusted gross income any gain recognized pursuant to Section 1033 of the Internal

Revenue Code of 1986, as amended, arising from compulsory or involuntary conversion of property as a result of condemnation or the imminence thereof.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 17

Amend House Committee Substitute for Senate Bill No. 30, Section 143.006, Page 9, Line 15, by inserting after said section, the following:

“143.171. 1. [For all tax years beginning before January 1, 1994, for an individual taxpayer and for all tax years beginning before September 1, 1993, for a corporate taxpayer, the taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

2.] For all tax years beginning on or after January 1, 1994, **but ending on or before December 31, 2007**, an individual taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed five thousand dollars on a single taxpayer's return or ten thousand dollars on a combined return, after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline,

special fuels, and lubricating oils). **For all taxable years beginning on or after January 1, 2008, the amount of the deduction allowed under this subsection after reduction for all credits thereon shall be as follows:**

(1) For the taxable year beginning on January 1, 2008, the greater of five thousand dollars or twenty percent of the individual's federal income tax liability in the taxable year for which the deduction is made;

(2) For the taxable year beginning on January 1, 2009, the greater of five thousand dollars or forty percent of the individual's federal income tax liability in the taxable year for which the deduction is made;

(3) For the taxable year beginning on January 1, 2010, the greater of five thousand dollars or sixty percent of the individual's federal income tax liability in the taxable year for which the deduction is made;

(4) For the taxable year beginning on January 1, 2011, the greater of five thousand dollars or eighty percent of the individual's federal income tax liability in the taxable year for which the deduction is made;

(5) For all taxable years beginning on or after January 1, 2012, the deduction shall be equal to the amount of the individual's federal income tax liability in the taxable year for which the deduction is made.

[3.] **2.** For all tax years beginning on or after September 1, 1993, **but ending on or before December 31, 2007**, a corporate taxpayer shall be allowed a deduction for fifty percent of its federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of

foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels and lubricating oils). **For all taxable years beginning on or after January 1, 2008, the amount of the deduction allowed under this subsection after reduction for all credits thereon shall be as follows:**

(1) For the taxable year beginning on January 1, 2008, the deduction shall be equal to sixty percent of the corporate taxpayer's federal income tax liability for such taxable year;

(2) For the taxable year beginning on January 1, 2009, the deduction shall be equal to seventy percent of the corporate taxpayer's federal income tax liability for such taxable year;

(3) For the taxable year beginning on January 1, 2010, the deduction shall be equal to eighty percent of the corporate taxpayer's federal income tax liability for such taxable year;

(4) For the taxable year beginning on January 1, 2011, the deduction shall be equal to ninety percent of the corporate taxpayer's federal income tax liability for such taxable year; and

(5) For all taxable years beginning on or after January 1, 2012, the deduction shall be equal to the amount of the corporate taxpayer's federal income tax liability in the taxable year for which the deduction is made.

[4.] **3.** If a federal income tax liability for a tax year prior to the applicability of sections 143.011 to 143.996 for which [he] **the taxpayer** was not previously entitled to a Missouri deduction is later paid or accrued, [he] **the taxpayer** may deduct the federal tax in the later year to the extent it would have been deductible if paid or accrued in the prior year.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
April 19, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Mamie C. Hughes, 3405 Quincy Avenue, Kansas City, Jackson County, Missouri 64128, as a member of the Holocaust Education and Awareness Commission, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice 161.700 RSMo.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
April 19, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

William "Jay" Acock, Republican, 5507 Smith Street, Russellville, Cole County, Missouri 65074, as a member of the Missouri Community Service Commission, for a term ending December 12, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
April 19, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice

and consent the following appointment:

Patricia A. Soltys, 8700 Lee's Summit Road, Kansas City, Jackson County, Missouri 64139, as a member of the Missouri State Board of Accountancy, for a term ending July 1, 2011, and until her successor is duly appointed and qualified; vice, Colleen Conrad, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
April 19, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jennifer L. Passanise, 4302 East Misty Woods, Springfield, Greene County, Missouri 65809, as a member of the Drug Utilization Review Board, for a term ending October 15, 2008, and until her successor is duly appointed and qualified; vice, Robert Potter, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
April 19, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

DuBart J. Neidert, 3701 Fairway Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Citizens' Advisory Commission for Marketing Missouri Agricultural Products, for a term ending April 10, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
April 19, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice

and consent the following appointment:

David L. Gourley, D.V.M., Republican, 3432 Coke Road, Mountain Grove, Wright County, Missouri 65711, as a member of the Missouri Veterinary Medical Board, for a term ending August 29, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 19, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Tameka L. Randle, Democrat, 421 North Street Unit C, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Missouri Community Service Commission, for a term ending December 16, 2009, and until her successor is duly appointed and qualified; vice Lorna Cockrum, term expired.

Respectfully submitted,
MATT BLUNT

HOUSE BILLS ON THIRD READING

HB 1, with **SCS**, introduced by Representative Icet, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund, and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2007 and ending June 30, 2008.

Was taken up by Senator Gross.

SCS for HB 1, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund, and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2007 and ending June 30, 2008.

Was taken up.

Senator Gross moved that **SCS** for **HB 1** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HB 1** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator McKenna—1

Absent with leave—Senator Coleman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for HB 2, with SCS, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2007 and ending June 30, 2008.

Was taken up by Senator Gross.

SCS for HCS for HB 2, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2007 and ending June 30, 2008.

Was taken up.

Senator Engler assumed the Chair.

Senator Gross moved that **SCS for HCS for HB 2** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS for HCS for HB 2** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus

Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Coleman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for HB 3, with SCS, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2007 and ending June 30, 2008.

Was taken up by Senator Gross.

SCS for HCS for HB 3, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 3

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the

Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2007 and ending June 30, 2008.

Was taken up.

Senator Gross moved that **SCS** for **HCS** for **HB 3** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HCS** for **HB 3** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Coleman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for **HB 4**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of

Missouri, and to transfer money among certain funds for the period beginning July 1, 2007 and ending June 30, 2008.

Was taken up by Senator Gross.

SCS for **HCS** for **HB 4**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 4

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2007 and ending June 30, 2008.

Was taken up.

Senator Gross moved that **SCS** for **HCS** for **HB 4** be adopted.

Senator Green offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 4, Page 6, Section 4.165, by inserting immediately after said section an entirely new section

“Section 4.167. Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the State Road Fund

From General Revenue Fund \$25,000,000”

Senator Green moved that the above amendment be adopted.

At the request of Senator Green, **SA 1** was withdrawn.

Senator Gross moved that **SCS** for **HCS** for **HB 4** be adopted.

At the request of Senator Gross, **HCS** for **HB 4**, with **SCS** (pending), was placed on the Informal Calendar.

THIRD READING OF SENATE BILLS

SCS for **SB 368**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 368**

An Act to repeal sections 28.160, 41.950, 347.179, 351.047, 351.120, 351.125, 351.127, 351.145, 351.155, 351.484, 351.592, 351.594, 351.598, 351.602, 351.690, 355.016, 355.021, 355.066, 355.071, 355.176, 355.688, 355.706, 355.796, 355.806, 355.811, 355.821, 355.856, and 356.211, RSMo, and to enact in lieu thereof thirty new sections relating to corporate filings with the secretary of state.

Was taken up by Senator Barnitz.

On motion of Senator Barnitz, **SCS** for **SB 368** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Coleman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Barnitz, title to the bill was agreed to.

Senator Barnitz moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the

table, which motion prevailed.

SS for **SCS** for **SB 668**, introduced by Senator Loudon, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 668**

An Act to repeal sections 287.020, 287.200, 287.220, and 287.230, RSMo, and to enact in lieu thereof five new sections relating to workers' compensation, with an expiration date for a certain section and an emergency clause.

Was taken up.

On motion of Senator Loudon, **SS** for **SCS** for **SB 668** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Coleman—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus

Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator Champion—1

Absent with leave—Senator Coleman—1

NAYS—Senators—None

Vacancies—None

Absent—Senators—None

The President declared the bill passed.

Absent with leave—Senator Coleman—1

On motion of Senator Days, title to the bill was agreed to.

Vacancies—None

Senator Days moved that the vote by which the bill passed be reconsidered.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

SENATE BILLS FOR PERFECTION

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Shields moved that **SB 430**, with **SCS, SS No. 2** for **SCS, SA 4** and **SSA 3** for **SA 4** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Rupp assumed the Chair.

SCS for **SB 391**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 391

An Act to amend chapter 644, RSMo, by adding thereto three new sections relating to authorization of water-related bonds.

Was called from the Informal Calendar and taken up by Senator Days.

On motion of Senator Days, **SCS** for **SB 391** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Clemens	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

At the request of Senator Shields, **SS No. 2** for **SCS** for **SB 430** was withdrawn.

Senator Shields offered **SS No. 3** for **SCS** for **SB 430**, entitled:

SENATE SUBSTITUTE NO. 3 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 430

An Act to repeal sections 160.534, 313.805, and 313.812, RSMo, and to enact in lieu thereof ten new sections relating to the use of gaming proceeds to provide students with opportunities for higher education, with penalty provisions.

Senator Shields moved that **SS No. 3** for **SCS** for **SB 430** be adopted.

Senator Green offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 3 for Senate Committee Substitute for Senate Bill No. 430,

Page 24, Section 313.823, Line 3, by striking the word “two” and inserting in lieu thereof the following: “three”.

Senator Green moved that the above amendment be adopted.

Senator Loudon offered **SSA 1** for **SA 1**, which was read:

**SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1**

Amend Senate Substitute No. 3 for Senate Committee Substitute for Senate Bill No. 430, Section 313.823, Page 23, by deleting the brackets and new language in said section, and further amend said bill by inserting Section 313.823, as follows:

“313.823. In addition to all other fees and taxes required or paid, an excursion gambling boat licensee shall pay an additional fee in the amount of five thousand dollars for each slot machine used by such licensee in connection with its licensed operations, for each year or portion of a year that such slot machine is used by the licensee. The additional fee provided by this section shall be paid to the commission under rules established by the commission. The proceeds obtained shall be distributed in the following manner: one million dollars in every fiscal year shall be transferred to the Missouri teaching fellows program fund created in section 168.700, RSMo, and such transfer shall be adjusted annually by the same percentage as the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor or its successor agency; and the remainder shall be transferred to the credit of the smart start scholarship fund in section 173.950, RSMo.”

Senator Loudon moved that the above substitute amendment be adopted.

At the request of Senator Loudon, **SSA 1** for **SA 1** was withdrawn.

Senator Loudon offered **SSA 2** for **SA 1**, which was read:

**SENATE SUBSTITUTE AMENDMENT NO. 2
FOR SENATE AMENDMENT NO. 1**

Amend Senate Substitute No. 3 for Senate Committee Substitute for Senate Bill No. 430, Sections 313.805, 313.812, 313.823 and 313.964, Pages 11-24, by deleting the brackets and new language in said sections, and further amend said bill by inserting Section 313.823, as follows:

“313.823. In addition to all other fees and taxes required or paid, an excursion gambling boat licensee shall pay an additional fee in the amount of five thousand dollars for each slot machine used by such licensee in connection with its licensed operations, for each year or portion of a year that such slot machine is used by the licensee. The additional fee provided by this section shall be paid to the commission under rules established by the commission. The proceeds obtained shall be distributed in the following manner: one million dollars in every fiscal year shall be transferred to the Missouri teaching fellows program fund created in section 168.700, RSMo, and such transfer shall be adjusted annually by the same percentage as the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor or its successor agency; and the remainder shall be transferred to the credit of the smart start scholarship fund in section 173.950, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above substitute amendment be adopted.

Senator Koster assumed the Chair.

Senator Goodman assumed the Chair.

At the request of Senator Shields, **SB 430**, with **SCS, SS No. 3** for **SCS, SA 1** and **SSA 2** for **SA 1** (pending), was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Griesheimer moved that the Senate refuse to concur in **HCS** for **SB 376**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1055**, entitled:

An Act to repeal sections 170.015, 188.015, 188.075, and 197.200, RSMo, and to enact in lieu thereof six new sections relating to abortions, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 215**, entitled:

An Act to repeal sections 167.031, 211.021, 211.033, 211.034, 211.041, 211.061, 211.071, 211.081, 211.091, 211.101, 211.161, and 211.181, RSMo, and to enact in lieu thereof twelve new sections relating to juvenile courts, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 948**, entitled:

An Act to repeal sections 191.300, 191.317, and 191.331, RSMo, and to enact in lieu thereof three new sections relating to genetic and metabolic disease programs.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 891**, entitled:

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to income tax credits for hiring disabled workers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 892**, entitled:

An Act to amend chapter 42, RSMo, by adding thereto three new sections relating to the creation of a military medal of freedom.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 916—Ways and Means.

HCS for **HB 329**—Financial and Governmental Organizations and Elections.

HCS for **HB 98**—Seniors, Families and

Public Health.

HCS for HB 461—Financial and Governmental Organizations and Elections.

HB 134—Education.

HCS for HB 17—Appropriations.

HCS for HB 18—Appropriations.

REFERRALS

President Pro Tem Gibbons referred **HB 352** to the Committee on Governmental Accountability and Fiscal Oversight.

RESOLUTIONS

Senator Loudon offered Senate Resolution No. 1024, regarding Michael D. Beasley, Ballwin, which was adopted.

Senator Barnitz offered Senate Resolution No. 1025, regarding Jenna E. Homeyer, Salem, which was adopted.

Senator Scott offered Senate Resolution No. 1026, regarding Whitney McGinnis, Bolivar, which was adopted.

Senator Scott offered Senate Resolution No. 1027, regarding Andrea Petersen, Cole Camp, which was adopted.

Senator Bray offered Senate Resolution No. 1028, regarding Emily Noonan, St. Louis, which was adopted.

Senator Bray offered Senate Resolution No. 1029, regarding Ben Uchitelle, Clayton, which was adopted.

Senator Bray offered Senate Resolution No. 1030, regarding the New Jewish Theatre, Creve Coeur, which was adopted.

Senator Smith offered Senate Resolution No. 1031, regarding Ed Migneco, DVM, DABVP, Saint Louis, which was adopted.

Senator Bartle offered Senate Resolution No. 1032, regarding Lauren Earhart, Blue Springs, which was adopted.

Senator Lager offered Senate Resolution No. 1033, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Wes Slemph, Fairfax, which was adopted.

Senator Lager offered Senate Resolution No. 1034, regarding Jennifer Zweifel, Maryville, which was adopted.

Senator Lager offered Senate Resolution No. 1035, regarding Darlene Powers, Gentry, which was adopted.

Senator Crowell offered Senate Resolution No. 1036, regarding Kristain Burger, which was adopted.

Senator Crowell offered Senate Resolution No. 1037, regarding Ellen Robinson, which was adopted.

Senator Rupp offered Senate Resolution No. 1038, regarding Leonard Sova, Saint Charles, which was adopted.

Senator Rupp offered Senate Resolution No. 1039, regarding Tina Bishop, O'Fallon, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Gross introduced to the Senate, Elizabeth Geers, St. Charles.

The President introduced to the Senate, Gary Rust, Cape Girardeau.

Senator Barnitz introduced to the Senate, his wife, Lisa; their daughter, Cami; and Casey Kelly and Kelly Herman, Rolla.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-NINTH DAY—TUESDAY, APRIL 24, 2007

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 1055
HB 215-Stevenson, et al
HCS for HB 948

HCS for HB 891
HCS for HB 892

THIRD READING OF SENATE BILLS

SS#6 for SCS for SB 389-Nodler

SS for SB 570-Clemens

SENATE BILLS FOR PERFECTION

1. SB 644-Griesheimer
2. SBs 372 & 366-Justus and Koster, with SCS
3. SB 388-Mayer, with SCS
4. SB 225-Stouffer, with SCS
5. SB 571-Mayer, with SCS
6. SB 652-Coleman and Gibbons, with SCS
7. SB 699-Lager, with SCS
8. SB 11-Coleman, with SCS

9. SB 536-Lager, with SCS
10. SB 552-Bartle
11. SB 484-Stouffer, with SCS
12. SBs 348, 626 & 461-Koster, et al, with SCS
13. SJR 15-Green
14. SB 629-Smith, with SCS
15. SB 122-Bray and Days, with SCS
16. SB 491-Ridgeway

HOUSE BILLS ON THIRD READING

1. HCS for HB 221 (Loudon)
2. HB 454-Jetton, et al (Mayer)
3. HCS for HJR 1, with SCS (Rupp)
4. HCS for HB 346 (Clemens)
5. HB 155-Dusenbergh, et al (Ridgeway)
6. HB 69-Day, with SCS (Barnitz)
7. HCS for HB 469, with SCS (Crowell)

8. HCS for HB 620, with SCS (Ridgeway)
9. HCS for HB 39, with SCS (Koster)
10. HCS for HB 774 (Crowell)
11. HB 269-Nolte, et al (Ridgeway)
12. HCS for HB 5, with SCS (Gross)
13. HCS for HB 6, with SCS (Gross)
14. HCS for HB 7, with SCS (Gross)

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| 15. HCS for HB 8, with SCS (Gross) | 27. HB 526-Pratt (Loudon) |
| 16. HCS for HB 9, with SCS (Gross) | 28. HB 220-Stevenson |
| 17. HCS for HB 10, with SCS (Gross) | 29. HB 46-Viebrock and Stevenson
(Stouffer) |
| 18. HCS for HB 11, with SCS (Gross) | 30. HB 489-Baker (123), et al, with SCS
(Shields) |
| 19. HCS for HB 12, with SCS (Gross) | 31. HCS for HB 135, with SCS |
| 20. HCS for HB 13, with SCS (Gross) | 32. HB 875-Franz, with SCS (Purgason) |
| 21. HCS for HB 780, with SCS (Scott) | 33. HCS for HB 426, with SCS (Scott) |
| 22. HCS for HB 497 (Lager) | 34. HCS for HB 298, with SCS (Engler) |
| 23. HB 255-Bruns, with SCS | 35. HB 596-St. Onge, with SCS (Stouffer) |
| 24. HB 41-Portwood, with SCS (Loudon) | 36. HB 744-St. Onge (Stouffer) |
| 25. HB 125-Franz, with SCS (Shoemyer) | |
| 26. HB 352-Hobbs, et al (Gibbons)
(In Fiscal Oversight) | |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SB 303-Loudon

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| SB 2-Gibbons, with SCS | SB 250-Ridgeway and Vogel |
| SB 17-Shields, with SCS | SB 252-Ridgeway and McKenna |
| SB 20-Griesheimer, with SCS | SB 254-Nodler, et al, with SCS |
| SB 27-Bartle and Koster | SBs 260 & 71-Koster, et al, with SCS |
| SB 53-Koster and Engler, with SCS | SB 274-Shields |
| SB 101-Mayer | SB 282-Griesheimer, with SCS & SS for
SCS (pending) |
| SB 131-Rupp | SB 287-Crowell and Vogel, with SS
(pending) |
| SB 153-Engler, et al, with SCS | SB 292-Mayer |
| SB 155-Engler, with SCS & SS for SCS
(pending) | SB 297-Loudon, with SCS |
| SB 160-Rupp, with SCS | SB 300-Bartle |
| SB 168-Mayer and Crowell, with SCS | SB 341-Goodman, with SCS |
| SB 169-Rupp, with SCS, SS for SCS & SA 3
(pending) | SB 363-Bartle |
| SB 205-Stouffer and Gibbons, with SCS | SB 364-Koster, with SCS, SS for SCS, SA 1
& SSA 1 for SA 1 (pending) |
| SB 212-Goodman | SBs 370, 375 & 432-Scott and Koster, with
SCS & SA 5 (pending) |
| SB 213-McKenna | |
| SB 242-Nodler, with SCS | |

SB 385-Gibbons, with SCS	SB 534-Nodler
SB 400-Crowell, et al	SB 537-Lager
SB 430-Shields, et al, with SCS, SS#3 for SCS, SA 1 & SSA 2 for SA 1 (pending)	SB 542-Scott, with SCS
SB 444-Goodman	SBs 555 & 38-Gibbons, with SCS
SB 453-Scott, with SCS	SB 563-Lager, with SCS & SS for SCS (pending)
SB 458-Gibbons	SB 572-Vogel
SB 476-Crowell	SB 586-Crowell, with SCS
SB 480-Ridgeway, et al, with SCS	SB 592-Scott, with SCS
SB 492-Crowell	SB 599-Engler, with SCS
SB 499-Engler and Clemens, with SCS	SB 627-Ridgeway
SB 511-Scott, with SCS	SB 635-Loudon, with SCS
SB 521-Lager, et al, with SCS	SBs 660, 553, 557, 167, 258, 114 & 378-Mayer, with SCS
SB 523-Scott, with SCS	SB 698-Ridgeway, et al, with SCS
SB 531-Gibbons, with SCS	

HOUSE BILLS ON THIRD READING

HCS for HB 4, with SCS (pending) (Gross)	HJR 7-Nieves, et al, with SCS (Engler)
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CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Reported 2/15

SB 8-Kennedy

Reported 3/8

SB 185-Green

House Bills

Reported 4/5

HB 62-Ruestman, et al (Nodler)
HCS for HB 405 (Scott)
HB 754-Kelly, et al (Vogel)

HB 576-Cooper (120), et al (Clemens)
HB 264-Cunningham (86) (Rupp)
HB 732-Parson, et al (Scott)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 30-Nodler and Ridgeway, with HCS,
as amended

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 327, with SS for SCS,
as amended (Griesheimer)

Requests to Recede or Grant Conference

SB 376-Griesheimer, with HCS, as amended
(Senate requests House recede
or grant conference)

RESOLUTIONS

Reported from Committee

HCR 15-Threlkeld, et al, with SCS
(Shields)

SCR 10-Koster and Shields
HCR 25-Yates, et al (Bartle)

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-NINTH DAY—TUESDAY, APRIL 24, 2007

The Senate met pursuant to adjournment.

Senator Rupp in the Chair.

Reverend Carl Gauck offered the following prayer:

“Of all the tasks of government, the most basic is to protect its citizens against violence.” (John Foster Dulles)

O merciful God, although we live in a violent, sinful world, we once again look at what we can do to protect our citizens; we know that there will be yet darker days for You have taught us that the “...human heart is deceitful above all things.” Yet we also know that You will be ultimately victorious and will comfort Your people. So walk with us these days and let us look and find and celebrate those who do what is righteous and right and walk that road with them. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus

Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

Absent—Senators—None

Absent with leave—Senator Coleman—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Gibbons offered Senate Resolution No. 1040, regarding Meredith Gibbons, Kirkwood, which was adopted.

Senator Loudon offered Senate Resolution No. 1041, regarding Natalie C. Cress, Independence, which was adopted.

Senator Barnitz offered Senate Resolution No. 1042, regarding Luann Gail Nichols, which was adopted.

Senator Gross offered Senate Resolution No. 1043, regarding Brooke Cummings, Harvester, which was adopted.

Senator Crowell offered Senate Resolution

No. 1044, regarding Shanda Steinnerd, which was adopted.

Senator Crowell offered Senate Resolution No. 1045, regarding Sarah Ressel, which was adopted.

Senator Crowell offered Senate Resolution No. 1046, regarding Callie Yates, which was adopted.

Senator Crowell offered Senate Resolution No. 1047, regarding Mary Meadows, which was adopted.

Senator Crowell offered Senate Resolution No. 1048, regarding Ashley Holshouser, which was adopted.

Senator Crowell offered Senate Resolution No. 1049, regarding Rachel Cain, which was adopted.

Senator Crowell offered Senate Resolution No. 1050, regarding Rachel Burnett, which was adopted.

Senator Mayer offered Senate Resolution No. 1051, regarding Elizabeth Silvey, which was adopted.

Senator Mayer offered Senate Resolution No. 1052, regarding Kendy Doolen, which was adopted.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 23, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Stephen S. Davis to the Second State Capitol Commission, submitted on April 17, 2007. Line 1 and 2 should be amended as follows:

“Stephen S. Davis, 9861 East Watson Road, Saint Louis, Saint Louis County, Missouri 63126, as a member of the Second State

Capitol Commission,”

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 23, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Paul Nahon, 4230 East Turnberry Drive, Springfield, Greene County, Missouri 65809, as a member of the Missouri State Board of Chiropractic Examiners, for a term ending January 24, 2010, and until his successor is duly appointed and qualified; vice, Julie Robinson, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 23, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jeffrey D. Cawlfeld, Democrat, 10901 Hanley Drive, Rolla, Phelps County, Missouri 65401, as a member of the Dam and Reservoir Safety Council, for a term ending April 3, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 23, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michael C. Freeman, 604 West Highway 54, Hermitage, Hickory County, Missouri 65668, as a member of the Missouri Board of Architects, Professional Engineers, Professional Land

Surveyors and Landscape Architects, for a term ending September 28, 2010, and until his successor is duly appointed and qualified; vice, Thomas Mathis, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
April 23, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jeffrey Appleman, D.P.M., Republican, 444 Hilltop Meadows, Jackson, Cape Girardeau County, Missouri 63755, as a member of the State Board of Podiatric Medicine, for a term ending July 1, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
April 23, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment.

Linda Hickam-Fountain, D.V.M., 14042 Highway FF, Thompson, Audrain County, Missouri 65285, as a member of the Missouri Veterinary Medical Board, for a term ending August 29, 2010, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
April 23, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment.

Daniel R. Mandell, 1701 South Lewis Street, Kirksville, Adair County, Missouri 63501, as a member of the Holocaust Education and Awareness Commission, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, RSMo. 161.700.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
April 23, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Patrick M. Gleason, Republican, 859 Atalanta, Webster Groves, Saint Louis County, Missouri 63119, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
April 23, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Gregory L. Hempen, 56 Montague Court, Affton, Saint Louis County, Missouri 63123, as a member of the Seismic Safety Commission, for a term ending July 1, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
April 23, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice

and consent the following appointment.

Katherine D. Hilton, 23153 Green Hills Road, Lebanon, Laclede County, Missouri 65536, as a member of the Child Abuse and Neglect Review Board A, for a term ending April 7, 2010, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 23, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Peggy E. Adams, 619 Villa Gardens Drive, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Child Abuse and Neglect Review Board B, for a term ending April 7, 2009, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

REPORTS OF STANDING COMMITTEES

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HCS for HBs 444, 217, 225, 239, 243, 297, 402 and 172**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Gross requested unanimous consent of the Senate to correct the report from the Committee on Appropriations made April 19, 2007, by submitting the correct Senate Committee Substitute for **HCS for HB 4**, which request was granted.

HOUSE BILLS ON THIRD READING

Senator Gross moved that **HCS for HB 4**, with **SCS**, be called from the Informal Calendar and again taken up for 3rd reading and final

passage, which motion prevailed.

SCS for HCS for HB 4, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 4

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2007 and ending June 30, 2008.

Was taken up.

Senator Scott assumed the Chair.

Senator Gross moved that **SCS for HCS for HB 4** be adopted.

Senator Callahan offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 4, Page 4, Section 4.060, Line 4, by inserting immediately after said section and line the following new section:

“Section 4.062. To the Department of Revenue

For refunding the two hundred million dollar (\$200,000,000) surplus to all individual income tax payers based on their pro rata share of all individual income tax paid for tax year 2006. All refunds shall be paid on or before December 15, 2007

From General Revenue Fund . . . \$200,000,000”

Senator Callahan moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Graham, Green, Shoemyer and Smith.

Senator Callahan offered **SSA 1** for **SA 1**,

which was read:

**SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 4, Page 4, Section 4.060, Line 4, by inserting immediately after said section and line the following new section:

“Section 4.062. To the Department of Revenue
For refunding the one hundred million dollar (\$100,000,000) surplus to all individual income tax payers based on their pro rata share of all individual income tax paid for tax year 2006. All refunds shall be paid on or before December 15, 2007

From General Revenue Fund . . . \$100,000,000”

Senator Callahan moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Days, Kennedy, Graham and Shoemyer.

President Kinder assumed the Chair.

Senator Mayer assumed the Chair.

SSA 1 for SA 1 failed of adoption by the following vote:

YEAS—Senators

Callahan	Days	Graham	Kennedy
Ridgeway—5			

NAYS—Senators

Barnitz	Bartle	Bray	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Green	Griesheimer	Gross
Justus	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—28

Absent—Senators—None

Absent with leave—Senator Coleman—1

Vacancies—None

SA 1 was again taken up.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Callahan	Days	Graham	Kennedy
Loudon—5			

NAYS—Senators

Barnitz	Bartle	Bray	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Green	Griesheimer	Gross
Justus	Koster	Lager	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—28

Absent—Senators—None

Absent with leave—Senator Coleman—1

Vacancies—None

Senator Gross moved that **SCS** for **HCS** for **HB 4** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HCS** for **HB 4** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Crowell—1

Absent with leave—Senator Coleman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Nodler moved that the Senate refuse to concur in **HCS** for **SB 30**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

On motion of Senator Shields, the Senate recessed until 1:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Koster.

RESOLUTIONS

Senator Wilson offered Senate Resolution No. 1053, regarding Our Health Matters magazine, Kansas City, which was adopted.

Senator Graham offered Senate Resolution No. 1054, regarding Dr. David A. West, Columbia, which was adopted.

Senator Graham offered Senate Resolution No. 1055, regarding Maggie Creamer, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1056, regarding Carol Branson, Washington, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1057, regarding Joseph A. "Joe" Gray, which was adopted.

Senator Goodman offered Senate Resolution No. 1058, regarding the Blue Eye High School Teenage Republicans, which was adopted.

Senator Goodman offered Senate Resolution

No. 1059, regarding Marina Joyce Stillings, Cassville, which was adopted.

Senator Lager offered Senate Resolution No. 1060, regarding the Chillicothe Middle School TAP Alternative Program, which was adopted.

Senator Lager offered Senate Resolution No. 1061, regarding Christopher "Chris" Priest, Princeton, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 591**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 376**, as amended, and grants the Senate a conference thereon.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 23, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Twila G. Hillme, 611 East Montrose Drive, Springfield, Greene County, Missouri 65810, as a member of the Missouri Real Estate Commission, for a term ending October 16, 2011, and until her successor is duly appointed and qualified; vice, Andrea Lawrence, term expired.

Respectfully submitted,

MATT BLUNT

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 205**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 268**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS** for **HB 459**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 467**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS** for **HB 616**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to

which was referred **HB 665**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 684**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 740**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS** for **HB 795**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HB 344**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HB 428**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on

Agriculture, Conservation, Parks and Natural Resources, to which was referred **HB 75**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HB 351**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HB 680**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HCS for HB 272**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Nodler, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HB 265**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 267**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **HB 56**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 574**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 554**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS for HB 555**, begs leave to report that it has considered the same and recommends that the bill do pass.

REFERRALS

President Pro Tem Gibbons referred the Gubernatorial Appointments appearing on pages 983 and 984 of the Senate Journal for Monday, April 23, 2007 and the addendum and appointments appearing on pages 997-999 and 1001 to the Committee on Gubernatorial Appointments.

President Pro Tem Gibbons referred **HCS for HBs 444, 217, 225, 239, 243, 297, 402 and 172**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

SENATE BILLS FOR PERFECTION

Senator Shields moved that **SB 430**, with **SCS, SS No. 3 for SCS, SA 1 and SSA 2 for SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SSA 2 for SA 1 was again taken up.

Senator Crowell assumed the Chair.

Senator Bartle offered **SA 1** to **SSA 2** for

SA 1, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 2
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 2 for Senate Amendment No. 1 to Senate Substitute No. 3 for Senate Committee Substitute for Senate Bill No. 430, Page 1, Line 3, by striking “five” and inserting in lieu thereof the following: “seven”.

Senator Bartle moved that the above amendment be adopted.

At the request of Senator Shields, **SB 430**, with **SCS, SS No. 3** for **SCS, SA 1, SSA 2** for **SA 1** and **SA 1** to **SSA 2** for **SA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SB 376**, as amended. Representatives: Wood, Cooper (120), Tilley, Aull and Lampe.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 198**, entitled:

An Act to repeal section 253.095, RSMo, and to enact in lieu thereof six new sections relating to use of lands, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS**

for **SB 30**, as amended and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 233**.

With House Amendment Nos. 1, 2, 3, 4 and 5.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 233, Page 1, Section 67.997, Line 9, by deleting all of said line and inserting in lieu thereof the following:

“county. One-half of all revenue collected under this section, less one-half the cost of collection shall be”; and

Further amend said bill, Page 1, Section 67.997, Line 12, by deleting all of said line and inserting in lieu thereof the following:

“of all revenue collected under this section, less one-half the cost of collection shall be used solely to fund”; and

Further amend said bill, Page 2, Section 67.997, Lines 42 to 69, by deleting all of said lines and inserting in lieu thereof the following:

“3. On or after the effective date of any tax authorized under this section, the county which imposed the tax shall enter into an agreement with the director of the department of revenue for the purpose of collecting the tax authorized in this section. On or after the effective date of the tax the director of revenue shall be responsible for the administration, collection, enforcement, and operation of the tax, and sections 32.085 and 32.087, RSMo, shall apply. All revenue collected under this section by the director of the department of revenue on behalf of any county, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the “Senior Services and

Youth Programs Sales Tax Trust Fund”, and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the trust fund and credited to the county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such county. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend Senate Bill No. 233, Page 1, Section A, Line 2, by inserting after all of said line the following:

“67.113. 1. This section shall be known and may be cited as “The Children's Services Protection Act”.

2. Any city or county which has levied the sales tax under section 67.1775 to provide services for children in need shall reimburse the community children's services fund in an amount equal to the portion of revenue from the tax that is used for or diverted to any redevelopment plan or project approved or adopted after August 28, 2007, in any tax increment financing district in any county in this state.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend Senate Bill No. 233, Page 5, Section 67.997, by inserting after all of said section the following:

“67.1003. 1. The governing body of any city

or county, other than a city or county already imposing a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in such city or county or a portion thereof pursuant to any other law of this state, having more than three hundred fifty hotel and motel rooms inside such city or county or (1) a county of the third classification with a population of more than seven thousand but less than seven thousand four hundred inhabitants; (2) or a third class city with a population of greater than ten thousand but less than eleven thousand located in a county of the third classification with a township form of government with a population of more than thirty thousand; (3) or a county of the third classification with a township form of government with a population of more than twenty thousand but less than twenty-one thousand; (4) or any third class city with a population of more than eleven thousand but less than thirteen thousand which is located in a county of the third classification with a population of more than twenty-three thousand but less than twenty-six thousand; (5) or any city of the third classification with more than ten thousand five hundred but fewer than ten thousand six hundred inhabitants; (6) or any city of the third classification with more than twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or county or a portion thereof, which shall be not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general or primary election a proposal to authorize the governing body of the city or county to impose a tax pursuant to this section. The tax authorized by this section shall be in addition to the charge for the sleeping room and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for the

promotion of tourism. Such tax shall be stated separately from all other charges and taxes.

2. Notwithstanding any other provision of law to the contrary, the tax authorized in this section shall not be imposed in any city or county already imposing such tax pursuant to any other law of this state, except that cities of the third class having more than two thousand five hundred hotel and motel rooms, and located in a county of the first classification in which and where another tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in such county is imposed, may impose the tax authorized by this section of not more than one-half of one percent per occupied room per night.

3. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city or county) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in (name of city or county) at a rate of (insert rate of percent) percent for the sole purpose of promoting tourism?

☐ YES

☐ NO

4. As used in this section, "transient guests" means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend Senate Bill No. 233, Page 1, Section A, Line 2, by inserting after all of said line the following:

"67.797. 1. When a regional recreational district is organized in only one county, the executive, as that term is defined in subdivision (4) of section 67.750, with the advice and consent of

the governing body of the county shall appoint a board of directors for the district consisting of seven persons, chosen from the residents of the district. Where the district is in more than one county, the executives, as defined in subdivision (4) of section 67.750, of the counties in the district [shall], with the advice and consent of the governing bodies of each county shall, as nearly as practicable, evenly appoint such members and allocate staggered terms pursuant to subsection 2 of this section, with the county having the largest area within the district appointing a greater number of directors if the directors cannot be appointed evenly. No member of the governing body of the county or official of any municipal government located within the district shall be a member of the board and no director shall receive compensation for performance of duties as a director. Members of the board of directors shall be citizens of the United States and they shall reside within the district. No board member shall be interested directly or indirectly in any contract entered into pursuant to sections 67.792 to 67.799.

2. The directors appointed to the regional recreation district shall hold office for three-year terms, except that of the members first appointed, two shall hold office for one year, two shall hold office for two years and three shall hold office for three years. The executives of the counties within the regional recreational district shall meet to determine and implement a fair allocation of the staggered terms among the counties, provided that counties eligible to appoint more than one board member may not appoint board members with identical initial terms until each of a one-year, two-year and three-year initial term has been applied to such county. On the expiration of such initial terms of appointment and on the expiration of any subsequent term, the resulting vacancies shall be filled by the executives of the respective counties, with the advice and consent of the respective governing bodies. All vacancies on the board shall be filled in the same manner for the duration of the term being filled. Board members

shall serve until their successors are named and such successors have commenced their terms as board members. Board members shall be eligible for reappointment. Upon the petition of the county executive of the county from which the board member received his or her appointment, the governing body of the county may remove any board member for misconduct or neglect of duties.

3. Notwithstanding any other provision of sections 67.750 to 67.799, to the contrary, after August 28, 2004, in any district located in whole or in part in any county of the first classification with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants, upon the expiration of such initial terms of appointment and on the expiration of any subsequent term, the resulting vacancies shall be filled by election at the next regularly scheduled election date throughout the district. In the event that a vacancy exists before the expiration of a term, the governing body of the county shall appoint a member for the remainder of the unexpired term. Board members shall be elected for terms of three years. Such elections shall be held according to this section and the applicable laws of this state. If no person files as a candidate for election to the vacant office within the applicable deadline for filing as a candidate, then the governing body of any such county shall appoint a person to be a member of the board for a term of three years. Any appointed board members shall be eligible to run for office.

4. Directors shall immediately after their appointment meet and organize by the election of one of their number president, and by the election of such other officers as they may deem necessary. The directors shall make and adopt such bylaws, rules and regulations for their guidance and for the government of the parks, neighborhood trails and recreational grounds and facilities as may be expedient, not inconsistent with sections 67.792 to 67.799. They shall have the exclusive control of the expenditures of all money collected to the credit of the regional recreational fund and of the

supervision, improvement, care and custody of public parks, neighborhood trails, recreational facilities and grounds owned, maintained or managed by the district. All moneys received for such purposes shall be deposited in the treasury of the county containing the largest portion of the district to the credit of the regional recreational fund and shall be kept separate and apart from the other moneys of such county. Such board shall have power to purchase or otherwise secure ground to be used for such parks, neighborhood trails, recreational grounds and facilities, shall have power to appoint suitable persons to maintain such parks, neighborhood trails and recreational facilities and administer recreational programs and fix their compensation, and shall have power to remove such appointees.

5. The board of directors may issue debt for the district pursuant to section 67.798.

6. If a county, or a portion of a county, not previously part of any district, shall enter a district, the executives of the new member county and any previous member counties shall promptly meet to apportion the board seats among the counties participating in the enlarged district. All purchases in excess of ten thousand dollars used in the construction or maintenance of any public park, neighborhood trail or recreational facility in the regional recreation district shall be made pursuant to the lowest and best bid standard as provided in section 34.040, RSMo, or pursuant to the lowest and best proposal standard as provided in section 34.042, RSMo. The board of the district shall have the same discretion, powers and duties as the commissioner of administration has in sections 34.040 and 34.042, RSMo.

7. Notwithstanding any other provisions in this section to the contrary, when a regional recreational district is organized in only one county on land owned solely by the county, the governing body of the county shall have exclusive control of the expenditures of all moneys collected to the credit of the regional recreational fund, and of the supervision,

improvement, care, and custody of public parks, neighborhood trails, recreational facilities, and grounds owned, maintained, or managed by the county within the district.”; and

Further amend said bill, Page 5, Section 67.1003, Line 160, by inserting after all of said section the following:

“100.050. 1. Any municipality proposing to carry out a project for industrial development shall first, by majority vote of the governing body of the municipality, approve the plan for the project. The plan shall include the following information pertaining to the proposed project:

(1) A description of the project;

(2) An estimate of the cost of the project;

(3) A statement of the source of funds to be expended for the project;

(4) A statement of the terms upon which the facilities to be provided by the project are to be leased or otherwise disposed of by the municipality; and

(5) Such other information necessary to meet the requirements of sections 100.010 to 100.200.

2. If the plan for the project is approved after August 28, 2003, and the project plan involves issuance of revenue bonds or involves conveyance of a fee interest in property to a municipality, the project plan shall additionally include the following information:

(1) A statement identifying each school district, junior college district, county, or city affected by such project except property assessed by the state tax commission pursuant to chapters 151 and 153, RSMo;

(2) The most recent equalized assessed valuation of the real property and personal property included in the project, and an estimate as to the equalized assessed valuation of real property and personal property included in the project after development;

(3) An analysis of the costs and benefits of the project on each school district, junior college district, county, or city; and

(4) Identification of any payments in lieu of taxes expected to be made by any lessee of the project, and the disposition of any such payments by the municipality.

3. If the plan for the project is approved after August 28, 2003, any payments in lieu of taxes expected to be made by any lessee of the project shall be applied in accordance with this section. The lessee may reimburse the municipality for its actual costs of issuing the bonds and administering the plan. All amounts paid in excess of such actual costs shall, immediately upon receipt thereof, be disbursed by the municipality's treasurer or other financial officer to each school district, junior college district, county, or city in proportion to the current ad valorem tax levy of each school district, junior college district, county, or city; however, in any county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, **or any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants**, if the plan for the project is approved after May 15, 2005, such amounts shall be disbursed by the municipality's treasurer or other financial officer to each affected taxing entity in proportion to the current ad valorem tax levy of each affected taxing entity.

100.059. 1. The governing body of any municipality proposing a project for industrial development which involves issuance of revenue bonds or involves conveyance of a fee interest in property to a municipality shall, not less than twenty days before approving the plan for a project as required by section 100.050, provide notice of the proposed project to the county in which the municipality is located and any school district that is a school district, junior college district, county, or city; however, in any county of the first

classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, **or any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants**, if the plan for the project is approved after May 15, 2005, such notice shall be provided to all affected taxing entities in the county. Such notice shall include the information required in section 100.050, shall state the date on which the governing body of the municipality will first consider approval of the plan, and shall invite such school districts, junior college districts, counties, or cities to submit comments to the governing body and the comments shall be fairly and duly considered.

2. Notwithstanding any other provisions of this section to the contrary, for purposes of determining the limitation on indebtedness of local government pursuant to section 26(b), article VI, Constitution of Missouri, the current equalized assessed value of the property in an area selected for redevelopment attributable to the increase above the total initial equalized assessed valuation shall be included in the value of taxable tangible property as shown on the last completed assessment for state or county purposes.

3. The county assessor shall include the current assessed value of all property within the school district, junior college district, county, or city in the aggregate valuation of assessed property entered upon the assessor's book and verified pursuant to section 137.245, RSMo, and such value shall be utilized for the purpose of the debt limitation on local government pursuant to section 26(b), article VI, Constitution of Missouri.

4. This section is applicable only if the plan for the project is approved after August 28, 2003.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend Senate Bill No. 233, Section 67.997, Page 5, Line 160 by inserting after all of said line the following:

“82.875. 1. The governing body of any home rule city with more than one hundred thirteen thousand two hundred but fewer than one hundred thirteen thousand three hundred inhabitants may impose, by order or ordinance, a sales tax on all retail sales made within the city which are subject to sales tax under chapter 144, RSMo. The tax authorized in this section shall not exceed one percent of the gross receipts of such retail sales, may be imposed in increments of one-eighth of one percent, and shall be imposed solely for the purpose of funding police services provided by the police department of the city. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. No such order or ordinance adopted under this section shall become effective unless the governing body of the city submits to the voters residing within the city at a state general, primary, or special election a proposal to authorize the governing body of the city to impose a tax under this section. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. All revenue collected under this section

by the director of the department of revenue on behalf of any city, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the "City Police Services Sales Tax Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the trust fund and credited to the city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such city. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The governing body of any city that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

5. Whenever the governing body of any city that has adopted the sales tax authorized in this section receives a petition, signed by a number of registered voters of the city equal to at least two percent of the number of registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the

sales tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

6. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the city shall notify the director of the department of revenue of the action at least ninety days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director shall remit the balance in the account to the city and close the account of that city. The director shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the

following conference committee to act with a like committee from the House on **HCS** for **SB 376**, as amended: Senators Griesheimer, Nodler, Goodman, Callahan and Kennedy.

SENATE BILLS FOR PERFECTION

Senator Shields moved that **SB 430**, with **SCS, SS No. 3** for **SCS, SA 1, SSA 2** for **SA 1** and **SA 1** to **SSA 2** for **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 to **SSA 2** for **SA 1** was again taken up.

At the request of Senator Shields, **SS No. 3** for **SCS** for **SB 430** was withdrawn.

Senator Shields offered **SS No. 4** for **SCS** for **SB 430**, entitled:

SENATE SUBSTITUTE NO. 4 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 430

An Act to repeal sections 160.534, 313.805, and 313.812, RSMo, and to enact in lieu thereof ten new sections relating to the use of gaming proceeds to provide students with opportunities for higher education, with penalty provisions.

Senator Shields moved that **SS No. 4** for **SCS** for **SB 430** be adopted, which motion prevailed.

Senator Shields moved that **SS No. 4** for **SCS** for **SB 430** be declared perfected and ordered printed and was recognized to close.

Senator Bartle requested a roll call vote be taken on the perfection of **SS No. 4** for **SCS** for **SB 430** and was joined in his request by Senators Gibbons, Green, Justus and Scott.

Senator Shields announced that photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

At the request of Senator Shields, **SS No. 4** for **SCS** for **SB 430** was placed on the Informal Calendar.

HOUSE BILLS ON THIRD READING

HCS for **HB 5**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2007 and ending June 30, 2008.

Was taken up by Senator Gross.

SCS for **HCS** for **HB 5**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 5

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2007 and ending June 30, 2008.

Was taken up.

Senator Gross moved that **SCS** for **HCS** for **HB 5** be adopted.

Senator Shoemyer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 5, Page 3, Section 5.035 of said page, by inserting immediately after said section the following new section,

“Section 5.037 To the Office of Administration
For the purpose of funding a one thousand and fifty-six dollar (\$1,056) per annum salary increase

for each full time equivalent state employee not covered by the Citizen's Commission on Compensation of Elected Officials, in lieu of the Governor's FY 08 recommended three percent (3%) annual general structure adjustment in the following departments and state agencies: Department of Elementary Secondary Education, Coordinating Board of Higher Education, Department of Revenue, Department of Transportation, Office of Administration, Department of Conservation, Department of Natural Resources, Department of Agriculture, Department of Economic Development, Department of Labor and Industrial Relations, Department of Insurance, Financial Institutions, and Professional Registration, Department of Public Safety, Department of Corrections, Department of Mental Health, Department of Health and Senior Services, Department of Social Services, Office of the Governor, Office of the Lieutenant Governor, Secretary of State, State Treasurer, State Auditor, Attorney General, General Assembly, Judiciary, and Office of State Public Defender

From General Revenue	\$33,123,552
From Federal Funds	10,905,312
From Other Funds	18,499,008
Total	\$62,527,872";

and

further amend bill totals and enacting clause accordingly.

Senator Shoemyer moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Days, Justus, Bray and Kennedy.

Senator Nodler assumed the Chair.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Days
Engler	Graham	Justus	Kennedy
Shoemyer	Smith	Wilson—11	

NAYS—Senators

Bartle	Champion	Clemens	Crowell
Gibbons	Goodman	Green	Griesheimer
Gross	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel—22		

Absent—Senators—None

Absent with leave—Senator Coleman—1

Vacancies—None

Senator Goodman assumed the Chair.

Senator Rupp assumed the Chair.

Senator Gross moved that **SCS** for **HCS** for **HB 5** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HCS** for **HB 5** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Coleman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which

the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 308**, entitled:

An Act to repeal sections 192.935, 317.001, 317.006, 317.011, 317.013, 317.015, 317.018, 327.011, 327.111, 327.181, 327.201, 327.291, 327.441, 327.633, 334.120, 334.735, 335.016, 335.036, 335.066, 335.068, 335.076, 335.096, 335.097, 336.010, 336.020, 336.030, 336.040, 336.050, 336.060, 336.070, 336.080, 336.090, 336.140, 336.160, 336.200, 336.220, 336.225, 337.600, 337.603, 337.604, 337.606, 337.609, 337.612, 337.615, 337.618, 337.622, 337.624, 337.627, 337.630, 337.636, 337.639, 337.650, 337.653, 337.659, 337.665, 337.668, 337.674, 337.677, 337.680, 337.686, 337.689, 339.100, 345.015, 345.030, 345.045, 345.055, 346.015, 346.030, 346.035, 346.055, 346.060, 346.110, 383.130, 383.133, 537.035, and 621.045, RSMo, and to enact in lieu thereof ninety-seven new sections relating to the practice of certain licensed professionals, with penalty provisions and an effective date for certain sections.

With House Amendment Nos. 1, 2, 3, 5, 6, 7 and 8.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 308, page 29, section 327.076, line 21, by inserting immediately before the word “seal” the following:

“**engineer's, land surveyor's, or landscape architect's**”; and

Further amend said substitute, page 31,

section 327.077, lines 37 & 38, by deleting the following:

“and shall be deposited in the state general revenue fund”; and

Further amend said substitute, page 53, section 336.080, line 14, by deleting the word “registered” and inserting in lieu thereof the word “**licensed**”; and

Further amend said page and section, line 17, by deleting the word “twenty-four” and inserting in lieu thereof the following “**forty-eight**”; and

Further amend said substitute, page 99, section 336.225, line 25, by deleting the word “form” and inserting in lieu thereof the following “**firm**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 308, Page 5, Section 167.195, Line 75, by inserting after said line the following:

“192.632. 1. There is hereby created a “Chronic Kidney Disease Task Force”. Unless otherwise stated, members shall be appointed by the director of the department of health and senior services and shall include, but not be limited to, the following members:

(1) Two physicians appointed from lists submitted by the Missouri State Medical Association;

(2) Two nephrologists;

(3) Two family physicians;

(4) Two pathologists;

(5) One member who represents owners or operators of clinical laboratories in the state;

(6) One member who represents a private renal care provider;

(7) One member who has a chronic kidney disease;

(8) One member who represents the state affiliate of the National Kidney Foundation;

(9) One member who represents the Missouri Kidney Program;

(10) Two members of the house of representatives appointed by the speaker of the house of representatives;

(11) Two members of the senate appointed by the president pro tempore of the senate;

(12) Additional members may be chosen to represent public health clinics, community health centers, and private health insurers.

2. A chairperson and a vice-chairperson shall be elected by the members of the task force.

3. The chronic kidney task force shall:

(1) Develop a plan to educate the public and health care professionals about the advantages and methods of early screening, diagnosis, and treatment of chronic kidney disease and its complications based on kidney disease outcomes, quality initiative clinical practice guidelines for chronic kidney disease, or other medically recognized clinical practice guidelines;

(2) Make recommendations on the implementation of a cost-effective plan for early screening, diagnosis, and treatment of chronic kidney disease for the state's population;

(3) Identify barriers to adoption of best practices and potential public policy options to address such barriers;

(4) Submit a report of its findings and recommendations to the general assembly within one year of its first meeting.

4. The department of health and senior services shall provide all necessary staff, research, and meeting facilities for the chronic

kidney disease task force.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 308, Page 1, In the Title, Line 8, by inserting after “337.689,” the following: “337.700, 337.715, 337.718,”; and

Further amend said bill, Page 1, In the Title, Line 11, by deleting the word “ninety-seven” and inserting in lieu thereof the word “one hundred”; and

Further amend said bill, Page 2, Section A, Line 7, by inserting after “337.689,” the following: “337.700, 337.715, 337.718,”; and

Further amend said bill, Page 2, Section A, Line 9, by deleting the word “ninety-seven” and inserting in lieu thereof the word “one hundred”; and

Further amend said bill, Page 2, Section A, Line 18, by inserting after “337.689,” the following: “337.700, 337.715, 337.718,”; and

Further amend said bill, Page 72, Section 337.689, Line 6, by inserting immediately after said line the following:

“337.700. As used in sections 337.700 to 337.739, the following terms mean:

(1) “Committee”, the state committee for family and marital therapists;

(2) “Department”, the Missouri department of economic development;

(3) “Director”, the director of the division of professional registration in the department of economic development;

(4) “Division”, the division of professional registration;

(5) “Fund”, the marital and family therapists' fund created in section 337.712;

(6) “Licensed marital and family therapist”, a person to whom a license has been issued pursuant to the provisions of sections 337.700 to 337.739, whose license is in force and not suspended or revoked;

(7) “Marital and family therapy”, the use of scientific and applied marriage and family theories, methods and procedures for the purpose of describing, **diagnosing**, evaluating and modifying marital, family and individual behavior within the context of marital and family systems, including the context of marital formation and dissolution. Marriage and family therapy is based on systems theories, marriage and family development, normal and dysfunctional behavior, human sexuality and psychotherapeutic, marital and family therapy theories and techniques and includes the use of marriage and family therapy theories and techniques in the **diagnosis**, evaluation, assessment and treatment of intrapersonal or interpersonal dysfunctions within the context of marriage and family systems. Marriage and family therapy may also include clinical research into more effective methods for the treatment and prevention of the above-named conditions;

(8) “Practice of marital and family therapy”, the rendering of professional marital and family therapy services to individuals, family groups and marital pairs, singly or in groups, whether such services are offered directly to the general public or through organizations, either public or private, for a fee, monetary or otherwise.

337.715. 1. Each applicant for licensure as a marital and family therapist shall furnish evidence to the division that:

(1) The applicant has a master's degree or a doctoral degree in marital and family therapy, or its equivalent, from an acceptable educational institution accredited by a regional accrediting body or accredited by an accrediting body which has been approved by the United States Department of Education;

(2) The applicant has twenty-four months of

postgraduate supervised clinical experience acceptable to the division, as the division determines by rule;

(3) After August 28, 2008, the applicant shall have completed a minimum of three semester hours of graduate level course work in diagnostic systems either within the curriculum leading to a degree as defined in subdivision (1) of this subsection or as post master's graduate level course work. Each applicant shall demonstrate supervision of diagnosis as a core component of the postgraduate supervised clinical experience as defined in subdivision (2) of this subsection;

(4) Upon examination, the applicant is possessed of requisite knowledge of the profession, including techniques and applications research and its interpretation and professional affairs and ethics;

[(4)] (5) The applicant is at least eighteen years of age, is of good moral character, is a United States citizen or has status as a legal resident alien, and has not been convicted of a felony during the ten years immediately prior to application for licensure.

2. A licensed marriage and family therapist who has had no violations and no suspensions and no revocation of a license to practice marriage and family therapy in any jurisdiction may receive a license in Missouri provided said marriage and family therapist passes a written examination on Missouri laws and regulations governing the practice of professional counseling as defined in section 337.700, and meets one of the following criteria:

(1) Is a member in good standing and holds a certification from the Academy of Marriage and Family Therapists;

(2) Is currently licensed or certified as a licensed marriage and family therapist in another state, territory of the United States, or the District of Columbia; and

(a) Meets the educational standards set forth in subdivision (1) of subsection 1 of this section;

(b) Has been licensed for the preceding five years; and

(c) Has had no disciplinary action taken against the license for the preceding five years; or

(3) Is currently licensed or certified as a marriage and family therapist in another state, territory of the United States, or the District of Columbia that extends like privileges for reciprocal licensing or certification to persons licensed by this state with similar qualifications.

3. The division shall issue a license to each person who files an application and fee as required by the provisions of sections 337.700 to 337.739, and who furnishes evidence satisfactory to the division that the applicant has complied with the provisions of subdivisions (1) to (4) of subsection 1 of this section or with the provisions of subsection 2 of this section.

337.718. 1. Each license issued pursuant to the provisions of sections 337.700 to 337.739 shall expire on a renewal date established by the director. The term of licensure shall be twenty-four months; however, the director may establish a shorter term for the first licenses issued pursuant to sections 337.700 to 337.739. The division shall renew any license upon application for a renewal and upon payment of the fee established by the division pursuant to the provisions of section 337.712. **Effective August 28, 2008, as a prerequisite for renewal, each licensee shall furnish to the committee satisfactory evidence of the completion of the requisite number of hours of continuing education as defined by rule, which shall be no more than forty contact hours biennially. The continuing education requirements may be waived by the committee upon presentation to the committee of satisfactory evidence of illness or for other good cause.**

2. The division may issue temporary permits

to practice under extenuating circumstances as determined by the division and defined by rule.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 308, Section 335.097, Page 49, Line 20 by inserting after all of said line the following:

“335.212. As used in sections 335.212 to 335.242, the following terms mean:

(1) “Board”, the Missouri state board of nursing;

(2) “Department”, the Missouri department of health and senior services;

(3) “Director”, director of the Missouri department of health and senior services;

(4) “Eligible student”, a resident who has been accepted as a full-time student in a formal course of instruction leading to an associate degree, a diploma, a bachelor of science, or a master of science in nursing or leading to the completion of educational requirements for a licensed practical nurse;

(5) “Participating school”, an institution within this state which is approved by the board for participation in the professional and practical nursing student loan program established by sections 335.212 to 335.242, having a nursing department and offering a course of instruction based on nursing theory and clinical nursing experience;

(6) “Qualified applicant”, an eligible student approved by the board for participation in the professional and practical nursing student loan program established by sections 335.212 to 335.242;

(7) “Qualified employment”, employment on a full-time basis in Missouri in a position requiring

licensure as a licensed practical nurse or registered professional nurse in any hospital as defined in section 197.020, RSMo, or [public or nonprofit] **in any** agency, institution, or organization located in an area of need as determined by the department of health and senior services. Any forgiveness of such principal and interest for any qualified applicant engaged in qualified employment on a less than full-time basis may be prorated to reflect the amounts provided in this section;

(8) “Resident”, any person who has lived in this state for one or more years for any purpose other than the attending of an educational institution located within this state.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 308, page 33, section 327.441, line 55, by inserting immediately after said line the following:

“331.010. 1. The “practice of chiropractic” is defined as the science and art of examination, diagnosis, adjustment, manipulation and treatment [of malpositioned articulations and structures of the body,] both in inpatient and outpatient settings, **by those methods commonly taught in any chiropractic college or chiropractic program in a university which has been accredited by the Council on Chiropractic Education, its successor entity or approved by the board.** [The adjustment, manipulation, or treatment shall be directed toward restoring and maintaining the normal neuromuscular and musculoskeletal function and health.] It shall not include the use of operative surgery, obstetrics, osteopathy, podiatry, nor the administration or prescribing of any drug or medicine nor the practice of medicine. The practice of chiropractic is declared not to be the practice of medicine and operative surgery or osteopathy within the meaning of chapter 334, RSMo, and not subject to the provisions of the chapter.

2. [A licensed chiropractor may practice chiropractic as defined in subsection 1 of this section by those methods commonly taught in any chiropractic college recognized and approved by the board.

3. Chiropractors may advise and instruct patients in all matters pertaining to hygiene, nutrition, and sanitary measures as taught in any chiropractic college recognized and approved by the board.

4.] The practice of chiropractic may include meridian therapy/acupressure/acupuncture with certification as required by the board.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 308, Page 59, Section 337.600, Line 92, by inserting immediately after the word “**workers**” the following:

“**. All organizations providing the supervisory training shall adhere to the basic content and quality standards outlined by the State Committee on Social Work**”; and

Further amend said bill, Page 60, Section 337.600, Line 94, by deleting all of said line and inserting in lieu thereof the following:

“(c) **Met all the requirements of sections 337.600 to 337.689, and as defined by rule by the state committee for social**”; and

Further amend said bill, Page 60, Section 337.600, Line 103, by inserting immediately after the word “**workers**” the following:

“**. All organizations providing the supervisory training shall adhere to the basic content and quality standards outlined by the State Committee on Social Work**”; and

Further amend said bill, Page 60, Section

337.600, Line 105, by deleting all of said line and inserting in lieu thereof the following:

“(c) Met all the requirements of sections 337.600 to 337.689, and as defined by rule by the state committee for social”; and

Further amend said bill, Page 60, Section 337.600, Line 112, by inserting immediately after the word **“workers”** the following:

“. All organizations providing the supervisory training shall adhere to the basic content and quality standards outlined by the State Committee on Social Work”; and

Further amend said bill, Page 63, Section 337.618, Lines 4 and 5, by deleting all of said lines and inserting in lieu thereof the following: **“of continuing education for renewal of a license issued pursuant to sections 337.600 to [337.639]”**; and

Further amend said bill, Page 63, Section 337.622, Line 7, by deleting all of said line and inserting in lieu thereof the following:

“2. The committee shall consist of [nine] ten members, including a public member”; and

Further amend said bill, Page 64, Section 337.622, Line 11, by deleting all of said line and inserting in lieu thereof the following: **“licensed baccalaureate social workers, one licensed advanced macro social worker, and one voting”**; and

Further amend said bill, Page 69, Section 337.644, Line 14, by deleting the word **“division”** and inserting in lieu thereof the word **“committee”**; and

Further amend said bill, Page 72, Section 337.665, Line 17, by deleting all of said line and inserting in lieu thereof the following: **“[division] committee.”**; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 308, Page 2, Section 167.194, Line 1, by inserting immediately preceding all of said Line the following:

“37.800. 1. This section shall be known and may be cited as the “The Human Voice Contact Act”.

2. A state agency that uses automated telephone answering equipment to answer incoming telephone calls shall, during normal business hours of the agency, provide the caller with the option of speaking to a live operator. This section shall not apply to field offices, telephone lines dedicated as hotlines for emergency services, telephone lines dedicated to providing general information, and any system that is designed to permit an individual to conduct a complete transaction with the state agency over the telephone solely by pressing one or more touch tone telephone keys in response to automated prompts. As used in this section, “state agency” refers to each board, commission, department, officer or other administrative office or unit of the state other than the general assembly, the courts, the governor, or a political subdivision of the state, existing under the constitution or statute.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Crowell moved that the Senate refuse to concur in **HAs 1, 2, 3, 4 and 5 to SB 233** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Crowell moved that the Senate refuse

to concur in **HCS** for **SCS** for **SB 308**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Shields moved that **SS No. 4** for **SCS** for **SB 430** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS No. 4 for **SCS** for **SB 430** was declared perfected and ordered printed by the following vote:

YEAS—Senators

Callahan	Champion	Clemens	Days
Engler	Graham	Green	Justus
Koster	McKenna	Nodler	Ridgeway
Rupp	Shields	Shoemyer	Smith
Vogel—17			

NAYS—Senators

Barnitz	Bartle	Bray	Crowell
Gibbons	Goodman	Griesheimer	Gross
Kennedy	Lager	Loudon	Mayer
Purgason	Scott	Stouffer	Wilson—16

Absent—Senators—None

Absent with leave—Senator Coleman—1

Vacancies—None

HOUSE BILLS ON THIRD READING

HCS for **HB 6**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings

and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2007 and ending June 30, 2008.

Was taken up by Senator Gross.

SCS for **HCS** for **HB 6**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 6

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2007 and ending June 30, 2008.

Was taken up.

Senator Gross moved that **SCS** for **HCS** for **HB 6** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HCS** for **HB 6** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus

Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Coleman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for HB 1055—Judiciary and Civil and Criminal Jurisprudence.

HB 215—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 948—Seniors, Families and Public Health.

HCS for HB 891—Ways and Means.

HCS for HB 892—Pensions, Veterans' Affairs and General Laws.

INTRODUCTIONS OF GUESTS

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Greg Branham, M.D., St. Louis.

Senator Bray introduced to the Senate, Katie Genovese, parents and thirty fourth grade students from Our Lady of the Pillar School, Creve Coeur.

Senator Barnitz introduced to the Senate, Linda Orschlen, Wanda Rehagen and students, David and Brook Dowell, Blayne Swyers, Gabe Bure, Cali Stegeman, Rebecca Freet, Deidra Nold and Brooke Massman, Westphalia.

Senator Loudon introduced to the Senate, Joe and Cynthia Saffa and their children, Samuel, Peter, Isabella, Gracie Lee and Annabelle, Defiance; and Neal and Lida Bringe and their children, Peter, John, Gloria, Thomas and Nathanael, Cottleville; and Samuel, Peter, Isabella, Gracie Lee, Annabelle, Peter, John, Gloria, Thomas and Nathanael were made honorary pages.

On behalf of Senator Bartle and himself, Senator Stouffer introduced to the Senate, students from Woodbina Elementary School, Lee's Summit; and Bennett Stouffer, Brad Puckett, Emma Locke and Iman Mohiddin were made honorary pages.

On behalf of Senator Bartle and himself, Senator Stouffer introduced to the Senate, his wife, Sue Ellen; and their son, Rob, their daughter-in-law, Rachel and their grandson, Bennett, Lee's Summit.

Senator Graham introduced to the Senate, championship spellers from Boone and Randolph Counties.

Senator Champion introduced to the Senate, sixty fourth grade students from Sequiota Elementary School, Springfield.

Senator Shoemyer introduced to the Senate, Mark Lyon and fourth grade students from Clarence Elementary School.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTIETH DAY—WEDNESDAY, APRIL 25, 2007

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS#6 for SCS for SB 389-Nodler

SS for SB 570-Clemens

SENATE BILLS FOR PERFECTION

- | | |
|---|--|
| 1. SB 644-Griesheimer | 9. SB 536-Lager, with SCS |
| 2. SBs 372 & 366-Justus and Koster,
with SCS | 10. SB 552-Bartle |
| 3. SB 388-Mayer, with SCS | 11. SB 484-Stouffer, with SCS |
| 4. SB 225-Stouffer, with SCS | 12. SBs 348, 626 & 461-Koster, et al, with SCS |
| 5. SB 571-Mayer, with SCS | 13. SJR 15-Green |
| 6. SB 652-Coleman and Gibbons, with SCS | 14. SB 629-Smith, with SCS |
| 7. SB 699-Lager, with SCS | 15. SB 122-Bray and Days, with SCS |
| 8. SB 11-Coleman, with SCS | 16. SB 491-Ridgeway |

HOUSE BILLS ON THIRD READING

- | | |
|---|--|
| 1. HCS for HB 221 (Loudon) | 18. HCS for HB 13, with SCS (Gross) |
| 2. HB 454-Jetton, et al (Mayer) | 19. HCS for HB 780, with SCS (Scott) |
| 3. HCS for HJR 1, with SCS (Rupp) | 20. HCS for HB 497 (Lager) |
| 4. HCS for HB 346 (Clemens) | 21. HB 255-Bruns, with SCS |
| 5. HB 155-Dusenberger, et al (Ridgeway) | 22. HB 41-Portwood, with SCS (Loudon) |
| 6. HB 69-Day, with SCS (Barnitz) | 23. HB 125-Franz, with SCS (Shoemyer) |
| 7. HCS for HB 469, with SCS (Crowell) | 24. HB 352-Hobbs, et al (Gibbons)
(In Fiscal Oversight) |
| 8. HCS for HB 620, with SCS (Ridgeway) | 25. HB 526-Pratt (Loudon) |
| 9. HCS for HB 39, with SCS (Koster) | 26. HB 220-Stevenson |
| 10. HCS for HB 774 (Crowell) | 27. HB 46-Viebrock and Stevenson
(Stouffer) |
| 11. HB 269-Nolte, et al (Ridgeway) | 28. HB 489-Baker (123), et al, with SCS
(Shields) |
| 12. HCS for HB 7, with SCS (Gross) | 29. HCS for HB 135, with SCS (Koster) |
| 13. HCS for HB 8, with SCS (Gross) | 30. HB 875-Franz, with SCS (Purgason) |
| 14. HCS for HB 9, with SCS (Gross) | 31. HCS for HB 426, with SCS (Scott) |
| 15. HCS for HB 10, with SCS (Gross) | |
| 16. HCS for HB 11, with SCS (Gross) | |
| 17. HCS for HB 12, with SCS (Gross) | |

- | | |
|--|--|
| 32. HCS for HB 298, with SCS (Engler) | 44. HCS for HB 795, with SCS (Ridgeway) |
| 33. HB 596-St. Onge, with SCS (Stouffer) | 45. HB 344-Munzlinger, et al (Clemens) |
| 34. HB 744-St. Onge (Stouffer) | 46. HB 428-Cox (Scott) |
| 35. HCS for HBs 444, 217, 225, 239, 243,
297, 402 & 172 , with SCS (Crowell)
(In Fiscal Oversight) | 47. HB 75-Sutherland (Mayer) |
| 36. HB 205-Marsh, et al (Griesheimer) | 48. HB 351-Wood, et al (Goodman) |
| 37. HB 268-Moore and Bivins (Vogel) | 49. HB 680-May, et al (Clemens) |
| 38. HCS for HB 459 (Griesheimer) | 50. HCS for HB 272 (Goodman) |
| 39. HB 467-Cox (Scott) | 51. HB 265-Cunningham (86) (Rupp) |
| 40. HCS for HB 616 (Goodman) | 52. HB 267-Jones (117) and Cunningham (86)
(Rupp) |
| 41. HB 665-Ervin, et al (Ridgeway) | 53. HB 56-Sater, et al (Goodman) |
| 42. HB 684-Bruns, with SCS (Vogel) | 54. HB 574-St. Onge (Stouffer) |
| 43. HB 740-Pearce, with SCS (Koster) | 55. HB 554-Cooper (155), et al (Engler) |
| | 56. HCS for HB 555 (Engler) |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SB 303-Loudon

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| SB 2-Gibbons, with SCS | SBs 260 & 71-Koster, et al, with SCS |
| SB 17-Shields, with SCS | SB 274-Shields |
| SB 20-Griesheimer, with SCS | SB 282-Griesheimer, with SCS & SS for
SCS (pending) |
| SB 27-Bartle and Koster | SB 287-Crowell and Vogel, with SS
(pending) |
| SB 53-Koster and Engler, with SCS | SB 292-Mayer |
| SB 101-Mayer | SB 297-Loudon, with SCS |
| SB 131-Rupp | SB 300-Bartle |
| SB 153-Engler, et al, with SCS | SB 341-Goodman, with SCS |
| SB 155-Engler, with SCS & SS for SCS
(pending) | SB 363-Bartle |
| SB 160-Rupp, with SCS | SB 364-Koster, with SCS, SS for SCS,
SA 1 & SSA 1 for SA 1 (pending) |
| SB 168-Mayer and Crowell, with SCS | SBs 370, 375 & 432-Scott and Koster,
with SCS & SA 5 (pending) |
| SB 169-Rupp, with SCS, SS for SCS & SA 3
(pending) | SB 385-Gibbons, with SCS |
| SB 205-Stouffer and Gibbons, with SCS | SB 400-Crowell, et al |
| SB 212-Goodman | SB 444-Goodman |
| SB 213-McKenna | SB 453-Scott, with SCS |
| SB 242-Nodler, with SCS | SB 458-Gibbons |
| SB 250-Ridgeway and Vogel | SB 476-Crowell |
| SB 252-Ridgeway and McKenna | |
| SB 254-Nodler, et al, with SCS | |

SB 480-Ridgeway, et al, with SCS
SB 492-Crowell
SB 499-Engler and Clemens, with SCS
SB 511-Scott, with SCS
SB 521-Lager, et al, with SCS
SB 523-Scott, with SCS
SB 531-Gibbons, with SCS
SB 534-Nodler
SB 537-Lager
SB 542-Scott, with SCS
SBs 555 & 38-Gibbons, with SCS

SB 563-Lager, with SCS & SS for SCS
(pending)
SB 572-Vogel
SB 586-Crowell, with SCS
SB 592-Scott, with SCS
SB 599-Engler, with SCS
SB 627-Ridgeway
SB 635-Loudon, with SCS
SBs 660, 553, 557, 167, 258, 114 &
378-Mayer, with SCS
SB 698-Ridgeway, et al, with SCS

HOUSE BILLS ON THIRD READING

HJR 7-Nieves, et al, with SCS (Engler)

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Reported 2/15

SB 8-Kennedy

Reported 3/8

SB 185-Green

House Bills

Reported 4/5

HB 62-Ruestman, et al (Nodler)
HCS for HB 405 (Scott)
HB 754-Kelly, et al (Vogel)

HB 576-Cooper (120), et al (Clemens)
HB 264-Cunningham (86) (Rupp)
HB 732-Parson, et al (Scott)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 198-Mayer, with HCS

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SB 30-Nodler and Ridgeway, with HCS, as
amended
SB 376-Griesheimer, with HCS, as amended

HCS for HB 327, with SS for SCS, as
amended (Griesheimer)

Requests to Recede or Grant Conference

SB 233-Crowell, with HAs 1, 2, 3,
4 & 5 (Senate requests House
recede or grant conference)

SCS for SB 308-Crowell, et al, with HCS,
as amended (Senate requests House
recede or grant conference)

RESOLUTIONS

Reported from Committee

HCR 15-Threlkeld, et al, with SCS
(Shields)

SCR 10-Koster and Shields
HCR 25-Yates, et al (Bartle)

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Journal of the Senate

FIRST REGULAR SESSION

SIXTIETH DAY—WEDNESDAY, APRIL 25, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“People grow old only by deserting their ideals. Years may wrinkle the skin but to give up interest wrinkles the soul...You are as young as your faith and as old as our doubt; as young as your hope, as old as your despair.” (General Douglas MacArthur)

Loving Father, we know that whatever our physical age we realize that we “are as old as our doubts” so help us continue as a people of faith and help us stay young in our hopefulness about what is ahead of us these weeks ahead. Let us never desert the ideals that brought us into public service and help us stay youthful in our optimism for the future You are leading us into. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman

Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 1062, regarding Michael Ray Jordan, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1063, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Virgil Whitener, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 1064, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Dale Holland, Cape Girardeau, which was adopted.

Senator Coleman offered Senate Resolution

No. 1065, regarding the Soldiers Memorial Plaza at Lincoln University, Jefferson City, which was adopted.

Senator Coleman offered Senate Resolution No. 1066, regarding the Ninety-fifth Birthday of Marvin Owen Teer, Sr., which was adopted.

Senator Coleman offered Senate Resolution No. 1067, regarding the Equip Your Neighbor Partnership, Saint Louis, which was adopted.

Senator McKenna offered Senate Resolution No. 1068, regarding Dr. John A. Urkevich, which was adopted.

Senator Rupp offered Senate Resolution No. 1069, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Howard Sparks, St. Charles, which was adopted.

Senator Rupp offered Senate Resolution No. 1070, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jim Thornton, St. Peters, which was adopted.

Senator Crowell offered Senate Resolution No. 1071, regarding Katie Stephens, which was adopted.

Senator Crowell offered Senate Resolution No. 1072, regarding Amber Julian, which was adopted.

Senator Crowell offered Senate Resolution No. 1073, regarding Brittany Hastings, which was adopted.

Senator Crowell offered Senate Resolution No. 1074, regarding Emilee Wood, which was adopted.

Senator Crowell offered Senate Resolution No. 1075, regarding Ashley Wingerter, which was adopted.

Senator Crowell offered Senate Resolution No. 1076, regarding Tara Martin, which was adopted.

Senator Crowell offered Senate Resolution No. 1077, regarding Evan Martin, which was

adopted.

Senator Crowell offered Senate Resolution No. 1078, regarding Mia Kramer, which was adopted.

Senator Crowell offered Senate Resolution No. 1079, regarding Savannah Kiefer, which was adopted.

Senator Crowell offered Senate Resolution No. 1080, regarding Olivia Duvall, which was adopted.

Senator Crowell offered Senate Resolution No. 1081, regarding Michele Dobbela, which was adopted.

Senator Crowell offered Senate Resolution No. 1082, regarding Lexie Daume, which was adopted.

Senator Crowell offered Senate Resolution No. 1083, regarding Amanda Wengert, which was adopted.

Senator Crowell offered Senate Resolution No. 1084, regarding Haley Welker, which was adopted.

Senator Crowell offered Senate Resolution No. 1085, regarding Rachel Webb, which was adopted.

Senator Crowell offered Senate Resolution No. 1086, regarding Angelia Thieret, which was adopted.

Senator Crowell offered Senate Resolution No. 1087, regarding Megan Sutterer, which was adopted.

Senator Crowell offered Senate Resolution No. 1088, regarding Noel Schremp, which was adopted.

Senator Crowell offered Senate Resolution No. 1089, regarding Chelsea Schaaf, which was adopted.

Senator Crowell offered Senate Resolution No. 1090, regarding Kaitlyn Pruett, which was

adopted.

Senator Crowell offered Senate Resolution No. 1091, regarding Danielle Prost, which was adopted.

Senator Crowell offered Senate Resolution No. 1092, regarding Carissa Prost, which was adopted.

Senator Crowell offered Senate Resolution No. 1093, regarding Hannah Mudd, which was adopted.

Senator Crowell offered Senate Resolution No. 1094, regarding Kristin Mattingly, which was adopted.

Senator Crowell offered Senate Resolution No. 1095, regarding Elizabeth Martin, which was adopted.

Senator Crowell offered Senate Resolution No. 1096, regarding Courtney Gremaud, which was adopted.

Senator Crowell offered Senate Resolution No. 1097, regarding Allison Ernst, which was adopted.

Senator Crowell offered Senate Resolution No. 1098, regarding Mackenzie Buehler, which was adopted.

Senator Crowell offered Senate Resolution No. 1099, regarding Elizabeth Brueckner, which was adopted.

Senator Crowell offered Senate Resolution No. 1100, regarding Tori Pfau, which was adopted.

Senator Wilson offered Senate Resolution No. 1101, regarding Reverend Jonathan Handley, Sr., which was adopted.

HOUSE BILLS ON THIRD READING

HCS for HB 7, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the

Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, and Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2007 and ending June 30, 2008.

Was taken up by Senator Gross.

SCS for HCS for HB 7, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 7

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, and Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2007 and ending June 30, 2008.

Was taken up.

Senator Gross moved that **SCS for HCS for HB 7** be adopted.

Senator Graham offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 7, Page 3, Section 7.020, Line 11, by striking the entire line and inserting in lieu thereof the word "contracts." and further amend said bill and section, page 4, lines 12-15 by striking said lines from the bill.

Senator Graham moved that the above amendment be adopted and requested a roll call

vote be taken. He was joined in his request by Senators Bray, Callahan, Coleman and Wilson.

Senator Engler assumed the Chair.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Bray	Coleman	Days	Graham
Green	Justus	McKenna	Shoemyer
Smith	Wilson—10		

NAYS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Gross	Kennedy	Koster
Lager	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel—23	

Absent—Senator Griesheimer—1

Absent with leave—Senators—None

Vacancies—None

Senator Gross moved that **SCS** for **HCS** for **HB 7** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HCS** for **HB 7** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for **HB 8**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2007 and ending June 30, 2008.

Was taken up by Senator Gross.

SCS for **HCS** for **HB 8**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 8

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2007 and ending June 30, 2008.

Was taken up.

Senator Gross moved that **SCS** for **HCS** for **HB 8** be adopted.

At the request of Senator Gross, **HCS** for **HB 8**, with **SCS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 308**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HAS** **1, 2, 3, 4** and **5** to **SB 233** and grants the Senate a conference thereon.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 30**, as amended: Senators Nodler, Mayer, Griesheimer, McKenna and Shoemyer.

On motion of Senator Shields, the Senate recessed until 1:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Nodler.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 24, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Mark W. States, 4506 500th Road, King City, Gentry County,

Missouri 64463, as a member of the Board of Examiners for Hearing Instrument Specialists, for a term ending January 11, 2010, and until his successor is duly appointed and qualified; vice, Roger Obermeier, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 24, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Paul Nahon to the Missouri State Board of Chiropractic Examiners, submitted on April 23, 2007. Line 3 should be amended as follows:

“Examiners, for a term ending April 23, 2011, and until his successor is”

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons referred the above appointment and addendum to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS No. 4** for **SCS** for **SB 430**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Gibbons referred **SS No. 4** for **SCS** for **SB 430** to the Committee on Governmental Accountability and Fiscal Oversight.

Senator Koster assumed the Chair.

HOUSE BILLS ON THIRD READING

Senator Gross moved that **HCS** for **HB 8**,

with **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HCS** for **HB 8** was again taken up.

Senator Gross moved that **SCS** for **HCS** for **HB 8** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HCS** for **HB 8** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Clemens	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Scott	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators

Champion	Coleman	Rupp—3
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Scott assumed the Chair.

HCS for **HB 9**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided

in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2007 and ending June 30, 2008.

Was taken up by Senator Gross.

SCS for **HCS** for **HB 9**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 9

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2007 and ending June 30, 2008.

Was taken up.

Senator Gross moved that **SCS** for **HCS** for **HB 9** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HCS** for **HB 9** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators

Coleman	Koster—2
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill

was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for HB 10, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2007 and ending June 30, 2008.

Was taken up by Senator Gross.

SCS for HCS for HB 10, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 10

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2007 and ending June 30, 2008.

Was taken up.

Senator Gross moved that **SCS for HCS for HB 10** be adopted.

Senator Shoemyer offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No.

10, Page 33, Section 10.705, Line 7, by striking the number “11,231,680” and inserting in lieu thereof the number “13,913,647”; and

Further amend said bill, Page 33, Section 10.705, Line 8, by deleting the number “36,622,724” and inserting in lieu thereof the number “36,931,115”;

and adjust bill totals accordingly.

Senator Shoemyer moved that the above amendment be adopted.

Senator Graham requested a roll call vote be taken. He was joined in his request by Senators Days, Green, Kennedy and Smith.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Callahan	Coleman	Days	Graham
Justus	McKenna	Shoemyer	Smith
Wilson—9			

NAYS—Senators

Barnitz	Bartle	Bray	Clemens
Crowell	Engler	Gibbons	Goodman
Green	Griesheimer	Gross	Kennedy
Koster	Lager	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel—24

Absent—Senator Champion—1

Absent with leave—Senators—None

Vacancies—None

Senator Gross moved that **SCS for HCS for HB 10** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS for HCS for HB 10** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman

Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senator Lager—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for HB 11, with SCS, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the Office of Administration and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2007 and ending June 30, 2008.

Was taken up by Senator Gross.

SCS for HCS for HB 11, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 11**

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the Office of Administration and the several divisions and programs thereof to be expended only as provided in Article IV,

Section 28 of the Constitution of Missouri, for the period beginning July 1, 2007 and ending June 30, 2008.

Was taken up.

Senator Gross moved that **SCS for HCS for HB 11** be adopted.

Senator Kennedy offered **SA 1:**

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 11, Page 17, Section 11.400, Line 3 of said page, by inserting immediately after the word “services.” the following:

“The appropriations within this section shall not be used for the salary of the deputy division director of Medical Services - Clinical Services Unit and any expense and equipment costs associated with this position.”; and

Further amend said bill, same page and section, line 7, by deleting the number “4,398,530” and inserting in lieu thereof the following number: “4,319,906”; and

Further amend said bill, same page and section, line 8, by deleting the number “9,205,463” and inserting in lieu thereof the following number: “9,126,839”; and

Further amend said bill, same page and section, line 15, by deleting the number “263.11” and inserting in lieu thereof the following number: “262.11”; and

Further amend said line by deleting the number “15,672,140” and inserting in lieu thereof the following number: “15,514,892”; and

Further amend said bill, page 17, line 15, by inserting immediately said line, the following new section:

“Section 11.402. To the Department of Social Services

For the Division of Medical Services

For the purpose of funding the salary of the deputy division director of Medical Services - Clinical Services Unit

From the General Revenue Fund.....\$39,312

From Federal Funds.....\$39,312

For the purpose of funding informational meetings and any costs associated with such meetings, provided that at least one meeting shall be conducted in each congressional district throughout the state, with eligible MO HealthNet participants. Such meetings shall be conducted by the deputy division director of Medical Services - Clinical Services Unit

From General Revenue Fund.....\$ 5,000

From Federal Funds.....\$ 5,000

Total (Not to exceed 0.5 FTE).....\$78,624”;
and

Further amend bill totals accordingly.

Senator Kennedy moved that the above amendment be adopted, which motion prevailed.

Senator Smith offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 11, Page 17, Section 11.305, Line 7 of said page, by inserting immediately after said line the following new section:

“Section 11.395. To the Department of Social Services

For the Division of Medical Services

For the purpose of funding Medicaid benefits and services that were in effect prior to August 28th, 2005 and to provide funding for Medicaid recipients provided that the eligibility requirements in the state Medicaid program shall be no more restrictive than those in effect prior to July 1st, 2005

From General Revenue.....\$100,000,000

From Federal Funds..... 163,157,895

Total.....\$263,157,895”;

and

Further amend bill totals accordingly.

Senator Smith moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Justus, Days, Coleman and Graham.

Senator Graham offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 11, Page 17, Section 11.305, Line 7 of said page, by inserting immediately after said line the following new section:

“Section 11.395. To the Department of Social Services

For the Division of Medical Services

For the purpose of funding Medicaid benefits and services that were in effect prior to August 28th, 2005 and to provide funding for Medicaid recipients provided that the eligibility requirements in the state Medicaid program shall be no more restrictive than those in effect prior to July 1st, 2005

From General Revenue.....\$200,000,000

From Federal Funds..... 326,315,790

Total.....\$526,315,790”;

and

Further amend bill totals accordingly.

Senator Graham moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Days, Callahan, Justus and Smith.

Senator Shoemyer offered **SA 1** to **SSA 1** for **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to Senate Committee Substitute for House Committee Substitute for House Bill No. 11, Page 1, Section 11.395, Line 11, by deleting “200,000,000” and inserting in lieu thereof “**200,000,001**”;

And further amend same page, same section, line 12, by deleting “326,315,790” and inserting in lieu thereof “**326,315,791**”;

And further amend bill totals accordingly.

Senator Shoemyer moved that the above amendment be adopted.

Senator Callahan requested a roll call vote be taken on the adoption of **SA 1** to **SSA 1** for **SA 2**. He was joined in his request by Senators Days, McKenna, Justus and Smith.

Senator Shields assumed the Chair.

Senator Rupp assumed the Chair.

SA 1 to **SSA 1** for **SA 2** failed of adoption by the following vote:

YEAS—Senators

Callahan	Coleman	Days	Engler
Graham	Justus	McKenna	Shoemyer
Smith	Wilson—10		

NAYS—Senators

Barnitz	Bartle	Bray	Champion
Clemens	Crowell	Gibbons	Goodman
Green	Griesheimer	Gross	Koster
Lager	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel—23	

Absent—Senator Kennedy—1

Absent with leave—Senators—None

Vacancies—None

SSA 1 for **SA 2** was again taken up.

Senator Graham moved that the above substitute amendment be adopted, which motion failed by the following vote:

YEAS—Senators

Callahan	Coleman	Days	Engler
Graham	Justus	McKenna	Shoemyer
Smith	Wilson—10		

NAYS—Senators

Barnitz	Bartle	Bray	Champion
Clemens	Crowell	Gibbons	Goodman
Green	Griesheimer	Gross	Koster
Lager	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel—23	

Absent—Senator Kennedy—1

Absent with leave—Senators—None

Vacancies—None

SA 2 was again taken up.

Senator Smith moved that the above amendment be adopted, which motion failed by the following vote:

YEAS—Senators

Callahan	Coleman	Days	Engler
Graham	Justus	McKenna	Shoemyer
Smith	Wilson—10		

NAYS—Senators

Barnitz	Bartle	Bray	Champion
Clemens	Crowell	Gibbons	Goodman
Green	Griesheimer	Gross	Koster
Lager	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel—23	

Absent—Senator Kennedy—1

Absent with leave—Senators—None

Vacancies—None

Senator Gross moved that **SCS** for **HCS** for **HB 11**, as amended, be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HCS** for **HB 11**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senator Lager—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for **HB 12**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting

Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2007 and ending June 30, 2008.

Was taken up by Senator Gross.

SCS for **HCS** for **HB 12**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 12

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the

Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2007 and ending June 30, 2008.

Was taken up.

Senator Gross moved that **SCS** for **HCS** for **HB 12** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HCS** for **HB 12** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator Crowell—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for **HB 13**, with **SCS**, entitled:

An Act to appropriate money for real property leases, related services, utilities, systems furniture,

structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2007 and ending June 30, 2008.

Was taken up by Senator Gross.

SCS for **HCS** for **HB 13**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 13

An Act to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2007 and ending June 30, 2008.

Was taken up.

Senator Gross moved that **SCS** for **HCS** for **HB 13** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HCS** for **HB 13** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer

Vogel Wilson—34

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Bartle moved that motion lay on the table, which motion prevailed.

THIRD READING OF SENATE BILLS

SS No. 6 for SCS for SB 389, introduced by Senator Nodler, entitled:

SENATE SUBSTITUTE NO. 6 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 389

An Act to repeal sections 160.254, 173.005, 173.200, 173.203, 173.205, 173.210, 173.215, 173.220, 173.225, 173.230, 173.250, 173.355, 173.360, 173.385, 173.425, 173.616, 173.810, 173.813, 173.816, 173.820, 173.825, 173.827, 173.830, and 313.835, RSMo, and to enact in lieu thereof thirty-one new sections relating to higher education, with penalty provisions and an emergency clause.

Was taken up.

On motion of Senator Nodler, **SS No. 6 for SCS for SB 389** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Callahan	Champion	Clemens
Coleman	Crowell	Engler	Gibbons
Goodman	Griesheimer	Gross	Koster
Lager	Loudon	Mayer	Nodler

Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel—23	

NAYS—Senators

Bartle	Bray	Days	Graham
Green	Justus	Kennedy	McKenna
Shoemyer	Smith	Wilson—11	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause failed to receive the necessary two-thirds majority by the following vote:

YEAS—Senators

Champion	Clemens	Crowell	Engler
Gibbons	Goodman	Griesheimer	Gross
Koster	Lager	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel—20

NAYS—Senators

Barnitz	Bartle	Bray	Callahan
Coleman	Days	Graham	Green
Justus	Kennedy	McKenna	Shoemyer
Smith	Wilson—14		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 456**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 81**, entitled:

An Act to repeal sections 67.1003, 67.1360, 67.2500, 67.2510, 89.010, and 89.400, RSMo, and section 67.2505 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill nos. 795, 972, 1128 & 1161 merged with house substitute for senate committee substitute for senate bill no. 1155, ninety-second general assembly, second regular session, and section 67.2505, as enacted by senate substitute for senate committee substitute for house committee substitute for house bill no. 833 merged with house committee substitute for senate substitute for senate bill no. 732, ninety-second general assembly, second regular session, and to enact in lieu thereof seven new sections relating to the promotion of local tourism and economic development.

With House Amendment Nos. 1, 2 and 3, House Amendment No. 2 to House Amendment No. 4 and House Amendment No. 4, as amended.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 81, Section 67.1360, Page 5, Line 101, by inserting opening and closing brackets (“[]”) around the word “or”; and,

Further amend said Section, Page 6, Line 103, by inserting the word “**or**” after “inhabitants;” and

inserting after all of said line the following:

“(32) Any city of the fourth classification with more than three thousand eight hundred but fewer than three thousand nine hundred inhabitants and located in any county of the first classification with more than thirty-nine thousand seven hundred but fewer than thirty-nine thousand eight hundred inhabitants;”; and,

Further amend said Substitute, Section 67.2505, Page 14, Line 114, by inserting after all of said line the following:

“Section B. Because immediate action is necessary to meet an electoral deadline the repeal and reenactment of section 67.1360 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 67.1360 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 81, Page 8, Section 67.2505, Line 39, by deleting all of said line and inserting in lieu thereof the following:

“7. Upon the filing **and approval** of a petition pursuant to this section, the governing body of any city,”; and

Further amend said bill, Page 11, Section 89.400, Line 24, by inserting after all of said line the following:

“94.837. 1. The governing body of any city of the fourth classification with more than two thousand five hundred but fewer than two thousand six hundred inhabitants and located in any county of the third classification without a township form

of government and with more than ten thousand four hundred but fewer than ten thousand five hundred inhabitants, the governing body of any special charter city [with more than nine hundred fifty but fewer than one thousand fifty inhabitants], and the governing body of any city of the fourth classification with more than one thousand two hundred but fewer than one thousand three hundred inhabitants and located in any county of the third classification without a township form of government and with more than four thousand three hundred but fewer than four thousand four hundred inhabitants may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or a portion thereof, which shall not be more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city submits to the voters of the city at a state general or primary election a proposal to authorize the governing body of the city to impose a tax under this section. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and the proceeds of such tax shall be used by the city solely for the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in (name of city) at a rate of (insert rate of percent) percent for the sole purpose of promoting tourism?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter

following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax authorized by this section shall not become effective unless and until the question is resubmitted under this section to the qualified voters of the city and such question is approved by a majority of the qualified voters of the city voting on the question.

3. As used in this section, “transient guests” means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend Senate Bill No. 81, Page 10, Section 67.2510, Line 22, by inserting after all of said line the following:

“82.875. 1. The governing body of any home rule city with more than one hundred thirteen thousand two hundred but fewer than one hundred thirteen thousand three hundred inhabitants may impose, by order or ordinance, a sales tax on all retail sales made within the city which are subject to sales tax under chapter 144, RSMo. The tax authorized in this section shall not exceed one percent of the gross receipts of such retail sales, may be imposed in increments of one-eighth of one percent, and shall be imposed solely for the purpose of funding police services provided by the police department of the city. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. No such order or ordinance adopted under this section shall become effective unless the governing body of the city submits to the voters residing within the city at a state general, primary, or special election a proposal to authorize the governing body of the city to

impose a tax under this section. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. All revenue collected under this section by the director of the department of revenue on behalf of any city, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the "City Police Services Sales Tax Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the trust fund and credited to the city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such city. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The governing body of any city that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the

calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

5. Whenever the governing body of any city that has adopted the sales tax authorized in this section receives a petition, signed by a number of registered voters of the city equal to at least two percent of the number of registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

6. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the city shall notify the director of the department of revenue of the action at least ninety days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year

has elapsed after the effective date of abolition of the tax in such city, the director shall remit the balance in the account to the city and close the account of that city. The director shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO
HOUSE AMENDMENT NO. 4

Amend House Amendment No. 4 to House Committee Substitute for Senate Bill No. 81, Page 1, Line 6 by deleting the word “cent” and inserting in lieu thereof the word “percent”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 81, Section 67.1003, Page 3, Line 39, by inserting after all of said line the following:

“67.1016. 1. The governing body of any county of the second, third, or fourth classification may impose, by order or ordinance, a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the county or a portion thereof. The tax shall be not more than one cent per occupied room per night, and shall be imposed solely for the purpose of promoting tourism related activities in the county. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. No such order or ordinance shall become effective unless the governing body of the county submits to the voters of the county at a state general, primary, or special election a proposal to authorize the governing body of the

county to impose a tax under this section. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters of the county and such question is approved by a majority of the qualified voters voting on the question.

3. All revenue generated by the tax shall be collected by the county collector of revenue, shall be deposited in a special trust fund, and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund that are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county funds. Any interest and moneys earned on such investments shall be credited to the fund.

4. Upon adoption of the tax under this section, there shall be established in each county adopting the tax a “Tourism Commission”, to consist of five members appointed by the governing body of the county. No more than one member of the tourism commission shall be a member of the governing body of the county. Of the initial members appointed, two shall hold office for one year, two shall hold office for two years, and one shall hold office for three years. Members appointed after expiration of the initial terms shall be appointed to a three-year term. Each member may be reappointed. Vacancies shall be filled by appointment by the governing body of the county for the remainder of the unexpired term. The members shall not receive compensation for their services, but may

be reimbursed for their actual and necessary expenses incurred in service of the tourism commission.

5. The governing body of any county that has adopted the tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the county. If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters of the county, and the repeal is approved by a majority of the qualified voters voting on the question.

6. Whenever the governing body of any county that has adopted the tax authorized in this section receives a petition, signed by a number of registered voters of the county equal to at least two percent of the number of registered voters of the county voting in the last gubernatorial election, calling for an election to repeal the tax imposed under this section, the governing body shall submit to the voters of the county a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters of the county and the repeal is approved by a majority of the qualified voters voting on the question.

7. As used in this section, “transient guests” means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days

or less during any calendar quarter.”; and,

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 647**, entitled:

An Act to amend chapter 252, RSMo, by adding thereto one new section relating to deer hunting.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 308**, as amended: Senators Crowell, Ridgeway, Shields, Kennedy and Wilson.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SB 233**, with **HAs 1, 2, 3, 4** and **5**: Senators Crowell, Rupp, Goodman, McKenna and Shoemyer.

REPORTS OF STANDING COMMITTEES

Senator Gross, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 17**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 18**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

HOUSE BILLS ON THIRD READING

HCS for **HB 221** was placed on the Informal Calendar.

HB 454 was placed on the Informal Calendar.

HCS for **HJR 1**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 346** was placed on the Informal Calendar.

HB 155 was placed on the Informal Calendar.

HB 69, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 469**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 620**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 39**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 774** was placed on the Informal Calendar.

HB 269 was placed on the Informal Calendar.

HCS for **HB 780**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 497** was placed on the Informal Calendar.

HB 255, with **SCS**, was placed on the Informal Calendar.

HB 41, with **SCS**, was placed on the Informal Calendar.

HB 125, with **SCS**, was placed on the Informal Calendar.

HB 526 was placed on the Informal Calendar.

HB 220 was placed on the Informal Calendar.

HB 46 was placed on the Informal Calendar.

HB 489, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 135**, with **SCS**, was placed on the Informal Calendar.

HB 875, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 426**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 298**, with **SCS**, was placed on the Informal Calendar.

HB 596, with **SCS**, was placed on the Informal Calendar.

HB 744 was placed on the Informal Calendar.

RESOLUTIONS

Senator Callahan offered Senate Resolution No. 1102, regarding the Painters Local Union 229, Raytown, which was adopted.

Senator Justus offered Senate Resolution No. 1103, regarding The Moot Court Team at the University of Missouri-Kansas City School of Law, which was adopted.

Senator Goodman offered Senate Resolution No. 1104, regarding Donald Noah, Theodosia, which was adopted.

Senator Bartle offered Senate Resolution No. 1105, regarding Mary Schlomann, Blue Springs, which was adopted.

Senator Bartle offered Senate Resolution No. 1106, regarding Kevin P. Hubbard, D.O., F.A.C.O.I., Lee's Summit, which was adopted.

Senator Kennedy offered Senate Resolution No. 1107, regarding David William Jefferson, St. Louis, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Stouffer introduced to the Senate, Elizabeth and Bailey Pierson, Carrollton.

Senator Bray introduced to the Senate, Mike Tarpey, Rachel Reynolds, Nate Weiss, Charlotte Sableman and Tony Digrispino, students from Ladue Horton Watkins High School.

Senator Wilson introduced to the Senate, Stephanie Hill and Nicole Stamets, Kansas City.

Senator Griesheimer introduced to the Senate, Don Worthington, Washington; and Matt Cavelioos, France.

Senator Coleman introduced to the Senate, Matthew Potter, St. Louis.

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Ravi S. Johar, M.D., Chesterfield.

Senator Griesheimer introduced to the Senate, Dan Blesi and Jim Schmidt, Sullivan; Terry Gordon, Bourbon; Jim Cottrell, Cherryville; and Laura Hengstenberg, Owensville.

Senator Scott introduced to the Senate, Chuck Nimmo, Buffalo; and Alan Roberts, Rex E. Warren and Pete Mosca, Bolivar.

Senator Koster introduced to the Senate, Diana Kornfeld and tenth and eleventh grade students from Belton High School.

Senator Koster introduced to the Senate, Allison George and fourth grade students from Knob Noster Elementary School; and Logan Lawber, Kirsten Orndoff and Sirius Sparks were made honorary pages.

Senator Lager introduced to the Senate, students from Northeast Nodaway R-V School, Ravenwood.

On behalf of Senator Gibbons and himself, Senator Kennedy introduced to the Senate, fifty

students from Bayless High School, St. Louis.

Senator Shields introduced to the Senate, Dave Johnson and his daughter, Amy, Kansas City; and Amy was made an honorary page.

Senator Gibbons introduced to the Senate, his wife, Liz; their daughter, Meredith and Peggy Adams, Kirkwood.

Senator Gibbons introduced to the Senate, Joanne Breckenridge Scholars, Emily Noonan, 24th Senatorial District; Meredith Gibbons, 15th Senatorial District; Brooke Cummings, 23rd Senatorial District; Andrea Petersen, 28th Senatorial District; Lauren Earhart, 8th Senatorial District; Jennifer Zweifel, 12th Senatorial District; Whitney McGinnis, 28th Senatorial District; Jenna Homeyer, 16th Senatorial District; and Rachel Dukar, 19th Senatorial District.

Senator Gibbons introduced to the Senate, Grace Sibbits and her parents, Terry and Gary Sibbits, Kirkwood.

Senator Mayer introduced to the Senate, Leslie Bankin and Josh Parkin, Ashley Doerr, Jordin Payne, Brennan Myers, Jerrica Fox, Cody Knodel, Ariana Welch, Tori Williams, Blake Talkington, Mitchel Davis, Abbi Ivie and Patric McCoy, Poplar Bluff.

Senator Gross introduced to the Senate, Brooke Cummings and her parents Stuart and Catherine Cummings, St. Charles.

Senator Mayer introduced to the Senate, Freddie and Woody Eller, Ken Goslee, Patti Riggs, Emily Modlin and Jan McElwrath, Kennett.

On behalf of Senator Vogel and himself, Senator Gross introduced to the Senate, Alycia Haug and her children, Abbey, Ally and Alexis, Jefferson City.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-FIRST DAY—THURSDAY, APRIL 26, 2007

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 647-Young, et al

THIRD READING OF SENATE BILLS

SS for SB 570-Clemens

SS#4 for SCS for SB 430-Shields
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

- | | |
|--|--|
| 1. SB 644-Griesheimer | 9. SB 536-Lager, with SCS |
| 2. SBs 372 & 366-Justus and Koster, with SCS | 10. SB 552-Bartle |
| 3. SB 388-Mayer, with SCS | 11. SB 484-Stouffer, with SCS |
| 4. SB 225-Stouffer, with SCS | 12. SBs 348, 626 & 461-Koster, et al, with SCS |
| 5. SB 571-Mayer, with SCS | 13. SJR 15-Green |
| 6. SB 652-Coleman and Gibbons, with SCS | 14. SB 629-Smith, with SCS |
| 7. SB 699-Lager, with SCS | 15. SB 122-Bray and Days, with SCS |
| 8. SB 11-Coleman, with SCS | 16. SB 491-Ridgeway |

HOUSE BILLS ON THIRD READING

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|--|---|
| 1. HB 352-Hobbs, et al (Gibbons)
(In Fiscal Oversight) | 7. HCS for HB 616 (Goodman) |
| 2. HCS for HBs 444, 217, 225, 239, 243,
297, 402 & 172, with SCS (Crowell)
(In Fiscal Oversight) | 8. HB 665-Ervin, et al (Ridgeway) |
| 3. HB 205-Marsh, et al (Griesheimer) | 9. HB 684-Bruns, with SCS (Vogel) |
| 4. HB 268-Moore and Bivins (Vogel) | 10. HB 740-Pearce, with SCS (Koster) |
| 5. HCS for HB 459 (Griesheimer) | 11. HCS for HB 795, with SCS (Ridgeway) |
| 6. HB 467-Cox (Scott) | 12. HB 344-Munzlinger, et al (Clemens) |
| | 13. HB 428-Cox (Scott) |
| | 14. HB 75-Sutherland (Mayer) |
| | 15. HB 351-Wood, et al (Goodman) |

- | | |
|--|---|
| 16. HB 680-May, et al (Clemens) | 21. HB 574-St. Onge (Stouffer) |
| 17. HCS for HB 272 (Goodman) | 22. HB 554-Cooper (155), et al (Engler) |
| 18. HB 265-Cunningham (86) (Rupp) | 23. HCS for HB 555 (Engler) |
| 19. HB 267-Jones (117) and Cunningham (86)
(Rupp) | 24. HCS for HB 17, with SCS (Gross) |
| 20. HB 56-Sater, et al (Goodman) | 25. HCS for HB 18, with SCS (Gross) |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SB 303-Loudon

SENATE BILLS FOR PERFECTION

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|--|---|
| SB 2-Gibbons, with SCS | SB 292-Mayer |
| SB 17-Shields, with SCS | SB 297-Loudon, with SCS |
| SB 20-Griesheimer, with SCS | SB 300-Bartle |
| SB 27-Bartle and Koster | SB 341-Goodman, with SCS |
| SB 53-Koster and Engler, with SCS | SB 363-Bartle |
| SB 101-Mayer | SB 364-Koster, with SCS, SS for SCS, SA 1
& SSA 1 for SA 1 (pending) |
| SB 131-Rupp | SBs 370, 375 & 432-Scott and Koster,
with SCS & SA 5 (pending) |
| SB 153-Engler, et al, with SCS | SB 385-Gibbons, with SCS |
| SB 155-Engler, with SCS & SS for SCS (pending) | SB 400-Crowell, et al |
| SB 160-Rupp, with SCS | SB 444-Goodman |
| SB 168-Mayer and Crowell, with SCS | SB 453-Scott, with SCS |
| SB 169-Rupp, with SCS, SS for SCS & SA 3
(pending) | SB 458-Gibbons |
| SB 205-Stouffer and Gibbons, with SCS | SB 476-Crowell |
| SB 212-Goodman | SB 480-Ridgeway, et al, with SCS |
| SB 213-McKenna | SB 492-Crowell |
| SB 242-Nodler, with SCS | SB 499-Engler and Clemens, with SCS |
| SB 250-Ridgeway and Vogel | SB 511-Scott, with SCS |
| SB 252-Ridgeway and McKenna | SB 521-Lager, et al, with SCS |
| SB 254-Nodler, et al, with SCS | SB 523-Scott, with SCS |
| SBs 260 & 71-Koster, et al, with SCS | SB 531-Gibbons, with SCS |
| SB 274-Shields | SB 534-Nodler |
| SB 282-Griesheimer, with SCS & SS for
SCS (pending) | SB 537-Lager |
| SB 287-Crowell and Vogel, with SS (pending) | SB 542-Scott, with SCS |

SBs 555 & 38-Gibbons, with SCS
SB 563-Lager, with SCS & SS for SCS
(pending)
SB 572-Vogel
SB 586-Crowell, with SCS
SB 592-Scott, with SCS

SB 599-Engler, with SCS
SB 627-Ridgeway
SB 635-Loudon, with SCS
SBs 660, 553, 557, 167, 258, 114 &
378-Mayer, with SCS
SB 698-Ridgeway, et al, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 39, with SCS (Koster)
HB 41-Portwood, with SCS (Loudon)
HB 46-Viebrock and Stevenson (Stouffer)
HB 69-Day, with SCS (Barnitz)
HB 125-Franz, with SCS (Shoemyer)
HCS for HB 135, with SCS (Koster)
HB 155-Dusenbergh, et al (Ridgeway)
HB 220-Stevenson
HCS for HB 221 (Loudon)
HB 255-Bruns, with SCS (Vogel)
HB 269-Nolte, et al (Ridgeway)
HCS for HB 298, with SCS (Engler)
HCS for HB 346 (Clemens)
HCS for HB 426, with SCS (Scott)

HB 454-Jetton, et al (Mayer)
HCS for HB 469, with SCS (Crowell)
HB 489-Baker (123), et al, with SCS
(Shields)
HCS for HB 497 (Lager)
HB 526-Pratt (Loudon)
HB 596-St. Onge, with SCS (Stouffer)
HCS for HB 620, with SCS (Ridgeway)
HB 744-St. Onge (Stouffer)
HCS for HB 774 (Crowell)
HCS for HB 780, with SCS (Scott)
HB 875-Franz, with SCS (Purgason)
HCS for HJR 1, with SCS (Rupp)
HJR 7-Nieves, et al, with SCS (Engler)

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Reported 2/15

SB 8-Kennedy

Reported 3/8

SB 185-Green

House Bills

Reported 4/5

HB 62-Ruestman, et al (Nodler)
HCS for HB 405 (Scott)
HB 754-Kelly, et al (Vogel)

HB 576-Cooper (120), et al (Clemens)
HB 264-Cunningham (86) (Rupp)
HB 732-Parson, et al (Scott)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 81-Griesheimer, with HCS, as amended

SCS for SB 198-Mayer, with HCS

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SB 30-Nodler and Ridgeway, with HCS, as
amended
SB 233-Crowell, with HAs 1, 2, 3, 4 & 5
SCS for SB 308-Crowell, et al, with HCS,
as amended

SB 376-Griesheimer, with HCS, as amended
HCS for HB 327, with SS for SCS, as
amended (Griesheimer)

RESOLUTIONS

Reported from Committee

HCR 15-Threlkeld, et al, with SCS
(Shields)

SCR 10-Koster and Shields
HCR 25-Yates, et al (Bartle)

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Journal of the Senate

FIRST REGULAR SESSION

SIXTY-FIRST DAY—THURSDAY, APRIL 26, 2007

The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

“So let us not grow weary in doing what is right, for we will reap at harvest time, if we don’t give up.” (Galatians 6:9)

O Lord, it has been another long and trying week and the pressures increase in that we have fewer and fewer days left to accomplish all that is needed to be accomplished. Give us the strength to persist in the spite of life’s obstacles and do what is needful and right. And may we return to those who love us knowing that they have persisted to do what was needed while we have been working diligently here and let us be thankful for them. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross

Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

The Lieutenant Governor was present.

President Kinder assumed the Chair.

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 1108, regarding the One Hundred First Birthday of Erna Louise Riekhof, Higginsville, which was adopted.

Senator Stouffer offered Senate Resolution No. 1109, regarding Patricia L. Knowles, which was adopted.

Senator Stouffer offered Senate Resolution No. 1110, regarding Suzy Thompson, which was adopted.

Senator Stouffer offered Senate Resolution No. 1111, regarding Richard Cole, which was

adopted.

Senator Stouffer offered Senate Resolution No. 1112, regarding Cheryl Blodgett, which was adopted.

Senator Lager offered Senate Resolution No. 1113, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Billy Campbell, Braymer, which was adopted.

Senator Lager offered Senate Resolution No. 1114, regarding the One Hundredth Birthday of Helen Louise Kurtz-Hatch, Mound City, which was adopted.

Senator Lager offered Senate Resolution No. 1115, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Coleman Hickman, Spickard, which was adopted.

Senator Lager offered Senate Resolution No. 1116, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Ralph Merritt, Savannah, which was adopted.

Senator Lager offered Senate Resolution No. 1117, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Alan Zahnd, Savannah, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1118, regarding the Masonic Lodge, Hartford, which was adopted.

Senator Kennedy offered Senate Resolution No. 1119, regarding Kent Womack, which was adopted.

Senator Mayer offered Senate Resolution No. 1120, regarding Eagles Aerie #4066, Wappapello, which was adopted.

Senator Mayer offered Senate Resolution No. 1121, regarding Eagles Aerie #4154, Advance, which was adopted.

Senator Crowell offered Senate Resolution No. 1122, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dean Jones, Jackson, which was adopted.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 64**, entitled:

An Act to repeal sections 160.041, 168.021, 171.031, and 171.033, RSMo, and to enact in lieu thereof six new sections relating to education, with an emergency clause for a certain section.

With House Amendment No. 3, House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 4, House Substitute Amendment No. 1 for House Amendment No. 4, as amended and House Substitute Amendment No. 1 for House Amendment No. 5.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 64, Page 2, Section 160.041, Line 13, by adding after all of said line the following:

“160.053. 1. If a school district maintains a kindergarten program, a child is eligible for admission to kindergarten and to the summer school session immediately preceding kindergarten, if offered, if the child reaches the age of five before the first day of August of the school year beginning in that calendar year. A child is eligible for admission to first grade if the child reaches the age of six before the first day of August of the school year beginning in that calendar year. **The parent or guardian of a child born on August first through October thirty-first may request the district to test the child for school readiness under subsection 5 of this section.**

2. Any kindergarten or grade one pupil beginning the school term and any pupil beginning summer school prior to a kindergarten school term

in a metropolitan school district or an urban school district containing the greater part of the population of a city which has more than three hundred thousand inhabitants pursuant to section 160.054 or 160.055 and subsequently transferring to another school district in this state in which the child's birth date would preclude such child's eligibility for entrance shall be deemed eligible for attendance and shall not be required to meet the minimum age requirements. The receiving school district shall receive state aid for the child, notwithstanding the provisions of section 160.051.

3. Any child who completes the kindergarten year shall not be required to meet the age requirements of a district for entrance into grade one.

4. The provisions of this section relating to kindergarten instruction and state aid therefor, shall not apply during any particular school year to those districts which do not provide kindergarten classes that year.

5. The department of elementary and secondary education shall develop a list of approved assessments to determine a child's cognitive and social readiness to begin kindergarten and first grade. When the parent or guardian of any child born on August first through October thirty-first requests the district to test the child for school readiness, if the child achieves a score that district policy has determined to be at or above the minimum needed for school readiness for kindergarten or first grade, as applicable, the child shall be admitted.” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE SUBSTITUTE AMENDMENT NO. 1
FOR HOUSE AMENDMENT NO. 4

Amend House Substitute Amendment No. 1 for House Amendment No. 4 to House Committee

Substitute for Senate Committee Substitute for Senate Bill No. 64, Page 1, Line 1 of said amendment, by inserting immediately before said line the following:

“Amend House Committee Substitute for Senate Committee Substitute for Senate Bill 64, Page 3, Section 161.375, Line 34, by inserting of the following:

‘167.121. **1.** If the residence of a pupil is so located that attendance in the district of residence constitutes an unusual or unreasonable transportation hardship because of natural barriers, travel time, or distance, the commissioner of education or his designee may assign the pupil to another district. Subject to the provisions of this section, all existing assignments shall be reviewed prior to July 1, 1984, and from time to time thereafter, and may be continued or rescinded. The board of education of the district in which the pupil lives shall pay the tuition of the pupil assigned. The tuition shall not exceed the pro rata cost of instruction.

2. (1) For the school year beginning July 1, 2008, and each succeeding school year, a parent or guardian residing in a lapsed public school district or a district that has scored unaccredited on two consecutive annual performance reports or provisionally accredited in two consecutive annual performance reports may enroll the parent's or guardian's child in the Missouri virtual school created in section 161.670, RSMo.

(2) A pupil's residence, for purposes of this section, means residency established under section 167.020, RSMo. Except for students residing in a K-8 district attending high school in a district under section 167.131, RSMo, the board of the home district shall pay to the virtual school the amount required under section 161.670, RSMo.

(3) Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that

is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.' ; and

Further" ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**HOUSE SUBSTITUTE AMENDMENT NO. 1
FOR HOUSE AMENDMENT NO. 4**

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 64, Pages 3 to 5, Section 167.128, Lines 1 to 101, by deleting after all of said lines and inserting in lieu thereof the following:

"167.128. 1. The educational needs of each child under the jurisdiction of the juvenile court or family court under subdivisions (1), (2), or (5) of subsection 1 of section 211.031, RSMo, shall be considered as part of the function of the child's family support team pursuant to policy of the department of social services. Such needs shall include, but not be limited to, the assumption that regular full school days of education are warranted. For the purposes of this section, "full school day" shall mean six hours in which the child is under the guidance and direction of teachers in the education process. The local school district shall be invited to have representation on the child's family support team. If the school district designates a representative, the representative shall be a full

participant in the family support team.

2. Nothing in this section shall be construed to infringe upon the rights or due process provisions of the federal Individuals with Disabilities Education Act. Nothing in this section shall be construed to impede the ability of the family support team or the facility staff from making a referral for special education services, if appropriate, when a child is placed in a facility described in this section without an individualized education program or without a pending referral for such services. If a child is referred for such services, the provisions of the Individuals with Disabilities Education Act shall apply and control while the referral is pending and through the evaluation process, including provisions for educational decision-makers and educational surrogates. Nothing in this section shall be construed to deny any child domiciled in Missouri appropriate and necessary free public education services.

3. When the department of social services by contract places a child for treatment in a licensed residential care facility setting for children as defined in section 210.481, RSMo, such facility shall be responsible for the educational needs of the child if the child at the time of placement does not have an individualized education program or a pending referral for special education services under sections 162.670 to 162.999, RSMo.

(1) Such facilities operating an on-site school for which they hire their own education staff shall:

(a) Provide, on site at such facility , a full school day of education for each child placed in such facility by the department of social services unless the child's plan of treatment and care supports his or her ability to attend public school; and

(b) Be reimbursed by the local school district for the cost of education services

provided to children placed in their care by the department of social services, as approved by the department of elementary and secondary education, when the facility provides education services. The local school district shall be compensated under section 167.126 for such education services.

No child placed in the facilities for treatment described in this subdivision shall be considered by the local school district as homebound for purposes of education unless the family support team under subsection 1 of this section has approved homebound instruction. A full school day of education shall be provided unless fewer hours of instruction per day are approved by the family support team under subsection 1 of this section. Nothing in this subsection shall create an obligation for a licensed residential care facility to have on-site classrooms, to operate an on-site school, or to hire its own education staff.

(2) When such facilities have on-site classrooms but do not hire their own education staff, the local school district:

(a) Shall provide, on site at such facility or at an alternative location agreed upon pursuant to subsection 6 of this section, a full school day of education for each child placed in such facility for care by the department of social services unless the child's plan of treatment and care supports his or her ability to attend public school;

(b) Shall be compensated under section 167.126 for such education services as approved by the department of elementary and secondary education; and

(c) May consider such education services as homebound instruction but shall provide each homebound child with a full school day of education unless fewer hours of instruction per day are approved by the family support team under subsection 1 of this section.

Nothing in this subdivision shall create an obligation for a licensed residential care facility to have on-site classrooms, to operate an on-site school, or to hire its own education staff.

(3) When such facilities do not operate an on-site school or have on-site classrooms, the local school district shall:

(a) Provide a full school day of education for each child placed in such facility for care by the department of social services; and

(b) Be compensated for such education services under section 167.126, as approved by the department of elementary and secondary education.

If the child's behavior or plan of treatment and care does not support the child's being educated in a regular education class, education services shall be provided in an alternative setting approved by the family support team under subsection 1 of this section. A full school day of education shall be provided unless fewer hours of instruction per day are approved by the family support team under subsection 1 of this section. Nothing in this subdivision shall create an obligation for a licensed residential care facility to have on-site classrooms, to operate an on-site school, or to hire its own education staff.

4. Notwithstanding any other provision of law, a child placed for treatment by the department of social services in a licensed residential care facility setting for children as defined in section 210.481, RSMo, who does not have an individualized education program for special education services or a pending referral for such services under sections 162.670 to 162.999, RSMo, whose plan of treatment and care supports his or her ability to attend public school but who is then suspended or otherwise demonstrates school failure based on behavior or academic performance shall then be provided a full school day of education according to subsection 3 of this section.

5. Nothing in this section shall prevent a licensed residential care facility setting for children as defined in section 210.481, RSMo, from contracting with school districts for education services. Nothing in this section shall prevent a school district from contracting with a licensed residential care facility setting for children as defined in section 210.481, RSMo, for education services.

6. (1) Any residential treatment facility public school district shall work with the district and develop an educational plan that describes in general how and where educational services will be provided to school-aged residents of the treatment facility under a variety of possible circumstances. The educational plan shall be developed jointly by the appropriate staff of both the treatment facility and the public school district, and the plan shall be signed annually by the administration of both parties verifying their support for the plan.

(2) It is the intent that the educational plan follow the provisions of this section, but treatment facilities and school districts may develop provisions for educational services not included in this section if both parties agree on the provisions and if the provisions offer a full-day educational program for the students involved.

(3) It is understood as a condition of the plan that both the treatment facility and school district shall be fully reimbursed, as allowed by law in accordance with the availability of funds, for their portions of the cost of providing educational services through such sources as basic state aid, local district bill-back, and excess cost reimbursement, as well as other possible sources and that a school district shall not be required to provide more total reimbursement to a treatment facility than it receives from all such sources. The local school district shall make all needed requests and

applications for such reimbursement.

(4) Each treatment facility and school district shall furnish a signed copy of their educational plan to the department of elementary and secondary education and to the department of social services no later than June 1 of each year.

(5) If the treatment facility and the school district cannot reach an agreement on the education plan under this subsection, the differences shall be resolved by an arbitration panel made up of one representative from the department of elementary and secondary education, one representative from the children's division of the department of social services, and one person appointed by the governor every three years, with the advice and consent of the senate, serving at the pleasure of the governor. A final decision shall be made by August 15. Costs for the arbitration panel shall be shared equally by the treatment facility and the school district.” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 64, Page 6, Section 168.021, Line 27 by inserting immediately after the acronym “(ABCTE)” the following:

“and in addition, upon specific approval by the state board of education of such entities, other teacher-accrediting entities” ; and

Further amend said bill, section and page, Line 33, by deleting the acronym “ABCTE” and inserting in lieu thereof the following:

“nontraditional” ; and

Further amend said bill and section, Page 9, Line 112, by deleting the acronym “ABCTE” and

inserting in lieu thereof the following:

“nontraditional” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

SENATE BILLS FOR PERFECTION

Senator Mayer moved that **SB 168**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 168**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 168

An Act to amend chapter 290, RSMo, by adding thereto one new section relating to employment at will.

Was taken up.

Senator Mayer moved that **SCS** for **SB 168** be adopted.

Senator Mayer offered **SS** for **SCS** for **SB 168**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 168

An Act to amend chapter 290, RSMo, by adding thereto one new section relating to employment at will.

Senator Mayer moved that **SS** for **SCS** for **SB 168** be adopted.

Senator Callahan offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 168, Page 1, Section 290.594, Lines 13-18, by striking

said lines; and further amend same section, page 2, line 1, by striking said line and inserting in lieu thereof the following:

2. Nothing in this section shall be construed to limit or modify the common law rights existing at the time of its enacting. In situations where the common law or court precedence may conflict with the provisions of this section, the common law or court precedence shall control.”

Senator Callahan moved that the above amendment be adopted.

Senator Koster assumed the Chair.

At the request of Senator Mayer, **SB 168**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

HOUSE BILLS ON THIRD READING

HCS for **HB 405**, entitled:

An Act to repeal sections 43.010, 43.030, 43.090, 43.110, 43.120, and 43.140, RSMo, and to enact in lieu thereof six new sections relating to the highway patrol, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Scott.

On motion of Senator Scott, **HCS** for **HB 405** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Justus Rupp—2

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Justus Rupp—2

Vacancies—None

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 732, introduced by Representative Parson, et al, entitled:

An Act to repeal section 227.299, RSMo, and to enact in lieu thereof one new section relating to memorial highway designations.

Was called from the Consent Calendar and taken up by Senator Scott.

On motion of Senator Scott, **HB 732** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Justus Rupp—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 62, introduced by Representative Ruestman, et al, entitled:

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to designation of a certain state building.

Was called from the Consent Calendar and taken up by Senator Nodler.

On motion of Senator Nodler, **HB 62** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Kennedy	Koster	Lager	Loudon

Mayer	McKenna	Nodler	Purgason
Ridgeway	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—31	

Absent with leave—Senators
Justus Rupp—2

Vacancies—None

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senators
Justus Rupp—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 754, introduced by Representative Kelly, et al, entitled:

An Act to repeal section 217.045, RSMo, and to enact in lieu thereof one new section relating to the department of corrections.

Was called from the Consent Calendar and taken up by Senator Vogel.

On motion of Senator Vogel, **HB 754** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Scott—1

The President declared the bill passed.

On motion of Senator Vogel, title to the bill was agreed to.

Senator Vogel moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 576, introduced by Representative Cooper (120), et al, entitled:

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to designation of the official state game bird.

Was called from the Consent Calendar and taken up by Senator Clemens.

Senator Clemens moved that **HB 576** be read the 3rd time and finally passed.

At the request of Senator Clemens, the motion to 3rd read and finally pass was withdrawn which returned the bill to the Consent Calendar.

HB 205 was placed on the Informal Calendar.

HB 268, introduced by Representatives Moore and Bivins, entitled:

An Act to authorize the conveyance of property owned by the state in Callaway County to the City of Fulton.

Was taken up by Senator Vogel.

On motion of Senator Vogel, **HB 268** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason

Ridgeway	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Justus	Rupp	Scott—3
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Vacancies—None

The President declared the bill passed.

On motion of Senator Vogel, title to the bill was agreed to.

Senator Vogel moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for HB 459, entitled:

An Act to repeal sections 71.011 and 71.012, RSMo, and to enact in lieu thereof two new sections relating to municipal land transfers.

Was taken up by Senator Griesheimer.

On motion of Senator Griesheimer, **HCS for HB 459** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Justus	Rupp	Scott—3
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Vacancies—None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 467 was placed on the Informal Calendar.

Senator Shields announced that photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

HCS for HB 616, entitled:

An Act to repeal sections 138.010 and 138.135, RSMo, and to enact in lieu thereof two new sections relating to county boards of equalization.

Was taken up by Senator Goodman.

Senator Bray offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 616, Page 1, Section 138.010, Line 6, by inserting after the first use of “county” the following: “**and, for such additional members appointed after August 28, 2007, not related to any member of the county board of equalization within the third degree of consanguinity**”.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Goodman, **HCS for HB 616**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Clemens	Coleman	Crowell	Days
Engler	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Lager	Loudon	Mayer	McKenna

Nodler	Purgason	Ridgeway	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—29			

NAYS—Senators—None

Absent—Senators

Champion	Gibbons—2
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Absent with leave—Senators

Justus	Rupp	Scott—3
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Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 665, introduced by Representative Ervin, et al, entitled:

An Act to repeal section 50.172, RSMo, and to enact in lieu thereof one new section relating to preservation of county documents.

Was taken up by Senator Ridgeway.

Senator Ridgeway offered **SS** for **HB 665**, entitled:

SENATE SUBSTITUTE FOR HOUSE BILL NO. 665

An Act to repeal sections 49.292 and 50.172, RSMo, and to enact in lieu thereof three new section relating to county documents.

Senator Ridgeway moved that **SS** for **HB 665** be adopted.

Senator Gross assumed the Chair.

At the request of Senator Ridgeway, **HB 665**, with **SS** (pending), was placed on the Informal Calendar.

HB 684, with **SCS**, entitled:

An Act to authorize the conveyance of certain state properties, with an emergency clause.

Was taken up by Senator Vogel.

SCS for **HB 684**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 684

An Act to authorize the conveyance of certain state properties, with an emergency clause.

Was taken up.

Senator Vogel moved that **SCS** for **HB 684** be adopted.

Senator Green offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 684, Page 11, Section 7.4, Line 55, by striking the word “health” from said line and inserting in lieu thereof “**retardation and developmental disabilities**”.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Vogel moved that **SCS** for **HB 684**, as amended, be adopted, which motion prevailed.

On motion of Senator Vogel, **SCS** for **HB 684**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senator Champion—1

Absent with leave—Senators

Justus Rupp Scott—3

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senator Champion—1

Absent with leave—Senators

Justus Rupp Scott—3

Vacancies—None

On motion of Senator Vogel, title to the bill was agreed to.

Senator Vogel moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Shields requested unanimous consent to correct the Senate Journal for Wednesday, April 25, 2007, page 1033, column 1, line 16, by deleting the number “78,624” and inserting in lieu thereof the number “88,624”, which motion prevailed.

Senator Ridgeway moved that **HB 665**, with **SS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **HB 665** was again taken up.

Senator Ridgeway moved that **SS** for **HB 665** be adopted.

At the request of Senator Ridgeway, **HB 665**, with **SS** (pending), was placed on the Informal Calendar.

HB 740, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 795**, with **SCS**, entitled:

An Act to repeal sections 67.2500, 67.2510, 89.010, 89.400, and 94.837, RSMo, and section 67.2505 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill nos. 795, 972, 1128 & 1161 merged with house substitute for senate committee substitute for senate bill no. 1155, ninety-second general assembly, second regular session, and section 67.2505, as enacted by senate substitute for senate committee substitute for house committee substitute for house bill no. 833 merged with house committee substitute for senate substitute for senate bill no. 732, ninety-second general assembly, second regular session, and to enact in lieu thereof six new sections relating to local public improvements.

Was taken up by Senator Ridgeway.

SCS for **HCS** for **HB 795**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 795

An Act to repeal sections 67.1360, 67.2500, 67.2510, 89.010, 89.400, and 94.837, RSMo, and section 67.2505 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill nos. 795, 972, 1128 & 1161 merged with house substitute for senate committee substitute for senate bill no. 1155, ninety-second general assembly, second regular session, and section 67.2505, as enacted by senate substitute for senate committee substitute for house

committee substitute for house bill no. 833 merged with house committee substitute for senate substitute for senate bill no. 732, ninety-second general assembly, second regular session, and to enact in lieu thereof eight new sections relating to local public improvements.

Was taken up.

Senator Ridgeway moved that SCS for HCS for **HB 795** be adopted.

Senator Kennedy offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 795, Page 16, Section 89.400, Line 29, by inserting after all of said line the following:

“92.500. 1. The governing body of any city not within a county may impose, by order or ordinance, a sales tax on all retail sales made within the city which are subject to sales tax under chapter 144, RSMo. The tax authorized in this section shall not exceed one-half of one percent, and shall be imposed solely for the purpose of providing revenues for the operation of public safety departments, including police and fire departments, which operations are defined to include, but not be limited to, compensation, pension programs, and health care for employees and pensioners of the public safety departments. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The order or ordinance shall not become effective unless the governing body of the city submits to the voters residing within the city at a state general, primary, or special election a proposal to authorize the governing body of the city to impose a tax under this section.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

“Shall.....(insert the name of the city)

impose a sales tax at a rate of(insert rate of percent) percent, solely for the purpose of providing revenues for the operation of public safety departments of the city, including hiring more police officers, prosecuting more criminals, nuisance crimes, and problem properties?

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.”

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter immediately following notification to the department of revenue. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.”; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted, which motion prevailed.

Senator Shields offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 795, Page 17, Section 94.837, Line 40, by inserting immediately after said line the following:

“479.010. Violations of municipal ordinances shall be [tried] heard and determined only before divisions of the circuit court as hereinafter provided in this chapter. “Heard and determined”, for purposes of this chapter, shall mean any process under which the court in

question retains the final authority to make factual determinations pertaining to allegations of a municipal ordinance violation, including, but not limited to, the use of a system of administrative adjudication as provided in section 479.011, preliminary to a determination by appeal to the court in question.

479.011. 1. Any city not within a county **or any home rule city with more than four hundred thousand inhabitants and located in more than one county** may establish, by order or ordinance, an administrative system for adjudicating parking and other **civil**, nonmoving municipal code violations consistent with applicable state law. Such administrative adjudication system shall be subject to practice, procedure, and pleading rules established by the state supreme court, circuit court, or municipal court. This section shall not be construed to affect the validity of other administrative adjudication systems authorized by state law and created before August 28, 2004.

2. The order or ordinance creating the administrative adjudication system shall designate the administrative tribunal and its jurisdiction, including the code violations to be reviewed. The administrative tribunal may operate under the supervision of the municipal court, parking commission, or other entity designated by order or ordinance and in a manner consistent with state law. The administrative tribunal shall adopt policies and procedures for administrative hearings, and filing and notification requirements for appeals to the municipal or circuit court, subject to the approval of the municipal or circuit court.

3. The administrative adjudication process authorized in this section shall ensure a fair and impartial review of contested municipal code violations, and shall afford the parties due process of law. The formal rules of evidence shall not apply in any administrative review or hearing authorized in this section. Evidence, including hearsay, may be admitted only if it is the type of

evidence commonly relied upon by reasonably prudent persons in the conduct of their affairs. The code violation notice, property record, and related documentation in the proper form, or a copy thereof, shall be prima facie evidence of the municipal code violation. The officer who issued the code violation citation need not be present.

4. An administrative tribunal may not impose incarceration or any fine in excess of the amount allowed by law. Any sanction, fine or costs, or part of any fine, other sanction, or costs, remaining unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures under chapter 536, RSMo, shall be a debt due and owing the city, and may be collected in accordance with applicable law.

5. Any final decision or disposition of a code violation by an administrative tribunal shall constitute a final determination for purposes of judicial review[.]. **Such determination is** subject to review under chapter 536, RSMo, **or, at the request of the defendant made within ten days, a trial de novo in the circuit court.** After expiration of the judicial review period under chapter 536, RSMo, unless stayed by a court of competent jurisdiction, the administrative tribunal's decisions, findings, rules, and orders may be enforced in the same manner as a judgment entered by a court of competent jurisdiction. Upon being recorded in the manner required by state law or the uniform commercial code, a lien may be imposed on the real or personal property of any defendant entering a plea of nolo contendere, pleading guilty to, or found guilty of a municipal code violation in the amount of any debt due the city under this section and enforced in the same manner as a judgment lien under a judgment of a court of competent jurisdiction.”; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Kennedy offered **SA 3:**

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 795, Page 17, Section 94.837, Line 40, by inserting immediately after all of said line the following:

“247.060. 1. The management of the business and affairs of the district is hereby vested in a board of directors, who shall have all the powers conferred upon the district except as herein otherwise provided, who shall serve without pay. It shall be composed of five members, each of whom shall be a voter of the district and shall have resided in said district one whole year immediately prior to his election. A member shall be at least twenty-five years of age and shall not be delinquent in the payment of taxes at the time of his election. Except as provided in subsection 2 of this section, the term of office of a member of the board shall be three years. The remaining members of the board shall appoint a qualified person to fill any vacancy on the board. If no qualified person who lives in the subdistrict for which there is a vacancy is willing to serve on the board, the board may appoint an otherwise qualified person, who lives in the district but not in the subdistrict in which the vacancy exists to fill such vacancy.

2. After notification by certified mail that he or she has two consecutive unexcused absences, any member of the board failing to attend the meetings of the board for three consecutive regular meetings, unless excused by the board for reasons satisfactory to the board, shall be deemed to have vacated the seat, and the secretary of the board shall certify that fact to the board. The vacancy shall be filled as other vacancies occurring in the board.

3. The initial members of the board shall be appointed by the circuit court and one shall serve until the immediately following first Tuesday after the first Monday in June, two shall serve until the first Tuesday after the first Monday in June on the second year following their appointment and the

remaining appointees shall serve until the first Tuesday after the first Monday in June on the third year following their appointment. On the expiration of such terms and on the expiration of any subsequent term, elections shall be held as otherwise provided by law, and such elections shall be held in April pursuant to section 247.180.

4. In 2008, 2009, and 2010, directors elected in such years shall serve from the first Tuesday after the first Monday in June until the first Tuesday in April of the third year following the year of their election. All directors elected thereafter shall serve from the first Tuesday in April until the first Tuesday in April of the third year following the year of their election.”;
and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted, which motion prevailed.

Senator Barnitz offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 795, Page 6, Section 67.997, Line 156, by inserting immediately after all of said line the following:

“67.1000. 1. The governing body of any county or of any city which is the county seat of any county or which now or hereafter has a population of more than three thousand five hundred inhabitants and which has heretofore been authorized by the general assembly, or of any other city which has a population of more than eighteen thousand and less than forty-five thousand inhabitants located in a county of the first classification with a population over two hundred thousand adjacent to a county of the first classification with a population over nine hundred thousand, may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or county,

which shall be not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at an election permitted under section 115.123, RSMo, a proposal to authorize the governing body of the city or county to impose a tax under the provisions of this section and section 67.1002. The tax authorized by this section and section 67.1002 shall be in addition to the charge for the sleeping room and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for funding a convention and visitors bureau which shall be a general not-for-profit organization with whom the city or county has contracted, and which is established for the purpose of promoting the city or county as a convention, visitor and tourist center. Such tax shall be stated separately from all other charges and taxes.

2. In any county of the third classification without a township form of government and with more than forty-one thousand one hundred but fewer than forty-one thousand two hundred inhabitants, “transient guests”, as used in this section and section 67.1002, means a person or persons who occupy a room or rooms in a hotel or motel for ninety days or less during any calendar quarter.”; and

Further amend the title and enacting clause accordingly.

Senator Barnitz moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway moved that **SCS** for **HCS** for **HB 795**, as amended, be adopted, which motion prevailed.

On motion of Senator Ridgeway, **SCS** for **HCS** for **HB 795**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell

Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators

Rupp Scott—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Ridgeway, title to the bill was agreed to.

Senator Ridgeway moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 344, introduced by Representative Munzlinger, et al, entitled:

An Act to repeal section 537.353, RSMo, and to enact in lieu thereof one new section relating to field crop damage.

Was taken up by Senator Clemens.

On motion of Senator Clemens, **HB 344** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Coleman	Days	Engler
Goodman	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—27	

NAYS—Senators

Bray Graham—2

Absent—Senators

Crowell Gibbons Green—3

Absent with leave—Senators

Rupp Scott—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 428 was placed on the Informal Calendar.

Senator Ridgeway moved that **HB 665**, with **SS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **HB 665** was again taken up.

Senator Bray offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 665, Page 3, Section 53.177, Line 4, by inserting immediately after the word “website” the following:

“, except in any county with a charter form of government with more than one million inhabitants the county assessor shall not maintain blueprints and shall not post them on the office’s website but may maintain sketches and diagrams of improvements and post them on the office’s website”

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway moved that **SS** for **HB 665**, as amended, be adopted, which motion prevailed.

On motion of Senator Ridgeway, **SS** for **HB 665**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Goodman	Graham
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Gibbons Green—2

Absent with leave—Senators

Rupp Scott—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Ridgeway, title to the bill was agreed to.

Senator Ridgeway moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 75, introduced by Representative Sutherland, entitled:

An Act to repeal section 253.095, RSMo, and to enact in lieu thereof one new section relating to park services.

Was taken up by Senator Mayer.

On motion of Senator Mayer, **HB 75** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Goodman	Graham
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Gibbons Green—2

Absent with leave—Senators

Rupp Scott—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 351, introduced by Representative Wood, et al, entitled:

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the designation of the official state invertebrate.

Was taken up by Senator Goodman.

Senator Loudon offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Bill No. 351, Page 1, Section 10.125, by deleting all of said section and replacing it with the following:

“10.125. The Missouri Medical Society shall be known as the official invertebrate of the state of Missouri due to their unwillingness to compete with a bunch of midwives.”

Senator Loudon moved that the above amendment be adopted.

At the request of Senator Loudon, **SA 1** was withdrawn.

Senator Smith offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend House Bill No. 351, Page 1, Section 10.125, Line 1, by striking all of said line and inserting in lieu thereof the following:

“10.125. The senator from the twenty-ninth district shall be”.

Senator Smith moved that the above amendment be adopted.

At the request of Senator Smith, **SA 2** was withdrawn.

On motion of Senator Goodman, **HB 351** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
Nodler	Purgason	Ridgeway	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—29			

NAYS—Senators

Graham McKenna—2

Absent—Senator Green—1

Absent with leave—Senators

Rupp Scott—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 680, introduced by Representative May, et al, entitled:

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the official state grass.

Was taken up by Senator Clemens.

Senator Graham offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Bill No. 680, Page 1, Section 10.150, Lines 1-2, by striking all of said lines and inserting in lieu thereof the following:

“10.150. The Missouri native grass known as “Hemp” is selected for, and shall be known as, the official grass of the state of Missouri.”.

Senator Graham moved that the above amendment be adopted.

At the request of Senator Graham, **SA 1** was withdrawn.

On motion of Senator Clemens, **HB 680** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators

Rupp Scott—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for **HB 272** was placed on the Informal Calendar.

HB 265 was placed on the Informal Calendar.

HB 267 was placed on the Informal Calendar.

HB 56, introduced by Representative Sater, et al, entitled:

An Act to amend chapter 227, RSMo, by adding thereto seven new sections relating to the designation of a memorial highway.

Was taken up by Senator Goodman.

Senator Crowell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Bill No. 56, Page 1, Section A, Line 3, by inserting after all of said line the following:

“227.364. The portion of Missouri Route 74/34 contained in Cape Girardeau County, from the Missouri/Illinois state line west to the intersection of Business Loop 55/U.S. 61/Missouri Route 34, shall be designated as the “John Oliver Jr. Parkway”. The provisions of section 227.299 regarding highway designations shall not be applicable to the provisions of this section.

227.376. Notwithstanding subsection 8 of section 227.299, the portion of U.S. Highway 60 contained in Stoddard County, from where U.S. Highway 60 and Route ZZ intersect to where U.S. Highway 60 and Missouri Route 25 intersect, shall be designated the “Sergeant Carl Dewayne Graham Jr. Memorial Highway”. Costs for such designation shall be paid by the Missouri Troopers' Association.”; and

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Goodman, **HB 56**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators

Rupp Scott—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 574, introduced by Representative St. Onge, entitled:

An Act to repeal section 577.051, RSMo, and to enact in lieu thereof one new section relating to Missouri uniform law enforcement system records, with a penalty provision.

Was taken up by Senator Stouffer.

Senator Stouffer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Bill No. 574, Page 1, In the Title, Line 3, by striking all of said line and inserting in lieu thereof the following: “the disposition of alcohol-related traffic offenses, with penalty provisions and an emergency clause for a certain section.”; and

Further amend said bill and page, section A, line 2, by inserting immediately after said line the following:

“577.029. A licensed physician, registered nurse, or trained medical technician at the place of his employment, acting at the request and direction of the law enforcement officer, shall withdraw blood for the purpose of determining the alcohol content of the blood, unless such medical personnel, in his good faith medical judgment, believes such procedure would endanger the life or health of the person in custody. Blood may be withdrawn only by such medical personnel, but such restriction shall not apply to the taking of a breath test, a saliva specimen, or a urine specimen. In withdrawing blood for the purpose of determining the alcohol content thereof, only a previously unused and sterile needle and sterile vessel shall be utilized and the withdrawal shall otherwise be in strict accord with accepted medical practices. [A nonalcoholic antiseptic shall be used for cleansing the skin prior to venapuncture.] Upon the request of the person who is tested, full information concerning the test taken at the direction of the law enforcement officer shall be made available to him.”; and

Further amend said bill, page 2, section 577.051, line 35, by inserting immediately after said line the following:

“Section B. Because of the need to effectively administer the state's drunk driving laws, the repeal and reenactment of section 577.029 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 577.029 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend House Bill No. 574, Page 2, Section 577.051, Line 35, by inserting immediately after said line the following:

“Section 1. If any railroad corporation proposes to dismantle, remove, and relocate any bridge crossing a river located in any county of the third classification without a township form of government and with more than sixteen thousand six hundred but fewer than sixteen thousand seven hundred inhabitants, and further proposes to utilize the streams of any Missouri river to relocate such bridge, the chief executive officer and the board of directors of such railroad corporation shall accompany the relocation of such bridge by riding the barge, boat, or other vessel used to relocate the bridge. During such excursion, the chief executive officer shall sing “Ol’ Man River” from the 1927 musical “Show Boat” and pay any applicable royalties if such song is not in the public domain.”; and

Further amend the title and enacting clause accordingly.

Senator Stouffer moved that the above amendment be adopted.

At the request of Senator Stouffer, **SA 2** was withdrawn.

Senator Kennedy offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend House Bill No. 574, Page 1, Section A, Line 2, by inserting after all of said line the following:

“84.120. 1. No person shall be appointed or employed as policeman, turnkey, or officer of police who shall have been convicted of, or against whom any indictment may be pending, for any

offense, the punishment of which may be confinement in the penitentiary; nor shall any person be so appointed who is not of good character, or who is not a citizen of the United States, or who is not able to read and write the English language, or who does not possess ordinary physical strength and courage. The patrolmen and turnkeys hereafter appointed shall serve while they shall faithfully perform their duties and possess mental and physical ability and be subject to removal only for cause after a hearing by the boards, who are hereby invested with the [exclusive] jurisdiction in the premises.

2. The board shall have the sole discretion whether to delegate portions of its jurisdiction to hearing officers. The board shall retain final and ultimate authority over such matters and over the person to whom the delegation may be made. In any hearing before the board under this section, the member involved may make application to the board to waive a hearing before the board and request that a hearing be held before a hearing officer.

3. Nothing in this section or chapter shall be construed to prohibit the board of police commissioners from delegating any task related to disciplinary matters, disciplinary hearings, or any other hearing or proceeding which could otherwise be heard by the board or concerning any determination related to whether an officer is able to perform the necessary functions of the position. Tasks related to the preceding matter may be delegated by the board to a hearing officer under the provisions of subsection 4 of this section.

4. (1) The hearing officer to whom a delegation has been made by the board may, at the sole discretion of the board, perform certain functions, including but not limited to the following:

(a) Presiding over a disciplinary matter from its inception through to the final hearing;

(b) Preparing a report to the board of police commissioners; and

(c) Making recommendations to the board of police commissioners as to the allegations and the appropriateness of the recommended discipline.

(2) The board shall promulgate rules, which may be changed from time to time as determined by the board, and shall make such rules known to the hearing officer or others.

(3) The board shall at all times retain the authority to render the final decision after a review of the relevant documents, evidence, transcripts, videotaped testimony, or report prepared by the hearing officer or others to whom the board has made such allegations.

5. Hearing officers shall be selected in the following manner:

(1) The board shall establish a panel of not less than five persons, all who are to be licensed attorneys in good standing with the Missouri Bar. The composition of the panel may change from time to time at the board's discretion;

(2) From the panel, the relevant member or officer and a police department representative shall alternatively and independently strike names from the list with the last remaining name being the designated hearing officer. The board shall establish a process to be utilized for each hearing which will determine which party makes the first strike and the process may change from time to time;

(3) After the hearing officer is chosen and presides over a matter, such hearing officer shall become ineligible until all hearing officers listed have been utilized, at which time the list shall renew, subject to officers' availability.

84.170. 1. When any vacancy shall take place in any grade of officers, it shall be filled from the next lowest grade; provided, however, that probationary patrolmen shall serve at least six months as such before being promoted to the rank

of patrolman; patrolmen shall serve at least three years as such before being promoted to the rank of sergeant; sergeants shall serve at least one year as such before being promoted to the rank of lieutenant; lieutenants shall serve at least one year as such before being promoted to the rank of captain; and in no case shall the chief or assistant chief be selected from men not members of the force or below the grade of captain. Patrolmen shall serve at least three years as such before promotion to the rank of detective; the inspector shall be taken from men in the rank not below the grade of lieutenant.

2. The boards of police are hereby authorized to make all such rules and regulations, not inconsistent with sections 84.010 to 84.340, or other laws of the state, as they may judge necessary, for the appointment, employment, uniforming, discipline, trial and government of the police. The said boards shall also have power to require of any officer or policeman bond with sureties when they may consider it demanded by the public interests. All lawful rules and regulations of the board shall be obeyed by the police force on pain of dismissal or such lighter punishment, either by suspension, fine, reduction or forfeiture of pay, or otherwise as the boards may adjudge.

3. The authority possessed by the board of police includes, but is not limited to, the authority to delegate portions of its powers authorized in section 84.120, including presiding over a disciplinary hearing, to a hearing officer as determined by the board.”; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Stouffer, **HB 574**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators

Rupp Scott—2

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—30		

NAYS—Senator Barnitz—1

Absent—Senator Green—1

Absent with leave—Senators

Rupp Scott—2

Vacancies—None

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Edward L. Baker, Republican, as a member of the University of Central Missouri Board of Governors;

Also,

Cheryl J. Cozette, Republican, and Matthew W. Potter, Democrat, as members of the Truman State University Board of Governors;

Also,

Elizabeth M. Pierson, as a member of the Advisory Committee for 911 Service Oversight;

Also,

Lydia C. Hurst, as a member of the Northwest Missouri State University Board of Regents;

Also,

James A. Marchack and Suzan J. Mehalko, as members of the Elevator Safety Board;

Also,

Hugh L. Mills, as a member of the Amusement Ride Safety Board;

Also,

David A. Hamilton, Democrat, as a member of the Dam and Reservoir Safety Council.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion, which request was denied.

Senator Gibbons moved that the above committee reports be voted on in one motion, which motion prevailed.

On motion of Senator Gibbons, the committee reports were adopted and the Senate gave its advice and consent to the above appointments and reappointments.

President Pro Tem Gibbons assumed the Chair.

On behalf of Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, Senator Shields submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HCS** for **HB 551**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HB 791**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS** for **HB 74**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS** for **HB 184**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS** for **HB 741**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Champion, Chairman of the Committee on Seniors, Families and Public Health, submitted the following reports:

Mr. President: Your Committee on Seniors, Families and Public Health, to which was referred **HCS** for **HB 182**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Seniors and Families and Public Health, to which was referred **HB 686**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **HB 488**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **HCS** for **HB 165**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 579**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 462**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Nodler, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HB 134**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, Senator Shields submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS for HB 894**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 1014**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, Senator Shields submitted the following reports:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HCS for HBs 654 and 938**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HJR 19**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Engler, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **HCS for HB 181**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **HCS No. 2 for HB 28**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HCS for HBs 444, 217, 225, 239, 243, 297, 402 and 172**, with **SCS; HB 352**; and **SS No. 4 for SCS for SB 430**, begs leave to report that it has considered the same and recommends that the bills do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS for HB 1** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the

House refuses to adopt **SCS** for **HCS** for **HB 2** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 3** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 4** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 5** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 6** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 26, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Autumn L Hooper, R.N, 12430 Tesson Ferry Road, Saint Louis, Saint Louis County, Missouri 63128, as a member of the Missouri State Board of Nursing, for a term ending June 1, 2009, and until her successor is duly appointed and qualified; vice, Mark Miller, withdrawn.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 26, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

James D. Riddle, R. Ph., Route 2, Box 699, Cape Fair, Barry County, Missouri 65624, as a member of the State Board of Pharmacy, for a term ending April 25, 2012, and until his successor is duly appointed and qualified; vice, Timothy Koch, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 26, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Carol G. Ryan, D.V.M., Democrat, 224 Deerview Drive, Troy, Lincoln County, Missouri 63379, as a member of the Missouri Veterinary Medical Board, for a term ending August 29, 2009, and until her successor is duly appointed and qualified; vice, Jean Stark, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 26, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Stacey L. Karns, 35359 West Street Highway ZZ, New Hampton, Harrison County, Missouri 64471, as a member of the

Advisory Committee for Physicians Assistants, for a term ending March 27, 2010, and until her successor is duly appointed and qualified; vice, Terry Carlisle, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 26, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Paula J. Burnett, 7716 Rabbit Ridge Road, Jefferson City, Cole County, Missouri 65109, as a member of the Advisory Commission for Physical Therapists, for a term ending October 1, 2009, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 26, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

William F. Madosky, D.C., 7329 Bruno Avenue, Richmond Heights, Saint Louis County, Missouri 63117, as a member of the Missouri State Board of Chiropractic Examiners, for a term ending April 26, 2011, and until his successor is duly appointed and qualified; vice, Lawrence Gerstein, term expired.

Respectfully submitted,

MATT BLUNT

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

PRIVILEGED MOTIONS

Senator Mayer moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 198** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Griesheimer moved that the Senate refuse to concur in **HCS** for **SB 81**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Goodman moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 64**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

RESOLUTIONS

Senator Barnitz offered Senate Resolution No. 1123, regarding the Central Ozarks Medical Center, Richland, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Shoemyer introduced to the Senate, the Physician of the Day, Dr. Stephen Halpin, M.D., Hannibal.

Senator Gibbons introduced to the Senate, members of Missouri Autism Coalition.

Senator Green introduced to the Senate, Principal Bill Heckel, Jeanne Nyberg, Pete Kain, Martha Lewis, Dawn Probst, parents and seventy fourth grade students from Brown Elementary School, Florissant; and Eric Mbochi, Lauren Oreto and Courtney Taylor were made honorary pages.

Senator Barnitz introduced to the Senate, Gary Young, Tim Belshe and thirty-three students from Waynesville High School.

Senator Smith introduced to the Senate, Judge Lisa Quigless, St. Louis.

Senator Smith introduced to the Senate, Donald Williamson and Jimmy Holmes, St. Louis.

Senator Graham introduced to the Senate, one hundred fourth grade students from Paxton Keeley Elementary School, Columbia.

Senator Purgason introduced to the Senate, Principal Joby Steele, Anna Oesch and fifty-five fourth grade students from Alton R-4 School.

Senator Engler introduced to the Senate, Tina and Ryan Barnes; and teachers and students from Southern Reynolds Junior High School, Ellington.

Senator Gross introduced to the Senate, Drew Holtgrieve; and Drew was made an honorary page.

Senator Kennedy introduced to the Senate, Philip J. Lopez and Cassandra Short, St. Louis.

Senator Smith introduced to the Senate, Mr. Springnether, Miss Abernathy, Evelyn Rice-Peebles and fourth grade students from Glen Ridge School, St. Louis.

Senator Justus introduced to the Senate, her father, Judge Jim Justus, Branson.

On behalf of Senator Gross, the President introduced to the Senate, Claire and Robert Scoles, St. Charles.

Senator Bartle introduced to the Senate, fourth grade students from Lee's Summit Community Christian School.

Senator Ridgeway introduced to the Senate, students from St. James School, Liberty.

Senator Loudon introduced to the Senate, Bill and Michelle Clermont, Chesterfield.

Senator Shields introduced to the Senate, Javada Brown, Weatherby Lake.

On behalf of Senator Gross, the President introduced to the Senate, Elaine Bastl, Leonard Sova and Donna Blackman, Lake St. Charles.

Senator Nodler introduced to the Senate, Sandra Feiser, Granby.

Senator Ridgeway introduced to the Senate, Marie Mentrup and forty-four eighth grade students from St. Charles Borromeo Catholic School, Oakview.

On motion of Senator Shields, the Senate adjourned until 2:00 p.m., Monday, April 30, 2007.

SENATE CALENDAR

SIXTY-SECOND DAY—MONDAY, APRIL 30, 2007

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 647-Young, et al

THIRD READING OF SENATE BILLS

SS for SB 570-Clemens

SS#4 for SCS for SB 430-Shields

SENATE BILLS FOR PERFECTION

1. SB 644-Griesheimer
2. SBs 372 & 366-Justus and Koster, with SCS
3. SB 388-Mayer, with SCS
4. SB 225-Stouffer, with SCS

5. SB 571-Mayer, with SCS
6. SB 652-Coleman and Gibbons, with SCS
7. SB 699-Lager, with SCS
8. SB 11-Coleman, with SCS

- | | |
|--|------------------------------------|
| 9. SB 536-Lager, with SCS | 13. SJR 15-Green |
| 10. SB 552-Bartle | 14. SB 629-Smith, with SCS |
| 11. SB 484-Stouffer, with SCS | 15. SB 122-Bray and Days, with SCS |
| 12. SBs 348, 626 & 461-Koster, et al, with SCS | 16. SB 491-Ridgeway |

HOUSE BILLS ON THIRD READING

- | | |
|---|--|
| 1. HB 352-Hobbs, et al (Gibbons) | 13. HB 686-Smith (150) and Tilley (Stouffer) |
| 2. HCS for HBs 444, 217, 225, 239, 243,
297, 402 & 172, with SCS (Crowell) | 14. HB 488-Wasson (Stouffer) |
| 3. HB 554-Cooper (155), et al (Engler) | 15. HCS for HB 165, with SCS |
| 4. HCS for HB 555 (Engler) | 16. HB 579-Dempsey, et al (Shields) |
| 5. HCS for HB 17, with SCS (Gross) | 17. HB 462-Munzlinger, et al (Purgason) |
| 6. HCS for HB 18, with SCS (Gross) | 18. HB 134-Guest, et al |
| 7. HCS for HB 551, with SCS (Koster) | 19. HCS for HB 894, with SCS |
| 8. HB 791-Wilson (130), et al, with SCS | 20. HB 1014-Wright, et al, with SCS (Mayer) |
| 9. HCS for HB 74 (Scott) | 21. HCS for HBs 654 & 938 (Crowell) |
| 10. HCS for HB 184 (Rupp) | 22. HJR 19-Bearden, et al (Ridgeway) |
| 11. HCS for HB 741 (Koster) | 23. HCS for HB 181 (Rupp) |
| 12. HCS for HB 182 | 24. HCS#2 for HB 28 |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SB 303-Loudon

SENATE BILLS FOR PERFECTION

- | | |
|--|--|
| SB 2-Gibbons, with SCS | SB 169-Rupp, with SCS, SS for SCS &
SA 3 (pending) |
| SB 17-Shields, with SCS | SB 205-Stouffer and Gibbons, with SCS |
| SB 20-Griesheimer, with SCS | SB 212-Goodman |
| SB 27-Bartle and Koster | SB 213-McKenna |
| SB 53-Koster and Engler, with SCS | SB 242-Nodler, with SCS |
| SB 101-Mayer | SB 250-Ridgeway and Vogel |
| SB 131-Rupp | SB 252-Ridgeway and McKenna |
| SB 153-Engler, et al, with SCS | SB 254-Nodler, et al, with SCS |
| SB 155-Engler, with SCS & SS for
SCS (pending) | SBs 260 & 71-Koster, et al, with SCS |
| SB 160-Rupp, with SCS | SB 274-Shields |
| SB 168-Mayer and Crowell, with SCS,
SS for SCS & SA 1 (pending) | SB 282-Griesheimer, with SCS & SS for
SCS (pending) |

SB 287-Crowell and Vogel, with
SS (pending)
SB 292-Mayer
SB 297-Loudon, with SCS
SB 300-Bartle
SB 341-Goodman, with SCS
SB 363-Bartle
SB 364-Koster, with SCS, SS for SCS,
SA 1 & SSA 1 for SA 1 (pending)
SBs 370, 375 & 432-Scott and Koster,
with SCS & SA 5 (pending)
SB 385-Gibbons, with SCS
SB 400-Crowell, et al
SB 444-Goodman
SB 453-Scott, with SCS
SB 458-Gibbons
SB 476-Crowell
SB 480-Ridgeway, et al, with SCS
SB 492-Crowell
SB 499-Engler and Clemens, with SCS

SB 511-Scott, with SCS
SB 521-Lager, et al, with SCS
SB 523-Scott, with SCS
SB 531-Gibbons, with SCS
SB 534-Nodler
SB 537-Lager
SB 542-Scott, with SCS
SBs 555 & 38-Gibbons, with SCS
SB 563-Lager, with SCS & SS for
SCS (pending)
SB 572-Vogel
SB 586-Crowell, with SCS
SB 592-Scott, with SCS
SB 599-Engler, with SCS
SB 627-Ridgeway
SB 635-Loudon, with SCS
SBs 660, 553, 557, 167, 258, 114 & 378-Mayer,
with SCS
SB 698-Ridgeway, et al, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 39, with SCS (Koster)
HB 41-Portwood, with SCS (Loudon)
HB 46-Viebrock and Stevenson (Stouffer)
HB 69-Day, with SCS (Barnitz)
HB 125-Franz, with SCS (Shoemyer)
HCS for HB 135, with SCS (Koster)
HB 155-Dusenberger, et al (Ridgeway)
HB 205-Marsh, et al (Griesheimer)
HB 220-Stevenson (Nodler)
HCS for HB 221 (Loudon)
HB 255-Bruns, with SCS (Vogel)
HB 265-Cunningham (86) (Rupp)
HB 267-Jones (117) and Cunningham (86)
(Rupp)
HB 269-Nolte, et al (Ridgeway)
HCS for HB 272 (Goodman)
HCS for HB 298, with SCS (Engler)
HCS for HB 346 (Clemens)

HCS for HB 426, with SCS (Scott)
HB 428-Cox (Scott)
HB 454-Jetton, et al (Mayer)
HB 467-Cox (Scott)
HCS for HB 469, with SCS (Crowell)
HB 489-Baker (123), et al, with SCS
(Shields)
HCS for HB 497 (Lager)
HB 526-Pratt (Loudon)
HB 596-St. Onge, with SCS (Stouffer)
HCS for HB 620, with SCS (Ridgeway)
HB 740-Pearce, with SCS (Koster)
HB 744-St. Onge (Stouffer)
HCS for HB 774 (Crowell)
HCS for HB 780, with SCS (Scott)
HB 875-Franz, with SCS (Purgason)
HCS for HJR 1, with SCS (Rupp)
HJR 7-Nieves, et al, with SCS (Engler)

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Reported 2/15

SB 8-Kennedy

Reported 3/8

SB 185-Green

House Bills

Reported 4/5

HB 576-Cooper (120), et al (Clemens)

HB 264-Cunningham (86) (Rupp)

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SB 30-Nodler and Ridgeway, with HCS,
as amended

SB 233-Crowell, with HAs 1, 2, 3, 4 & 5
SCS for SB 308-Crowell, et al, with HCS,
as amended

SB 376-Griesheimer, with HCS, as amended
HCS for HB 327, with SS for SCS,
as amended (Griesheimer)

Requests to Recede or Grant Conference

SCS for SB 64-Goodman and Koster, with
HCS, as amended (Senate requests
House recede or grant conference)
SB 81-Griesheimer, with HCS, as amended
(Senate requests House recede or
grant conference)
SCS for SB 198-Mayer, with HCS (Senate
requests House recede or grant
conference)

HB 1 (Icet), with SCS (Gross) (House
requests Senate recede or grant
conference)
HCS for HB 2, with SCS (Gross) (House
requests Senate recede or grant
conference)

HCS for HB 3, with SCS (Gross) (House requests Senate recede or grant conference)

HCS for HB 4, with SCS (Gross) (House requests Senate recede or grant conference)

HCS for HB 5, with SCS (Gross) (House requests Senate recede or grant conference)

HCS for HB 6, with SCS (Gross) (House requests Senate recede or grant conference)

RESOLUTIONS

Reported from Committee

HCR 15-Threlkeld, et al, with SCS (Shields)

SCR 10-Koster and Shields
HCR 25-Yates, et al (Bartle)

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Journal

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Journal of the Senate

FIRST REGULAR SESSION

SIXTY-SECOND DAY—MONDAY, APRIL 30, 2007

The Senate met pursuant to adjournment.

Senator Rupp in the Chair.

Reverend Carl Gauck offered the following prayer:

“Let no evil talk come out of your mouth, but only what is useful for building up, as there is need, so that your words may give grace to those who hear.” (Ephesians 4:29)

Gracious God, we begin our final three weeks with much to do. And so we pray today that we use this time to encourage and not discourage the building up of others so that our words make others stronger and our efforts assist in what is truly beneficial to the people of this state, with laws that are truly helpful. And we pray for Senator Coleman’s son, James, in surgery this day, that You will guide the hands of the surgeons and touch him with Your healing power, making him whole and healthy. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 26, 2007 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell

Days	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

Absent—Senators—None

Absent with leave—Senator Goodman—1

Vacancies—None

The Lieutenant Governor was present.

The Senate observed a moment of silence in memory of the victims of the Ward Parkway shopping center shootings.

RESOLUTIONS

Senators Callahan and Koster offered Senate Resolution No. 1124, regarding Billy R. Thompson, Gladstone, which was adopted.

Senator Shields offered Senate Resolution No. 1125, regarding Steven Joseph Hickman McDowell, which was adopted.

Senator Shields offered Senate Resolution No. 1126, regarding Grant Quigley, which was adopted.

Senator Gibbons offered Senate Resolution No. 1127, regarding Mary Jo Barker, Fenton, which was adopted.

Senator Stouffer offered Senate Resolution No. 1128, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Everett Beckmann, Odessa, which was adopted.

Senator Stouffer offered Senate Resolution No. 1129, regarding the death of Heidi Jeanne Strodman, Salisbury, which was adopted.

Senator Graham offered Senate Resolution No. 1130, regarding C. Randal Vessell, Blackwater, which was adopted.

Senator Gibbons offered Senate Resolution No. 1131, regarding Sheri Strebler, which was adopted.

Senator Engler offered Senate Resolution No. 1132, regarding Patrick Kirk McNees, which was adopted.

Senator Engler offered Senate Resolution No. 1133, regarding Sissy Ren'ee Gallaher, which was adopted.

Senator Days offered Senate Resolution No. 1134, regarding Janie Strebeck, St. Ann, which was adopted.

Senator Days offered Senate Resolution No. 1135, regarding Roger J. Dickson, Pasadena Hills, which was adopted.

Senator Crowell offered Senate Resolution No. 1136, regarding Amber Marie Seyer, Oran, which was adopted.

Senator Lager offered Senate Resolution No. 1137, regarding Tyler Ruoff, which was adopted.

Senator Scott offered Senate Resolution No. 1138, regarding Doug Osborne, which was adopted.

Senator Rupp offered Senate Resolution No. 1139, regarding Denise Voss, O'Fallon, which was adopted.

Senator Rupp offered Senate Resolution No. 1140, regarding Laura Montgomery, Elsberry, which was adopted.

Senator Rupp offered Senate Resolution No. 1141, regarding Vendelin "Vandy" Schneidt, O'Fallon, which was adopted.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HB 647—Agriculture, Conservation, Parks and Natural Resources.

REFERRALS

President Pro Tem Gibbons referred **HCS** for **HB 74**; **HB 488**; and **HB 134** to the Committee on Governmental Accountability and Fiscal Oversight.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 26, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Charles G. Misko, 58 Muirfield Court, Creve Coeur, Saint Louis County, Missouri 63141, as a member of the Missouri Real Estate Commission, for a term ending October 16, 2007, and until his successor is duly appointed and qualified; vice, Michael Brown, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 26, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice

and consent the following appointment:

Jane B. Evans, Republican, 514 North Holmes Avenue, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Missouri Community Service Commission, for a term ending December 12, 2009, and until her successor is duly appointed and qualified; vice, Emmy McClelland, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 26, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michael D. Geske, 4694 State Highway E, Matthews, New Madrid County, Missouri 63867, as a member of the Missouri Ethanol and Other Renewable Fuels Commission, for a term ending March 25, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 26, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Melvin C. DeClue, 478 Mark Twain Loop, Union, Franklin County, Missouri 63084, as a member of the Seismic Safety Commission, for a term ending July 1, 2010, and until his successor is duly appointed and qualified; vice, Thomas Roeseler, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 27, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice

and consent the following appointment:

William P. Hopfinger, 12001 Foursome Place, Sunset Hills, Saint Louis County, Missouri 63128, as a member of the Advisory Commission for Physical Therapists, for a term ending October 1, 2009, and until his successor is duly appointed and qualified; vice, Victoria Horst, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 30, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Katherine Suzanne Bradley, Republican, 4006 Miller Road, Saint Joseph, Buchanan County, Missouri 64505, as a member of the Missouri Gaming Commission for a term ending April 29, 2010, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 30, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Larry W. Plunkett, Sr., Democrat, 109 Pine Street, Greenville, Wayne County, Missouri 63944, as a member of the Missouri Gaming Commission, for a term ending April 29, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

HOUSE BILLS ON THIRD READING

HB 352 was placed on the Informal Calendar.

HCS for **HBs 444, 217, 225, 239, 243, 297, 402** and **172**, with **SCS**, was placed on the Informal Calendar.

HB 554 was placed on the Informal Calendar.

HCS for **HB 555** was placed on the Informal Calendar.

HCS for **HB 17**, with **SCS**, entitled:

An Act to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2007 and ending June 30, 2009.

Was taken up by Senator Gross.

SCS for **HCS** for **HB 17**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 17

An Act to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2007 and ending June 30, 2009.

Was taken up.

Senator Griesheimer assumed the Chair.

Senator Gross moved that **SCS** for **HCS** for **HB 17** be adopted.

Senator Graham offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 17, Page 20, Section 17.400, Lines 18-19, by deleting all of said lines and inserting in lieu

thereof the following:

“AgBiotech Company Recruitment Fund (\$3,350,000)”.

Senator Graham moved that the above amendment be adopted.

Senator Gross raised the point of order that **SA 1** is out of order as it attempts to change language adopted in **HB 16**; further stating that **HB 17** deals with reappropriating monies previously authorized in other appropriation bills.

The point of order was referred to the President Pro Tem who took it under advisement, which placed the bill on the Informal Calendar.

HCS for **HB 18**, with **SCS**, entitled:

An Act to appropriate money for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems, and to transfer money among certain funds.

Was taken up by Senator Gross.

SCS for **HCS** for **HB 18**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 18

An Act to appropriate money for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems, and to transfer money among certain funds.

Was taken up.

Senator Engler assumed the Chair.

Senator Gross moved that **SCS** for **HCS** for **HB 18** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HCS** for **HB 18** was read the 3rd time and passed by the

following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Goodman Loudon—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Gross assumed the Chair.

HCS for HB 426, with **SCS**, entitled:

An Act to repeal sections 323.010, 323.020, 323.060, 323.075, 323.080, 323.090, and 323.110, RSMo, and to enact in lieu thereof eleven new sections relating to the Missouri propane safety act, with a penalty provision.

Was called from the Informal Calendar and taken up by Senator Scott.

SCS for HCS for HB 426, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 426

An Act to repeal sections 323.010, 323.020, 323.050, 323.060, 323.075, 323.080, 323.090, and

323.110, RSMo, and to enact in lieu thereof twelve new sections relating to the Missouri propane safety act, with a penalty provision.

Was taken up.

Senator Koster assumed the Chair.

Senator Scott moved that **SCS** for **HCS** for **HB 426** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **HCS** for **HB 426** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Goodman Loudon—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for HB 497, entitled:

An Act to repeal section 334.735, RSMo, and to enact in lieu thereof one new section relating to physician assistants.

Was called from the Informal Calendar and

taken up by Senator Lager.

On motion of Senator Lager, **HCS** for **HB 497** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Goodman Loudon—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Lager, title to the bill was agreed to.

Senator Lager moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HJR 7, with **SCS**, introduced by Representative Nieves, et al, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, relating to English as the official state language.

Was called from the Informal Calendar and taken up by Senator Engler.

SCS for **HJR 7**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE JOINT RESOLUTION NO. 7

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri relating to English as the official state language.

Was taken up.

Senator Engler moved that **SCS** for **HJR 7** be adopted.

Senator Smith offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Joint Resolution 7, page 1, Section 34, Line 2, by inserting after “in this state.” the following: “Use of sign language, binary code or any form of communication not English in an official proceeding shall render any action taken during that official proceeding null and void.”

Senator Smith moved that the above amendment be adopted.

Senator Engler requested a roll call vote be taken. He was joined in his request by Senators Callahan, Champion, Smith and Stouffer.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Days Shoemyer Smith—3

NAYS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Justus	Kennedy	Koster
Lager	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel	Wilson—27	

Absent—Senators

Crowell McKenna—2

Absent with leave—Senators

Goodman Loudon—2

Vacancies—None

Senator Kennedy offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Joint Resolution No. 7, Page 1, Section 34, Line 14, by inserting at the end of said line the following: "**However, American Sign Language (ASL) may be used in proceedings that either involve persons who are deaf and cannot hear a spoken language or are instructional components of deaf or interpreter education.**".

Senator Kennedy moved that the above amendment be adopted.

At the request of Senator Kennedy, **SA 2** was withdrawn.

President Kinder assumed the Chair.

At the request of Senator Engler, **HJR 7**, with **SCS** (pending), was placed on the Informal Calendar.

Senator Gross moved that **HCS** for **HB 17**, with **SCS**, **SA 1** and the point of order (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

President Pro Tem Gibbons ruled the pending point of order well taken.

SCS for **HCS** for **HB 17** was again taken up.

Senator Mayer assumed the Chair.

At the request of Senator Gross, **HCS** for **HB 17**, with **SCS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the

House refuses to adopt **SCS** for **HCS** for **HB 7** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 8** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 9** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 10** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HCS** for **HB 11** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 12** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 13** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Gross requested unanimous consent of the Senate to be allowed to make one motion to send **SCS** for **HB 1**; **SCS** for **HCS** for **HB 2**; **SCS** for **HCS** for **HB 3**; **SCS** for **HCS** for **HB 4**; **SCS** for **HCS** for **HB 5**; **SCS** for **HCS** for **HB 6**; **SCS** for **HCS** for **HB 7**; **SCS** for **HCS** for **HB 8**; **SCS** for **HCS** for **HB 9**; **SCS** for **HCS** for **HB 10**; **SCS** for **HCS** for **HB 11**, as amended; **SCS** for **HCS** for **HB 12**; and **SCS** for **HCS** for **HB 13** to conference, which request was granted.

Senator Gross moved that the Senate refuse to recede from its position on **SCS** for **HB 1**; **SCS** for **HCS** for **HB 2**; **SCS** for **HCS** for **HB 3**; **SCS** for **HCS** for **HB 4**; **SCS** for **HCS** for **HB 5**; **SCS** for **HCS** for **HB 6**; **SCS** for **HCS** for **HB 7**; **SCS** for **HCS** for **HB 8**; **SCS** for **HCS** for **HB 9**; **SCS** for **HCS** for **HB 10**; **SCS** for **HCS** for **HB 11**, as amended; **SCS** for **HCS** for **HB 12**; and **SCS** for **HCS** for **HB 13** and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 1**: Senators Gross, Nodler, Mayer, Bray and Green.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 2**: Senators Gross, Nodler, Mayer, Bray and Green.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 3**: Senators Gross, Nodler, Mayer, Bray and

Green.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 4**: Senators Gross, Nodler, Mayer, Bray and Green.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 5**: Senators Gross, Nodler, Mayer, Bray and Green.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 6**: Senators Gross, Nodler, Mayer, Bray and Green.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 7**: Senators Gross, Nodler, Mayer, Bray and Green.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 8**: Senators Gross, Nodler, Mayer, Bray and Green.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 9**: Senators Gross, Nodler, Mayer, Bray and Green.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 10**: Senators Gross, Nodler, Mayer, Bray and Green.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 11**, as amended: Senators Gross, Nodler, Mayer, Bray and Green.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 12**: Senators Gross, Nodler, Mayer, Bray and Green.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 13**: Senators Gross, Nodler, Mayer, Bray and Green.

HOUSE BILLS ON THIRD READING

Senator Gross moved that **HCS** for **HB 17**, with **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Engler assumed the Chair.

SCS for **HCS** for **HB 17** was again taken up.

Senator Gross moved that **SCS** for **HCS** for **HB 17** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HCS** for **HB 17** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Green
Griesheimer	Gross	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Smith	Stouffer	Vogel	Wilson—28

NAYS—Senators

Graham	Justus	Shoemyer—3
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Absent—Senators

Kennedy	Koster—2
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Absent with leave—Senator Goodman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HB 1**. Representatives: Icet, Robb, Stevenson, Donnelly and LeVota.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2**. Representatives: Icet, Robb, Stevenson, LeVota and Bringer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 3**. Representatives: Icet, Robb, Stevenson, Bringer and Lampe.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 4**. Representatives: Icet, Robb, Stevenson, Storch and Hughes.

Also,

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 5**. Representatives: Icet, Robb, Stevenson, Donnelly and Hughes.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 6**. Representatives: Icet, Robb, Stevenson, Whorton and Harris (110).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 7**. Representatives: Icet, Robb, Stevenson, Storch and Wright-Jones.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 8**. Representatives: Icet, Robb, Stevenson, Wildberger and Roorda.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 9**. Representatives: Icet, Robb, Stevenson, Wildberger and Nasheed.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 10**. Representatives: Icet, Robb, Stevenson, Donnelly

and Curls.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS**, as amended, for **HCS** for **HB 11**. Representatives: Icet, Robb, Stevenson, Donnelly and Baker (25).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 12**. Representatives: Icet, Robb, Stevenson, Donnelly and LeVota.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 13**. Representatives: Icet, Robb, Stevenson, Donnelly and LeVota.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 25**, entitled:

An Act to repeal sections 210.145, 210.183, 454.390, 454.440, 454.455, 454.460, 454.470, 454.480, 454.496, 454.511, 454.810, and 511.350, RSMo, and to enact in lieu thereof eleven new sections relating to services for a child for psychiatric counseling, child abuse investigations, or child support enforcement, with penalty provisions.

With House Amendment No. 2 to House Amendment No. 1, House Amendment No. 3 to

House Amendment No. 1, House Amendment No. 1, as amended and House Amendment No. 2.

HOUSE AMENDMENT NO. 2 TO
HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to House Committee Substitute for Senate Bill No. 25, Page 4, Line 17, by deleting the words “**cannot be**” and replacing with “**is not**”.

HOUSE AMENDMENT NO. 3 TO
HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to House Committee Substitute for Senate Bill No. 25, Page 2, Section 210.566, Line 6, by deleting the opening bracket “[” after the word “division”; and

Further amend said Amendment, Page 2, Line 7, by deleting the closing bracket “]” after the word “services”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 25, Page 1, in the title, Line 4, by inserting after the word “**investigations,**” the words “**foster parents’ bill of rights,**”; and

Further amend said Bill, Page 7, Section 210.183, by inserting after all of said section the following:

“210.566. 1. (1) The **children's** division [of family services] and its contractors, **recognizing that foster parents are not clients but rather are colleagues in the child welfare team,** shall treat foster parents [with courtesy, respect and consideration] **in a manner consistent with the National Association of Social Workers’ ethical standards of conduct as described in its Social Workers’ Ethical Responsibilities to Colleagues.** Foster parents shall treat the children in their care, the child's birth family and members of the child welfare team [with courtesy, respect and consideration] **in a manner consistent with their**

ethical responsibilities as professional team members.

(2) The **children's** division and its contractors shall provide written notification of the rights enumerated in this section at the time of initial licensure and at the time of each licensure renewal following the initial licensure period.

2. (1) The **children's** division [of family services] and its contractors shall provide foster parents with **regularly scheduled opportunities for preservice training,** [preservice] and **regularly scheduled opportunities for pertinent inservice training, as determined by the Missouri State Foster Care and Adoption Advisory Board**[, and support].

(2) The **children's** division [of family services] and its contractors shall [share] **provide to foster parents and potential adoptive parents, prior to placement,** all pertinent information [about the child and the child's family], including but not limited to[, the case plan with the foster parents to assist in determining if a child would be a proper placement. The **children's** division [of family services] and its contractors shall inform the foster parents of issues relative to the child that may jeopardize the health or safety of the foster family] **full disclosure of all medical, psychological, and psychiatric conditions of the child, as well as information from previous placements that would indicate that the child or children may have a propensity to cause violence to any member of the foster family home. The foster parents must be provided with any information regarding the child or the child's family, inclusive of the case plan, family history of mental or physical illness, sexual abuse or perpetration, criminal background, fire-setting or other destructive behavior, substance abuse, or any other information which is pertinent to the care and needs of the child and to protect the foster or adoptive family. Knowingly providing false or misleading**

information to foster parents in order to secure placement shall be denoted in the caseworker's personnel file and shall be kept on record by the division.

(3) The **children's** division [of family services] and its contractors shall arrange preplacement visits, except in emergencies.

(4) The foster parents may ask questions about the child's case plan, encourage a placement or refuse a placement without reprisal from the caseworker or agency. After a placement, the **children's** division [of family services] **and its contractors** shall update the foster parents as new information about the child is gathered.

(5) Foster parents shall be informed **in a timely manner by the children's division and its contractors** of [upcoming] **all team** meetings and staffings **concerning their licensure status or children placed in their homes**, and shall be allowed to participate, consistent with section 210.761.

(6) The **children's** division [of family services] **and its contractors** shall establish reasonably accessible respite care for children in foster care for short periods of time, jointly determined by foster parents and the child's caseworker pursuant to section 210.545. **Foster parents shall follow all procedures defined by the children's division and its contractors for requesting and using respite care.**

[(2)] (7) Foster parents shall treat all information received from the **children's** division [of family services] **and its contractors** about the child and the child's family as confidential. **Information necessary for the medical or psychiatric care of the child may be provided to the appropriate practitioners. Foster parents may share information necessary with school personnel in order to secure a safe and appropriate education for the child. Additionally, foster parents [may] shall share information they may learn about the child and the child's family, and concerns that arise in the care**

of the child, with the caseworker and other members of the child welfare team. Recognizing that placement changes are difficult for children, foster parents shall seek all necessary information, and participate in preplacement visits **whenever possible**, before deciding whether to accept a child for placement. [Foster parents shall follow all procedures defined by the division of family services for requesting and using respite care.]

3. (1) Foster parents shall make decisions about the daily living concerns of the child, and shall be permitted to continue the practice of their own family values and routines while respecting the child's cultural heritage. All discipline shall be consistent with state laws and regulations. The **children's** division [of family services] shall allow foster parents to help plan visitation between the child and the child's **siblings or biological family. Visitations should be scheduled at a time that meets the needs of the child, the biological family members, and the foster family whenever possible. Recognizing that visitation with family members is an important right of children in foster care, foster parents shall be flexible and cooperative with regard to family visits.**

(2) Foster parents shall provide care that is respectful of the child's cultural identity and needs. **Recognizing that cultural competence can be learned, the children's division and their contractors shall provide foster parents with training that specifically addresses cultural needs of children, including but not limited to, information on skin and hair care, information on any specific religious or cultural practices of the child's biological family, and referrals to community resources for ongoing education and support.**

(3) Foster parents shall recognize that the purpose of discipline is to teach and direct the behavior of the child, and ensure that it is administered in a humane and sensitive manner. [Recognizing that visitation with family members is an important right, foster parents shall be

flexible and cooperative in regard to family visits.] **Foster parents shall use discipline methods which are consistent with children's division policy.**

4. (1) Consistent with state laws and regulations, the [state may] **children's division and its contractors shall** provide, upon request by the foster parents, information about a child's progress after the child leaves foster care.

(2) Except in emergencies, foster parents shall be given **two weeks** advance notice [consistent with division policy,] and a written statement of the reasons before a child is removed from their care. **When requesting removal of a child from their home, foster parents shall give two weeks advance notice, consistent with division policy, to the child's caseworker, except in emergency situations.**

(3) **Recognizing the critical nature of attachment for children,** if a child reenters the foster care system **and cannot be placed in a relative home,** the child's **former** foster parents shall be [considered as a placement option] **given first consideration for placement of the child.**

(4) If a child becomes free for adoption while in foster care, the child's foster family shall be given preferential consideration as adoptive parents consistent with section 453.070, RSMo.

[(2)] (5) [Confidentiality rights of the child and the child's parents shall be respected and maintained. Foster parents shall inform the child's caseworker of their interest if a child reenters the system.] If a foster child becomes free for adoption and the foster parents desire to adopt the child, they shall inform the caseworker [in a timely manner] **within sixty days of the caseworker's initial query.** If they do not choose to pursue adoption, foster parents shall make every effort to support and encourage the child's placement in a permanent home, **including but not limited to providing information on the history and care needs of the child and accommodating transitional visitation.** [When requesting removal

of a child from their home, foster parents shall give reasonable advance notice, consistent with division policy, to the child's caseworker, except in emergency situations.]

5. (1) Foster parents shall be informed by the court [in a timely manner] **no later than two weeks prior** of all court hearings pertaining to a child in their care, and informed of their right to attend and participate, consistent with section 211.464, RSMo.

[(2) Foster parents shall share any concerns regarding the case plan for a child in their care with the child's caseworker, as well as other members of the child welfare team, in a timely manner.]

6. **The children's division and their contractors shall provide access to a fair and impartial grievance process to address licensure, case management decisions, and delivery of service issues.** Foster parents shall have timely access to the child placement agency's appeals process, and shall be free from acts of retaliation when exercising the right to appeal.

7. **The children's division and their contractors shall provide training to foster parents on the policies and procedures governing the licensure of foster homes, the provision of foster care, and the adoption process.** Foster parents shall, upon request, be **provided with written documentation of the policies of the children's division and their contractors** [know and follow the policies of the division of family services, including the appeals procedure]. **Per licensure requirements, foster parents shall comply with the policies of the child placement agency.**

8. For purposes of this section, "foster parent" means a resource family providing care of children in state custody."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 25, Section 210.183, Page 7, by inserting after all of said section the following:

“452.340. 1. In a proceeding for dissolution of marriage, legal separation or child support, the court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable or necessary for the support of the child, including an award retroactive to the date of filing the petition, without regard to marital misconduct, after considering all relevant factors including:

- (1) The financial needs and resources of the child;
- (2) The financial resources and needs of the parents;
- (3) The standard of living the child would have enjoyed had the marriage not been dissolved;
- (4) The physical and emotional condition of the child, and the child's educational needs;
- (5) The child's physical and legal custody arrangements, including the amount of time the child spends with each parent and the reasonable expenses associated with the custody or visitation arrangements; and
- (6) The reasonable work-related child care expenses of each parent.

2. The obligation of the parent ordered to make support payments shall abate, in whole or in part, for such periods of time in excess of thirty consecutive days that the other parent has voluntarily relinquished physical custody of a child to the parent ordered to pay child support, notwithstanding any periods of visitation or temporary physical and legal or physical or legal custody pursuant to a judgment of dissolution or legal separation or any modification thereof. In a IV-D case, the **family support** division [of child support enforcement] may determine the amount of the abatement pursuant to this subsection for any

child support order and shall record the amount of abatement in the automated child support system record established pursuant to chapter 454, RSMo. If the case is not a IV-D case and upon court order, the circuit clerk shall record the amount of abatement in the automated child support system record established in chapter 454, RSMo.

3. Unless the circumstances of the child manifestly dictate otherwise and the court specifically so provides, the obligation of a parent to make child support payments shall terminate when the child:

- (1) Dies;
- (2) Marries;
- (3) Enters active duty in the military;
- (4) Becomes self-supporting, provided that the custodial parent has relinquished the child from parental control by express or implied consent;
- (5) Reaches age eighteen, unless the provisions of subsection 4 or 5 of this section apply; or
- (6) Reaches age [twenty-two] **twenty-one**, unless the provisions of the child support order specifically extend the parental support order past the child's [twenty-second] **twenty-first** birthday for reasons provided by subsection 4 of this section.

4. If the child is physically or mentally incapacitated from supporting himself and insolvent and unmarried, the court may extend the parental support obligation past the child's eighteenth birthday.

5. If when a child reaches age eighteen, the child is enrolled in and attending a secondary school program of instruction, the parental support obligation shall continue, if the child continues to attend and progresses toward completion of said program, until the child completes such program or reaches age twenty-one, whichever first occurs. If the child is enrolled in an institution of vocational or higher education not later than October first

following graduation from a secondary school or completion of a graduation equivalence degree program and so long as the child enrolls for and completes at least twelve hours of credit each semester, not including the summer semester, at an institution of vocational or higher education and achieves grades sufficient to reenroll at such institution, the parental support obligation shall continue until the child completes his or her education, or until the child reaches the age of [twenty-two] **twenty-one**, whichever first occurs. To remain eligible for such continued parental support, at the beginning of each semester the child shall submit to each parent a transcript or similar official document provided by the institution of vocational or higher education which includes the courses the child is enrolled in and has completed for each term, the grades and credits received for each such course, and an official document from the institution listing the courses which the child is enrolled in for the upcoming term and the number of credits for each such course. **When enrolled in at least twelve credit hours, if the child receives two failing grades in any one semester, payment of child support may be terminated and shall not be eligible for reinstatement. If the child fails to produce the required documents, payment of child support may terminate without the accrual of any child support arrearage and shall not be eligible for reinstatement.** If the circumstances of the child manifestly dictate, the court may waive the October first deadline for enrollment required by this subsection. [If the child has pursued a path of continuous attendance and has demonstrated evidence of a plan to continue to do so, the court may enter a judgment abating support for a period of up to five months for any semester in which the child completes at least six but less than twelve credit hours; however, such five-month period of abatement shall only be granted one time for each child.] If the child is enrolled in such an institution, the child or parent obligated to pay support may petition the court to amend the order to direct the obligated parent to make the payments directly to

the child. As used in this section, an “institution of vocational education” means any postsecondary training or schooling for which the student is assessed a fee and attends classes regularly. “Higher education” means any junior college, community college, college, or university at which the child attends classes regularly. A child who has been diagnosed with a [learning] **developmental disability, as defined in section 630.005, RSMo,** or whose physical disability or diagnosed health problem limits the child's ability to carry the number of credit hours prescribed in this subsection, shall remain eligible for child support so long as such child is enrolled in and attending an institution of vocational or higher education, and the child continues to meet the other requirements of this subsection. **However, a parent who has a child diagnosed after age eighteen with a developmental or physical disability or diagnosed health care problem shall not be required to pay support after age twenty-one. Diagnosis prior to or after age eighteen shall be completed by two licensed physicians, one selected by each parent. Both physicians shall be in agreement for the diagnosis to be considered in the child support case. If a diagnosis of a developmental or physical disability or health care problem occurs prior to the dissolution of the marriage between a child's parents, then the original diagnosis made by a licensed physician prior to the dissolution of marriage will be sufficient for the diagnosis to be considered in the child support case.** A child who is employed at least fifteen hours per week during the semester may take as few as nine credit hours per semester and remain eligible for child support so long as all other requirements of this subsection are complied with.

6. The court shall consider ordering a parent to waive the right to claim the tax dependency exemption for a child enrolled in an institution of vocational or higher education in favor of the other parent if the application of state and federal tax

laws and eligibility for financial aid will make an award of the exemption to the other parent appropriate.

7. The general assembly finds and declares that it is the public policy of this state that frequent, continuing and meaningful contact with both parents after the parents have separated or dissolved their marriage is in the best interest of the child except for cases where the court specifically finds that such contact is not in the best interest of the child. In order to effectuate this public policy, a court with jurisdiction shall enforce visitation, custody and child support orders in the same manner. A court with jurisdiction may abate, in whole or in part, any past or future obligation of support and may transfer the physical and legal or physical or legal custody of one or more children if it finds that a parent has, without good cause, failed to provide visitation or physical and legal or physical or legal custody to the other parent pursuant to the terms of a judgment of dissolution, legal separation or modifications thereof. The court shall also award, if requested and for good cause shown, reasonable expenses, attorney's fees and court costs incurred by the prevailing party.

8. The Missouri supreme court shall have in effect a rule establishing guidelines by which any award of child support shall be made in any judicial or administrative proceeding. Said guidelines shall contain specific, descriptive and numeric criteria which will result in a computation of the support obligation. The guidelines shall address how the amount of child support shall be calculated when an award of joint physical custody results in the child or children spending substantially equal time with both parents. [Not later than October 1, 1998,] The Missouri supreme court shall publish child support guidelines and specifically list and explain the relevant factors and assumptions that were used to calculate the child support guidelines. Any rule made pursuant to this subsection shall be reviewed by the promulgating body not less than once every four years to ensure

that its application results in the determination of appropriate child support award amounts.

9. There shall be a rebuttable presumption, in any judicial or administrative proceeding for the award of child support, that the amount of the award which would result from the application of the guidelines established pursuant to subsection 8 of this section is the correct amount of child support to be awarded. A written finding or specific finding on the record in a judicial or administrative proceeding that the application of the guidelines would be unjust or inappropriate in a particular case, after considering all relevant factors, including the factors set out in subsection 1 of this section, is required if requested by a party and shall be sufficient to rebut the presumption in the case. The written finding or specific finding on the record shall detail the specific relevant factors that required a deviation from the application of the guidelines.

10. Pursuant to this or any other chapter, when a court determines the amount owed by a parent for support provided to a child by another person, other than a parent, prior to the date of filing of a petition requesting support, or when the director of the **family support** division [of child support enforcement] establishes the amount of state debt due pursuant to subdivision (2) of subsection 1 of section 454.465, RSMo, the court or director shall use the guidelines established pursuant to subsection 8 of this section. The amount of child support resulting from the application of the guidelines shall be applied retroactively for a period prior to the establishment of a support order and the length of the period of retroactivity shall be left to the discretion of the court or director. There shall be a rebuttable presumption that the amount resulting from application of the guidelines under subsection 8 of this section constitutes the amount owed by the parent for the period prior to the date of the filing of the petition for support or the period for which state debt is being established. In applying the guidelines to determine a retroactive

support amount, when information as to average monthly income is available, the court or director may use the average monthly income of the noncustodial parent, as averaged over the period of retroactivity, in determining the amount of presumed child support owed for the period of retroactivity. The court or director may enter a different amount in a particular case upon finding, after consideration of all relevant factors, including the factors set out in subsection 1 of this section, that there is sufficient cause to rebut the presumed amount.

11. The obligation of a parent to make child support payments may be terminated as follows:

(1) Provided that the child support order contains the child's date of birth, the obligation shall be deemed terminated without further judicial or administrative process when the child reaches age [twenty-two] **twenty-one** if the child support order does not specifically require payment of child support beyond age [twenty-two] **twenty-one** for reasons provided by subsection 4 of this section;

(2) The obligation shall be deemed terminated without further judicial or administrative process when the parent receiving child support furnishes a sworn statement or affidavit notifying the obligor parent of the child's emancipation in accordance with the requirements of subsection 4 of section 452.370, and a copy of such sworn statement or affidavit is filed with the court which entered the order establishing the child support obligation, or the division of child support enforcement;

(3) The obligation shall be deemed terminated without further judicial or administrative process when the parent paying child support files a sworn statement or affidavit with the court which entered the order establishing the child support obligation, or the **family support** division [of child support enforcement], stating that the child is emancipated and reciting the factual basis for such statement; which statement or affidavit is served by the court

or division on the child support obligee; and which is either acknowledged and affirmed by the child support obligee in writing, or which is not responded to in writing within thirty days of receipt by the child support obligee;

(4) The obligation shall be terminated as provided by this subdivision by the court which entered the order establishing the child support obligation, or the **family support** division [of child support enforcement], when the parent paying child support files a sworn statement or affidavit with the court which entered the order establishing the child support obligation, or the **family support** division [of child support enforcement], stating that the child is emancipated and reciting the factual basis for such statement; and which statement or affidavit is served by the court or division on the child support obligee. If the obligee denies the statement or affidavit, the court or division shall thereupon treat the sworn statement or affidavit as a motion to modify the support obligation pursuant to section 452.370 or section 454.496, RSMo, and shall proceed to hear and adjudicate such motion as provided by law; provided that the court may require the payment of a deposit as security for court costs and any accrued court costs, as provided by law, in relation to such motion to modify.

12. The court may enter a judgment terminating child support pursuant to subdivisions (1) to (3) of subsection 11 of this section without necessity of a court appearance by either party. The clerk of the court shall mail a copy of a judgment terminating child support entered pursuant to subsection 11 of this section on both the obligor and obligee parents. The supreme court may promulgate uniform forms for sworn statements and affidavits to terminate orders of child support obligations for use pursuant to subsection 11 of this section and subsection 4 of section 452.370.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references

accordingly.

In which the concurrence of the Senate is respectfully requested.

COMMUNICATIONS

Senator Coleman submitted the following:

April 29, 2007

Honorable Mike Gibbons
Senate President Pro Tem
State Capitol, Room 325
Jefferson City, MO 65101

In re: Michael L. Ocello - Small Business Regulatory Fairness Board

Senator Gibbons:

Per Section 536.305 RSMo, I am re-appointing Michael L. Ocello, 6161 Clifton Oaks Place, St. Louis, Missouri 63129, to the Small Business Regulatory Fairness Board. As per statute, Mr. Ocello represents the small business community. Mr. Ocello has been actively serving on this board and will continue to be a productive member of same.

Sincerely,

/s/ Maida J. Coleman

Also,

Senator Gibbons submitted the following:

April 26, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

RE: Appointment to Blue Ribbon Panel on Autism

Dear Ms. Spieler:

I am appointing the following senators to the Blue Ribbon Panel on Autism:

- Scott Rupp, Chairman
- Jolie Justus, Member

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Stouffer introduced to the Senate, Liz Heinz, Brittany Jones and Mark Samsel, students from Missouri Valley College, Marshall.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-THIRD DAY—TUESDAY, MAY 1, 2007

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SB 570-Clemens

SS#4 for SCS for SB 430-Shields

SENATE BILLS FOR PERFECTION

1. SB 644-Griesheimer
2. SBs 372 & 366-Justus and Koster, with SCS
3. SB 388-Mayer, with SCS

4. SB 225-Stouffer, with SCS
5. SB 571-Mayer, with SCS
6. SB 652-Coleman and Gibbons, with SCS

7. SB 699-Lager, with SCS
8. SB 11-Coleman, with SCS
9. SB 536-Lager, with SCS
10. SB 552-Bartle
11. SB 484-Stouffer, with SCS

12. SBs 348, 626 & 461-Koster, et al, with SCS
13. SJR 15-Green
14. SB 629-Smith, with SCS
15. SB 122-Bray and Days, with SCS
16. SB 491-Ridgeway

HOUSE BILLS ON THIRD READING

1. HCS for HB 551, with SCS (Koster)
2. HB 791-Wilson (130), et al, with
SCS (Mayer)
3. HCS for HB 74 (Scott) (In Fiscal Oversight)
4. HCS for HB 184 (Rupp)
5. HCS for HB 741 (Koster)
6. HCS for HB 182
7. HB 686-Smith (150) and Tilley (Stouffer)
8. HB 488-Wasson (Stouffer)
(In Fiscal Oversight)
9. HCS for HB 165, with SCS

10. HB 579-Dempsey, et al (Shields)
11. HB 462-Munzlinger, et al (Purgason)
12. HB 134-Guest, et al (Nodler)
(In Fiscal Oversight)
13. HCS for HB 894, with SCS (Days)
14. HB 1014-Wright, et al, with SCS (Mayer)
15. HCS for HBs 654 & 938 (Crowell)
16. HJR 19-Bearden, et al (Ridgeway)
17. HCS for HB 181 (Rupp)
18. HCS#2 for HB 28 (Mayer)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SB 303-Loudon

SENATE BILLS FOR PERFECTION

SB 2-Gibbons, with SCS
SB 17-Shields, with SCS
SB 20-Griesheimer, with SCS
SB 27-Bartle and Koster
SB 53-Koster and Engler, with SCS
SB 101-Mayer
SB 131-Rupp
SB 153-Engler, et al, with SCS
SB 155-Engler, with SCS & SS for SCS (pending)
SB 160-Rupp, with SCS
SB 168-Mayer and Crowell, with SCS, SS
for SCS & SA 1 (pending)
SB 169-Rupp, with SCS, SS for SCS & SA 3
(pending)
SB 205-Stouffer and Gibbons, with SCS

SB 212-Goodman
SB 213-McKenna
SB 242-Nodler, with SCS
SB 250-Ridgeway and Vogel
SB 252-Ridgeway and McKenna
SB 254-Nodler, et al, with SCS
SBs 260 & 71-Koster, et al, with SCS
SB 274-Shields
SB 282-Griesheimer, with SCS & SS for
SCS (pending)
SB 287-Crowell and Vogel, with SS
(pending)
SB 292-Mayer
SB 297-Loudon, with SCS
SB 300-Bartle

SB 341-Goodman, with SCS	SB 523-Scott, with SCS
SB 363-Bartle	SB 531-Gibbons, with SCS
SB 364-Koster, with SCS, SS for SCS, SA 1 & SSA 1 for SA 1 (pending)	SB 534-Nodler
SBs 370, 375 & 432-Scott and Koster, with SCS & SA 5 (pending)	SB 537-Lager
SB 385-Gibbons, with SCS	SB 542-Scott, with SCS
SB 400-Crowell, et al	SBs 555 & 38-Gibbons, with SCS
SB 444-Goodman	SB 563-Lager, with SCS & SS for SCS (pending)
SB 453-Scott, with SCS	SB 572-Vogel
SB 458-Gibbons	SB 586-Crowell, with SCS
SB 476-Crowell	SB 592-Scott, with SCS
SB 480-Ridgeway, et al, with SCS	SB 599-Engler, with SCS
SB 492-Crowell	SB 627-Ridgeway
SB 499-Engler and Clemens, with SCS	SB 635-Loudon, with SCS
SB 511-Scott, with SCS	SBs 660, 553, 557, 167, 258, 114 & 378-Mayer, with SCS
SB 521-Lager, et al, with SCS	SB 698-Ridgeway, et al, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 39, with SCS (Koster)	HCS for HBs 444, 217, 225, 239, 243, 297, 402 & 172, with SCS (Crowell)
HB 41-Portwood, with SCS (Loudon)	HB 454-Jetton, et al (Mayer)
HB 46-Viebrock and Stevenson (Stouffer)	HB 467-Cox (Scott)
HB 69-Day, with SCS (Barnitz)	HCS for HB 469, with SCS (Crowell)
HB 125-Franz, with SCS (Shoemyer)	HB 489-Baker (123), et al, with SCS (Shields)
HCS for HB 135, with SCS (Koster)	HB 526-Pratt (Loudon)
HB 155-Dusenberger, et al (Ridgeway)	HB 554-Cooper (155), et al (Engler)
HB 205-Marsh, et al (Griesheimer)	HCS for HB 555 (Engler)
HB 220-Stevenson (Nodler)	HB 596-St. Onge, with SCS (Stouffer)
HCS for HB 221 (Loudon)	HCS for HB 620, with SCS (Ridgeway)
HB 255-Bruns, with SCS (Vogel)	HB 740-Pearce, with SCS (Koster)
HB 265-Cunningham (86) (Rupp)	HB 744-St. Onge (Stouffer)
HB 267-Jones (117) and Cunningham (86) (Rupp)	HCS for HB 774 (Crowell)
HB 269-Nolte, et al (Ridgeway)	HCS for HB 780, with SCS (Scott)
HCS for HB 272 (Goodman)	HB 875-Franz, with SCS (Purgason)
HCS for HB 298, with SCS (Engler)	HCS for HJR 1, with SCS (Rupp)
HCS for HB 346 (Clemens)	HJR 7-Nieves, et al, with SCS (pending) (Engler)
HB 352-Hobbs, et al (Gibbons)	
HB 428-Cox (Scott)	

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Reported 2/15

SB 8-Kennedy

Reported 3/8

SB 185-Green

House Bills

Reported 4/5

HB 576-Cooper (120), et al (Clemens)

HB 264-Cunningham (86) (Rupp)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 25-Champion, with HCS, as amended

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SB 30-Nodler and Ridgeway, with HCS,
as amended

SB 233-Crowell, with HAs 1, 2, 3, 4 & 5
SCS for SB 308-Crowell, et al, with HCS,
as amended

SB 376-Griesheimer, with HCS, as amended

HB 1 (Icet), with SCS (Gross)

HCS for HB 2, with SCS (Gross)

HCS for HB 3, with SCS (Gross)

HCS for HB 4, with SCS (Gross)

HCS for HB 5, with SCS (Gross)

HCS for HB 6, with SCS (Gross)

HCS for HB 7, with SCS (Gross)

HCS for HB 8, with SCS (Gross)

HCS for HB 9, with SCS (Gross)

HCS for HB 10, with SCS (Gross)

HCS for HB 11, with SCS, as amended (Gross)

HCS for HB 12, with SCS (Gross)

HCS for HB 13, with SCS (Gross)

HCS for HB 327, with SS for SCS,
as amended (Griesheimer)

Requests to Recede or Grant Conference

SCS for SB 64-Goodman and Koster, with
HCS, as amended (Senate requests
House recede or grant conference)
SB 81-Griesheimer, with HCS, as amended
(Senate requests House recede or
grant conference)

SCS for SB 198-Mayer, with HCS (Senate
requests House recede or grant
conference)

RESOLUTIONS

Reported from Committee

HCR 15-Threlkeld, et al, with SCS
(Shields)

SCR 10-Koster and Shields
HCR 25-Yates, et al (Bartle)

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Journal

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Journal of the Senate

FIRST REGULAR SESSION

SIXTY-THIRD DAY—TUESDAY, MAY 1, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“My brothers and sisters, whenever you face trials of any kind, consider it nothing but joy, because you know that the testing of your faith produces endurance.” (James 1:2)

Lord, we know that You did not say “if you have any trouble but when you have trouble,” knowing troubles come into each of our lives even here, it’s part of the package along with being let down and experiencing a lack of fairness. So when it continues to be part of our lives we seek to follow You, knowing that You will sustain us and not abandon us but be kept truly in Your heart. Therefore, grant us patience and strength and help us remain faithful. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Justus

Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

Absent—Senators—None

Absent with leave—Senator Goodman—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Loudon offered Senate Resolution No. 1142, regarding Dr. Hugh A. Kinney, Chesterfield, which was adopted.

Senator Purgason offered Senate Resolution No. 1143, regarding the Sixtieth Anniversary of KWPM-AM Radio Station, West Plains, which was adopted.

Senator Purgason offered Senate Resolution No. 1144, regarding the Sixty-ninth Wedding Anniversary of Mr. and Mrs. Clifford Parrett, West Plains, which was adopted.

Senator Purgason offered Senate Resolution No. 1145, regarding the Ninety-sixth Birthday of Faye Surritte, West Plains, which was adopted.

HOUSE BILLS ON THIRD READING

HB 264, introduced by Representative Cunningham (86), entitled:

An Act to repeal section 166.021, RSMo, and to enact in lieu thereof one new section relating to the state public school fund.

Was called from the Consent Calendar and taken up by Senator Rupp.

On motion of Senator Rupp, **HB 264** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Graham
Green	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Griesheimer—1

Absent with leave—Senator Goodman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Champion moved that the Senate refuse to concur in **HCS** for **SB 25**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 554, introduced by Representative Cooper (155), et al, entitled:

An Act to amend chapter 337, RSMo, by adding thereto one new section relating to licensed professional counselors.

Was called from the Informal Calendar and taken up by Senator Engler.

On motion of Senator Engler, **HB 554** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Goodman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for **HB 555**, entitled:

An Act to amend chapter 337, RSMo, by adding thereto two new sections relating to licensed professional counselors and licensed clinical social workers.

Was called from the Informal Calendar and taken up by Senator Engler.

On motion of Senator Engler, **HCS** for **HB 555** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Goodman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 428, introduced by Representative Cox, entitled:

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to the state fair escrow fund.

Was called from the Informal Calendar and taken up by Senator Scott.

On motion of Senator Scott, **HB 428** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Smith—1

Absent with leave—Senator Goodman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 467, introduced by Representative Cox, entitled:

An Act to authorize the conveyance of property owned by the state in Pettis County to the Girl Scouts-Heart of Missouri Council, Inc., with an emergency clause.

Was called from the Informal Calendar and taken up by Senator Scott.

On motion of Senator Scott, **HB 467** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason

Ridgeway	Rupp	Scott	Shields
Shoemyer	Stouffer	Vogel	Wilson—32

Was called from the Informal Calendar and taken up by Senator Griesheimer.

Senator Shields assumed the Chair.

Senator Griesheimer offered **SS** for **HB 205**, entitled:

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 205**

An Act to repeal sections 67.1360, 67.2500, 67.2510, 89.010, 89.400, and 620.467, RSMo, and section 67.2505 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill nos. 795, 972, 1128 & 1161 merged with house substitute for senate committee substitute for senate bill no. 1155, ninety-second general assembly, second regular session, and section 67.2505, as enacted by senate substitute for senate committee substitute for house committee substitute for house bill no. 833 merged with house committee substitute for senate substitute for senate bill no. 732, ninety-second general assembly, second regular session, and to enact in lieu thereof seven new sections relating to the promotion of tourism.

Senator Griesheimer moved that **SS** for **HB 205** be adopted.

Senator Crowell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 205, Page 2, Section A, Line 1, by inserting immediately after all of said line the following:

“67.997. 1. The governing body of any county of the third classification without a township form of government and with more than eighteen thousand one hundred but fewer than eighteen thousand two hundred inhabitants may impose, by order or ordinance, a sales tax on all retail sales made within the county which are subject to sales tax under chapter 144, RSMo. The tax authorized in this section shall not exceed one-fourth of one

NAYS—Senators—None

Absent—Senator Smith—1

Absent with leave—Senator Goodman—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Days—1

Absent with leave—Senator Goodman—1

Vacancies—None

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 205, introduced by Representative Marsh, et al, entitled:

An Act to repeal section 620.467, RSMo, and to enact in lieu thereof one new section relating to the tourism supplemental revenue fund.

percent, and shall be imposed solely for the purpose of funding senior services and youth programs provided by the county. One-half of all revenue collected under this section, less one-half the cost of collection shall be used solely to fund any service or activity deemed necessary by the senior service tax commission established in this section, and one-half of all revenue collected under this section, less one-half the cost of collection shall be used solely to fund all youth programs administered by an existing county community task force. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The order or ordinance shall not become effective unless the governing body of the county submits to the voters residing within the county at a state general, primary, or special election a proposal to authorize the governing body of the county to impose a tax under this section.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the county) impose a sales tax at a rate of (insert rate of percent) percent, with half of the revenue from the tax, less one-half the cost of collection, to be used solely to fund senior services provided by the county and half of the revenue from the tax, less one-half the cost of collection, to be used solely to fund youth programs provided by the county?

☐ YES ☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become

effective on the first day of the second calendar quarter immediately following the approval of the tax or notification to the department of revenue administered by the department of revenue. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. On or after the effective date of any tax authorized under this section, the county which imposed the tax shall enter into an agreement with the director of the department of revenue for the purpose of collecting the tax authorized in this section. On or after the effective date of the tax the director of revenue shall be responsible for the administration, collection, enforcement, and operation of the tax, and sections 32.085 and 32.087, RSMo, shall apply. All revenue collected under this section by the director of the department of revenue on behalf of any county, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the "Senior Services and Youth Programs Sales Tax Trust Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the trust fund and credited to the county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such county. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing body of the county may authorize the use of a bracket system similar to that authorized in section 144.285, RSMo, and notwithstanding the provisions of that section, this new bracket system shall be used where this tax is imposed and shall apply to all taxable transactions. Beginning with the effective date of the tax, every retailer in the county shall add the sales tax to the sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. For purposes of this section, all retail sales shall be deemed to be consummated at the place of business of the retailer.

5. All applicable provisions in sections 144.010 to 144.525, RSMo, governing the state sales tax, and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax, and all exemptions granted to agencies of government, organizations, and persons under sections 144.010 to 144.525, RSMo, are hereby made applicable to the imposition and collection of the tax. The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax. All discounts allowed the retailer under the state sales tax for the collection of and for payment of taxes are hereby allowed and made applicable to the tax. The penalties for violations provided in section

32.057, RSMo, and sections 144.010 to 144.525, RSMo, are hereby made applicable to violations of this section. If any person is delinquent in the payment of the amount required to be paid under this section, or in the event a determination has been made against the person for taxes and penalty under this section, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525, RSMo.

6. The governing body of any county that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the county. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the county) repeal the sales tax imposed at a rate of (insert rate of percent) percent for the purpose of funding senior services and youth programs provided by the county?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

7. Whenever the governing body of any county that has adopted the sales tax authorized

in this section receives a petition, signed by ten percent of the registered voters of the county voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the county a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

8. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the county shall notify the director of the department of revenue of the action at least thirty days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director shall remit the balance in the account to the county and close the account of that county. The director shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

9. Each county imposing the tax authorized in this section shall establish a senior services tax commission to administer the portion of the sales tax revenue dedicated to providing senior services. Such commission shall consist of seven

members appointed by the county commission. The county commission shall determine the qualifications, terms of office, compensation, powers, duties, restrictions, procedures, and all other necessary functions of the commission.”; and

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Mayer offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Bill No. 205, Page 21, Section 89.400, Line 14, by inserting after all of said line the following:

“94.870. In addition to all other taxes prescribed by law, the governing body of any municipality of the third classification with a population of at least fifteen thousand but not more than eighteen thousand inhabitants located within a county with a population of at least thirty-five thousand but not more than forty-five thousand inhabitants which has a total assessed valuation of at least two hundred seventy-five million dollars but not more than three hundred twenty-five million dollars, the governing body of any county with a population of at least twenty thousand but not more than twenty-five thousand which has a total assessed valuation of at least one hundred twenty million dollars but not more than one hundred forty million dollars **or any municipality located in such county** and the governing body of any county with a population of at least twenty-eight thousand but not more than thirty-one thousand which has a total assessed valuation of at least two hundred fifty-five million dollars or any municipality located in such county and the governing body of any county with a population of at least twenty-five thousand but not more than thirty thousand which has a total assessed valuation of at least two hundred million dollars but not more than two hundred five million dollars

or any municipality located in such county, or any city located partially but not wholly within a county of the third classification with a population of at least thirty-nine thousand inhabitants may impose, by ordinance or order, a tax on the price paid or charged to any person for rooms or accommodations paid by transient guests of hotels, motels, condominium units, campgrounds, and tourist courts situated within the political subdivision, at a rate not to exceed four percent of such price paid or charged. As used in this section, the term “hotel”, “motel”, or “tourist court” means any structure or building, under one management, which contains rooms furnished for the accommodation or lodging of guests, with or without meals being provided, including bed and breakfast facilities, and kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are sought for pay or compensation to transient guests, and the term “campground” means real property, other than state-owned property, which contains parcels for rent to transient guests for pay or compensation, which may include temporary utility hook-ups for use by the transient guests, and where such transient guests generally use tents, recreational vehicles or some other form of temporary shelter while on the rented premises. Shelters for the homeless operated by not-for-profit organizations are not a hotel, motel, or tourist court for the purposes of this section. As used in this section, the term “transient guest” means a person who occupies a room or rooms in a hotel, motel, campground, or tourist court for thirty consecutive days or less.

94.875. All taxes authorized and collected under sections 94.870 to 94.881 shall be deposited by the political subdivision in a special trust fund to be known as the “Tourism Tax Trust Fund”. The moneys in such tourism tax trust fund shall not be commingled with any other funds of the political subdivision except as specifically provided in this section. The taxes collected [shall] **may** be used, upon appropriation by the political subdivision,

[solely] for the purpose of constructing, maintaining, or operating convention and tourism facilities[, and at least twenty-five percent of such taxes collected shall be used for tourism marketing and promotional purposes]; except that in any city with a population of less than [one] **seven** thousand five hundred inhabitants, forty percent of such taxes collected may be transferred to such city's general revenue fund and the remaining thirty-five percent may be used for city capital improvements, pursuant to voter approval. The moneys in the tourism tax trust fund of any city with a population of at least fifteen thousand located partially but not wholly within a county of the third classification with a population of at least thirty-nine thousand inhabitants shall be used solely for tourism marketing and promotional purposes. The tax authorized by section 94.870 shall be in addition to any and all other sales taxes allowed by law, but no ordinance or order imposing a tax under section 94.870 shall be effective unless the governing body of the political subdivision submits to the voters of the political subdivision at a municipal or state general, primary, or special election a proposal to authorize the governing body of the political subdivision to impose such tax.”; and

Further amend the title and enacting clause accordingly.

Senator Mayer moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer moved that **SS** for **HB 205**, as amended, be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SS** for **HB 205**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason

Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Goodman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 265, introduced by Representative Cunningham (86), entitled:

An Act to repeal section 162.963, RSMo, and to enact in lieu thereof one new section relating to special education due process hearings.

Was called from the Informal Calendar and taken up by Senator Rupp.

Senator Callahan offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Bill No. 265, Page 1, Section A, Line 2, by inserting after all of said line the following:

“162.431. 1. When it is necessary to change the boundary lines between seven-director school districts, in each district affected, ten percent of the voters by number of those voting for school board members in the last annual school election in each district may petition the district boards of education in the districts affected, regardless of county lines, for a change in boundaries. The question shall be submitted at the next [general municipal] election, **as referenced in section**

115.123, RSMo.

2. The voters shall decide the question by a majority vote of those who vote upon the question. If assent to the change is given by each of the various districts voting, each voting separately, the boundaries are changed from that date.

3. If one of the districts votes against the change and the other votes for the change, the matter may be appealed to the state board of education, in writing, within fifteen days of the submission of the question by either one of the districts affected, or in the above event by a majority of the signers of the petition requesting a vote on the proposal. At the first meeting of the state board following the appeal, a board of arbitration composed of three members, none of whom shall be a resident of any district affected, shall be appointed. In determining whether it is necessary to change the boundary line between seven-director districts, the board of arbitration shall base its decision upon the following:

(1) The presence of school-aged children in the affected area;

(2) The presence of actual educational harm to school-aged children, either due to a significant difference in the time involved in transporting students or educational deficiencies in the district which would have its boundary adversely affected; and

(3) The presence of an educational necessity, not of a commercial benefit to landowners or to the district benefitting for the proposed boundary adjustment.

4. Within twenty days after notification of appointment, the board of arbitration shall meet and consider the necessity for the proposed changes and shall decide whether the boundaries shall be changed as requested in the petition or be left unchanged, which decision shall be final. The decision by the board of arbitration shall be rendered not more than thirty days after the matter is referred to the board. The chairman of the board

of arbitration shall transmit the decision to the secretary of each district affected who shall enter the same upon the records of his district and the boundaries shall thereafter be in accordance with the decision of the board of arbitration. The members of the board of arbitration shall be allowed a fee of fifty dollars each, to be paid at the time the appeal is made by the district taking the appeal or by the petitioners should they institute the appeal.

5. If the board of arbitration decides that the boundaries shall be left unchanged, no new petition for the same, or substantially the same, boundary change between the same districts shall be filed until after the expiration of two years from the date of the municipal election at which the question was submitted to the voters of the districts.”

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend House Bill No. 265, Page 1, Section A, Line 2, by inserting after all of said line the following:

“162.431. 1. When it is necessary to change the boundary lines between seven-director school districts, in each district affected, ten percent of the voters by number of those voting for school board members in the last annual school election in each district may petition the district boards of education in the districts affected, regardless of county lines, for a change in boundaries. The question shall be submitted at the next general municipal election.

2. The voters shall decide the question by a majority vote of those who vote upon the question. If assent to the change is given by each of the various districts voting, each voting separately, the boundaries are changed from that date.

3. If one of the districts votes against the change and the other votes for the change, the matter may be appealed to the state board of education, in writing, within fifteen days of the submission of the question by either one of the districts affected, or in the above event by a majority of the signers of the petition requesting a vote on the proposal. At the first meeting of the state board following the appeal, a board of arbitration composed of three members, none of whom shall be a resident of any district affected, shall be appointed. In determining whether it is necessary to change the boundary line between seven-director districts, the board of arbitration shall base its decision upon the following:

(1) The presence of school-aged children in the affected area;

(2) The presence of actual educational harm to school-aged children, either due to a significant difference in the time involved in transporting students or educational deficiencies in the district which would have its boundary adversely affected; and

(3) The presence of an educational necessity, not of a commercial benefit to landowners or to the district benefitting for the proposed boundary adjustment.

4. If the potential receiving district obtained a score consistent with the criteria for classification of the district as “accredited” on its most recent annual performance report and the potential sending district obtained a score consistent with the criteria for classification of the district as “unaccredited” on its most recent annual performance report, the board shall approve the proposed boundary change for the educational well-being of the children enrolled in the potential sending district.

[4.] **5.** Within twenty days after notification of appointment, the board of arbitration shall meet and consider the necessity for the proposed changes and shall decide whether the boundaries

shall be changed as requested in the petition or be left unchanged, which decision shall be final. The decision by the board of arbitration shall be rendered not more than thirty days after the matter is referred to the board. The chairman of the board of arbitration shall transmit the decision to the secretary of each district affected who shall enter the same upon the records of his district and the boundaries shall thereafter be in accordance with the decision of the board of arbitration. The members of the board of arbitration shall be allowed a fee of fifty dollars each, to be paid at the time the appeal is made by the district taking the appeal or by the petitioners should they institute the appeal.

[5.] 6. If the board of arbitration decides that the boundaries shall be left unchanged, no new petition for the same, or substantially the same, boundary change between the same districts shall be filed until after the expiration of two years from the date of the municipal election at which the question was submitted to the voters of the districts.”; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Gibbons offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend House Bill No. 265, Page 1, In The Title, Line 3, by striking the following: “due process hearings”; and

Further amend said bill, page 2, section 162.963, line 25, by inserting after all of said line the following:

“163.011. As used in this chapter unless the context requires otherwise:

(1) “Adjusted operating levy”, the sum of tax rates for the current year for teachers' and incidental funds for a school district as reported to the proper officer of each county pursuant to

section 164.011, RSMo;

(2) “Average daily attendance”, the quotient or the sum of the quotients obtained by dividing the total number of hours attended in a term by resident pupils between the ages of five and twenty-one by the actual number of hours school was in session in that term. To the average daily attendance of the following school term shall be added the full-time equivalent average daily attendance of summer school students. “Full-time equivalent average daily attendance of summer school students” shall be computed by dividing the total number of hours, except for physical education hours that do not count as credit toward graduation for students in grades nine, ten, eleven, and twelve, attended by all summer school pupils by the number of hours required in section 160.011, RSMo, in the school term. For purposes of determining average daily attendance under this subdivision, the term “resident pupil” shall include all children between the ages of five and twenty-one who are residents of the school district and who are attending kindergarten through grade twelve in such district. If a child is attending school in a district other than the district of residence and the child's parent is teaching in the school district which the child is attending, then such child shall be considered a resident pupil of the school district which the child is attending for such period of time when the district of residence is not otherwise liable for tuition. Average daily attendance for students below the age of five years for which a school district may receive state aid based on such attendance shall be computed as regular school term attendance unless otherwise provided by law;

(3) “Current operating expenditures”:

(a) For the fiscal year 2007 calculation, “current operating expenditures” shall be calculated using data from fiscal year 2004 and shall be calculated as all expenditures for instruction and support services except capital

outlay and debt service expenditures minus the revenue from federal categorical sources; food service; student activities; categorical payments for transportation costs pursuant to section 163.161; state reimbursements for early childhood special education; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo; the vocational education entitlement for the district, as provided for in section 167.332, RSMo; and payments from other districts;

(b) In every fiscal year subsequent to fiscal year 2007, current operating expenditures shall be the amount in paragraph (a) plus any increases in state funding pursuant to sections 163.031 and 163.043 subsequent to fiscal year 2005, not to exceed five percent, per recalculation, of the state revenue received by a district in the 2004-05 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments for any district from the first preceding calculation of the state adequacy target;

(4) "District's tax rate ceiling", the highest tax rate ceiling in effect subsequent to the 1980 tax year or any subsequent year. Such tax rate ceiling shall not contain any tax levy for debt service;

(5) "Dollar value modifier", an index of the relative purchasing power of a dollar, calculated as one plus fifteen percent of the difference of the regional wage ratio minus one, provided that the dollar value modifier shall not be applied at a rate less than 1.0:

(a) "County wage per job", the total county wage and salary disbursements divided by the total county wage and salary employment for each county and the city of St. Louis as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year;

(b) "Regional wage per job":

a. The total Missouri wage and salary

disbursements of the metropolitan area as defined by the Office of Management and Budget divided by the total Missouri metropolitan wage and salary employment for the metropolitan area for the county signified in the school district number or the city of St. Louis, as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year and recalculated upon every decennial census to incorporate counties that are newly added to the description of metropolitan areas; or if no such metropolitan area is established, then:

b. The total Missouri wage and salary disbursements of the micropolitan area as defined by the Office of Management and Budget divided by the total Missouri micropolitan wage and salary employment for the micropolitan area for the county signified in the school district number, as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year, if a micropolitan area for such county has been established and recalculated upon every decennial census to incorporate counties that are newly added to the description of micropolitan areas; or

c. If a county is not part of a metropolitan or micropolitan area as established by the Office of Management and Budget, then the county wage per job, as defined in paragraph (a) of this subdivision, shall be used for the school district, as signified by the school district number;

(c) "Regional wage ratio", the ratio of the regional wage per job divided by the state median wage per job;

(d) "State median wage per job", the fifty-eighth highest county wage per job;

(6) "Free and reduced lunch pupil count", the number of pupils eligible for free and reduced lunch on the last Wednesday in January for the preceding school year who were enrolled as students of the district, as approved by the

department in accordance with applicable federal regulations;

(7) “Free and reduced lunch threshold” shall be calculated by dividing the total free and reduced lunch pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(8) “Limited English proficiency pupil count”, the number in the preceding school year of pupils aged three through twenty-one enrolled or preparing to enroll in an elementary school or secondary school who were not born in the United States or whose native language is a language other than English or are Native American or Alaskan native, or a native resident of the outlying areas, and come from an environment where a language other than English has had a significant impact on such individuals' level of English language proficiency, or are migratory, whose native language is a language other than English, and who come from an environment where a language other than English is dominant; and have difficulties in speaking, reading, writing, or understanding the English language sufficient to deny such individuals the ability to meet the state's proficient level of achievement on state assessments described in Public Law 107-10, the ability to achieve successfully in classrooms where the language of instruction is English, or the opportunity to participate fully in society;

(9) “Limited English proficiency threshold” shall be calculated by dividing the total limited English proficiency pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily

attendance, by the total average daily attendance of all included performance districts;

(10) “Local effort”:

(a) For the fiscal year 2007 calculation, “local effort” shall be computed as the equalized assessed valuation of the property of a school district in calendar year 2004 divided by one hundred and multiplied by the performance levy less the percentage retained by the county assessor and collector plus one hundred percent of the amount received in fiscal year 2005 for school purposes from intangible taxes, fines, escheats, payments in lieu of taxes and receipts from state-assessed railroad and utility tax, one hundred percent of the amount received for school purposes pursuant to the merchants' and manufacturers' taxes under sections 150.010 to 150.370, RSMo, one hundred percent of the amounts received for school purposes from federal properties under sections 12.070 and 12.080, RSMo, except when such amounts are used in the calculation of federal impact aid pursuant to P.L. 81-874, fifty percent of Proposition C revenues received for school purposes from the school district trust fund under section 163.087, and one hundred percent of any local earnings or income taxes received by the district for school purposes. Under this paragraph, for a special district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, a tax levy of zero shall be utilized in lieu of the performance levy for the special school district;

(b) In every year subsequent to fiscal year 2007, “local effort” shall be the amount calculated under paragraph (a) of this subdivision plus any increase in the amount received for school purposes from fines or less any decrease in the amount received for school purposes from fines in any school district located entirely within any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants that

creates a county municipal court after January 1, 2006. If a district's assessed valuation has decreased subsequent to the calculation outlined in paragraph (a) of this subdivision, the district's local effort shall be calculated using the district's current assessed valuation in lieu of the assessed valuation utilized in calculation outlined in paragraph (a) of this subdivision;

(11) "Membership" shall be the average of:

(a) The number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in September of the previous year and who were in attendance one day or more during the preceding ten school days; and

(b) The number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in January of the previous year and who were in attendance one day or more during the preceding ten school days, plus the full-time equivalent number of summer school pupils.

"Full-time equivalent number of part-time students" is determined by dividing the total number of hours for which all part-time students are enrolled by the number of hours in the school term. "Full-time equivalent number of summer school pupils" is determined by dividing the total number of hours for which all summer school pupils were enrolled by the number of hours required pursuant to section 160.011, RSMo, in the school term. Only students eligible to be counted for average daily attendance shall be counted for membership;

(12) "Operating levy for school purposes", the sum of tax rates levied for teachers' and incidental funds plus the operating levy or sales tax equivalent pursuant to section 162.1100, RSMo, of any transitional school district containing the school district, in the payment year, not including

any equalized operating levy for school purposes levied by a special school district in which the district is located;

(13) "Performance district", any district that has met all performance standards and indicators as established by the department of elementary and secondary education for purposes of accreditation under section 161.092, RSMo, and as reported on the final annual performance report for that district each year;

(14) "Performance levy", three dollars and forty-three cents;

(15) "School purposes" pertains to teachers' and incidental funds;

(16) "Special education pupil count", the number of public school students with a current individualized education program and receiving services from the resident district as of December first of the preceding school year **and nonpublic students served through the federal Individuals with Disabilities Education Act by the district in which the nonpublic school is located**, except for special education services provided through a school district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, in which case the sum of the students in each district within the county exceeding the special education threshold of each respective district within the county shall be counted within the special district and not in the district of residence for purposes of distributing the state aid derived from the special education pupil count;

(17) "Special education threshold" shall be calculated by dividing the total special education pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(18) “State adequacy target”, the sum of the current operating expenditures of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, divided by the total average daily attendance of all included performance districts. The department of elementary and secondary education shall first calculate the state adequacy target for fiscal year 2007 and recalculate the state adequacy target every two years using the most current available data. The recalculation shall never result in a decrease from the previous state adequacy target amount. Should a recalculation result in an increase in the state adequacy target amount, fifty percent of that increase shall be included in the state adequacy target amount in the year of recalculation, and fifty percent of that increase shall be included in the state adequacy target amount in the subsequent year. The state adequacy target may be adjusted to accommodate available appropriations;

(19) “Teacher”, any teacher, teacher-secretary, substitute teacher, supervisor, principal, supervising principal, superintendent or assistant superintendent, school nurse, social worker, counselor or librarian who shall, regularly, teach or be employed for no higher than grade twelve more than one-half time in the public schools and who is certified under the laws governing the certification of teachers in Missouri;

(20) “Weighted average daily attendance”, the average daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that exceeds the free and reduced lunch threshold, plus the product of seventy-five hundredths multiplied by the number of special education pupil count that exceeds the special education threshold, and plus the product of six-tenths multiplied by the number of limited English proficiency pupil count that exceeds the

limited English proficiency threshold. For special districts established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, weighted average daily attendance shall be the average daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that exceeds the free and reduced lunch threshold, plus the product of seventy-five hundredths multiplied by the sum of the special education pupil count that exceeds the threshold for each county district, plus the product of six-tenths multiplied by the limited English proficiency pupil count that exceeds the limited English proficiency threshold. None of the districts comprising a special district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, shall use any special education pupil count in calculating their weighted average daily attendance.”; and

Further amend the title and enacting clause accordingly.

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

Senator Green offered SA 4:

SENATE AMENDMENT NO. 4

Amend House Bill No. 265, Page 2, Section 162.963, Line 25, by inserting immediately after all of said line the following:

“Section 1. Notwithstanding any provision of law to the contrary, the state auditor shall have the power to audit any school district within the state in the same manner as the auditor may audit any agency of the state.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Justus offered SA 5:

SENATE AMENDMENT NO. 5

Amend House Bill No. 265, Page 2, Section 162.963, Line 25, by inserting after all of said line the following:

“167.128. 1. The educational needs of each child under the jurisdiction of the juvenile court or family court under subdivisions (1), (2), or (5) of subsection 1 of section 211.031, RSMo, shall be considered as part of the function of the child's family support team pursuant to policy of the department of social services. Such needs shall include, but not be limited to, the assumption that regular full school days of education are warranted. For the purposes of this section, “full school day” shall mean six hours in which the child is under the guidance and direction of teachers in the education process. The local school district shall be invited to have representation on the child's family support team. If the school district designates a representative, the representative shall be a full participant in the family support team.

2. Nothing in this section shall be construed to infringe upon the rights or due process provisions of the federal Individuals with Disabilities Education Act. Nothing in this section shall be construed to impede the ability of the family support team or the facility staff from making a referral for special education services, if appropriate, when a child is placed in a facility described in this section without an individualized education program or without a pending referral for such services. If a child is referred for such services, the provisions of the Individuals with Disabilities Education Act shall apply and control while the referral is pending and through the evaluation process, including provisions for educational decision-makers and educational surrogates. Nothing in this section shall be construed to deny any child domiciled in Missouri appropriate and necessary free public education services.

3. When the department of social services

by contract places a child for treatment in a licensed residential care facility setting for children as defined in section 210.481, RSMo, such facility shall be responsible for the educational needs of the child if the child at the time of placement does not have an individualized education program or a pending referral for special education services under sections 162.670 to 162.999, RSMo.

(1) Such facilities operating an on-site school for which they hire their own education staff shall:

(a) Provide, on site at such facility, a full school day of education for each child placed in such facility by the department of social services unless the child's plan of treatment and care supports his or her ability to attend public school; and

(b) Be reimbursed by the local school district for the cost of education services provided to children placed in their care by the department of social services, as approved by the department of elementary and secondary education, when the facility provides education services. The local school district shall be compensated under section 167.126, RSMo, for such education services.

No child placed in the facilities for treatment described in this subdivision shall be considered by the local school district as homebound for purposes of education unless the family support team under subsection 1 of this section has approved homebound instruction. A full school day of education shall be provided unless fewer hours of instruction per day are approved by the family support team under subsection 1 of this section. Nothing in this subdivision shall create an obligation for a licensed residential care facility to have on-site classrooms, to operate an on-site school, or to hire its own education staff.

(2) When such facilities have on-site

classrooms but do not hire their own education staff, the local school district:

(a) Shall provide, on site at such facility, or at an alternative location agreed upon under subsection 6 of this section, a full school day of education for each child placed in such facility for care by the department of social services unless the child's plan of treatment and care supports his or her ability to attend public school;

(b) Shall be compensated under section 167.126 for such education services, as approved by the department of elementary and secondary education; and

(c) May consider such education services as homebound instruction but shall provide each homebound child with a full school day of education unless fewer hours of instruction per day are approved by the family support team under subsection 1 of this section.

Nothing in this subdivision shall create an obligation for a licensed residential care facility to have on-site classrooms, to operate an on-site school, or to hire its own education staff.

(3) When such facilities do not operate an on-site school or have on-site classrooms, the local school district shall:

(a) Provide a full school day of education for each child placed in such facility for care by the department of social services; and

(b) Be compensated for such education services under section 167.126, as approved by the department of elementary and secondary education.

If the child's behavior or plan of treatment and care does not support the child's being educated in a regular education class, education services shall be provided in an alternative setting approved by the family support team under subsection 1 of this section. A full school day of education shall be provided unless fewer hours

of instruction per day are approved by the family support team under subsection 1 of this section. Nothing in this subdivision shall create an obligation for a licensed residential care facility to have on-site classrooms, to operate an on-site school, or to hire its own education staff.

4. Notwithstanding any other provision of law, a child placed for treatment by the department of social services in a licensed residential care facility setting for children as defined in section 210.481, RSMo, who does not have an individualized education program for special education services or a pending referral for such services under sections 162.670 to 162.999, RSMo, whose plan of treatment and care supports his or her ability to attend public school but who is then suspended or otherwise demonstrates school failure based on behavior or academic performance shall then be provided a full school day of education according to subsection 3 of this section. Nothing in this section shall be construed to infringe upon the authority and responsibility of local public school districts, their boards, and their employees to maintain safe and orderly learning environments including, but not limited to, authority assigned by section 160.261, RSMo, sections 167.091, 167.161, 167.164, and 167.171.

5. Nothing in this section shall prevent a licensed residential care facility setting for children as defined in section 210.481, RSMo, from contracting with school districts for education services. Nothing in this section shall prevent a school district from contracting with a licensed residential care facility setting for children as defined in section 210.481, RSMo, for education services.

6. (1) Any residential treatment facility shall work with the district and develop an educational plan that describes in general how and where educational services will be provided to school-aged residents of the treatment facility

under a variety of possible circumstances. The educational plan shall be developed jointly by the appropriate staff of both the treatment facility and the public school district, and the plan shall be signed annually by the administration of both parties verifying their support for the plan.

(2) It is the intent that the educational plan follow the provisions of this section, but treatment facilities and school districts may develop provisions for educational services not included in this section if both parties agree on the provisions and if the provisions offer a full-day educational program for the students involved.

(3) If sufficient financial resources exist, both the treatment facility and school district shall be fully reimbursed for their applicable portion of the costs attributable to providing the educational services required under this section. No school district shall be required to provide a reimbursement to a treatment facility, the aggregate amount of which is greater than the revenue the district received from the following sources:

(a) The state aid attributable to the student that the district received under sections 163.031, RSMo, 163.043, RSMo, 163.044, RSMo, plus all other state aid attributable to such student;

(b) The average sum produced per student by the local tax effort of the district;

(c) The portion of any federal funds received by the district that is attributable to such student;

(d) The portion of the school district trust fund distribution attributable to the student under section 163.087, RSMo;

(e) Any reimbursement received by the district for the educational costs of high-need children under section 162.974, RSMo, that is attributable to the student; and

(f) Any other possible source of revenue that may be attributable to the education of the student.

The local school district shall make every effort to obtain any and all potential reimbursements for the costs of educating children under this section.

(4) Each treatment facility and school district shall furnish a signed copy of their educational plan to the department of elementary and secondary education and to the department of social services no later than June first of each year.

(5) If a treatment facility and school district cannot reach an agreement on the education plan under this subsection, the differences shall be resolved by an arbitration panel made up of one representative from the department of elementary and secondary education, one representative from the children's division of the department of social services and one person appointed by the governor every three years, serving at the pleasure of the governor, with the advice and consent of the senate. A final decision shall be made by August fifteenth. Costs for the arbitration panel shall be shared equally by the treatment facility and the school district."

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted.

Senator Nodler assumed the Chair.

At the request of Senator Rupp, **HB 265**, with **SA 5** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SB 416**, entitled:

An Act to repeal sections 247.172, 394.312, and 516.090, RSMo, and to enact in lieu thereof three new sections relating to the statute of limitations for actions involving certain lands.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS for SB 302**.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 302, Page 1, Section 429.010, Lines 2-4, by striking all of said Lines and inserting in lieu thereof the following:

“land, rent any machinery or equipment, or use any rental machinery or equipment, or furnish any material, fixtures, engine,”; and

Further amend said Substitute, Page 1, Section 429.010, Line 10, by deleting the words **“at whatever tier,”; and**

Further amend said Substitute, Page 2, Section 429.010, Lines 36-37, by deleting all of said Lines and inserting in lieu thereof the following:

“person. For claims involving the rental of machinery or equipment to others who use the rental machinery or equipment, the lien shall be for the reasonable”; and

Further amend said Substitute, Page 2, Section 429.010, Line 42, by deleting all of said Line and inserting in lieu thereof the following:

“unless;” and

Further amend said Substitute, Page 2, Section 429.010, Lines 50-52, by deleting all of said Lines

and inserting in lieu thereof the following:

“equipment being rented, and the rental rate. Nothing contained in subsection 2 of this section shall apply to persons who use rented machinery or equipment in performing the work or labor described in subsection 1 of this section.”; and

Further amend said Substitute, Page 3, Section 429.080, Lines 6-7, by deleting all of said Lines and inserting in lieu thereof the following:

“rental equipment or machinery rented to others, then, within sixty days after the date the last of the rental”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS for SCS for SB 308**, as amended. Representatives: Wasson, Parson, Tilley, Page and McClanahan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SB 233**, as amended. Representatives: Stevenson, Tilley, Nolte, Holsman and Zweifel.

On motion of Senator Shields, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Rupp.

RESOLUTIONS

Senator Kennedy offered Senate Resolution No. 1146, regarding Dr. Michele Condon, Saint Louis County, which was adopted.

Senator Stouffer offered Senate Resolution No. 1147, regarding Alan J. Slater, London, England, which was adopted.

Senator Barnitz offered Senate Resolution No. 1148, regarding Glen R. Spencer, Salem, which was adopted.

Senator Vogel offered Senate Resolution No. 1149, regarding Robert D. Wittenberger, Jamestown, which was adopted.

Senator Bray offered Senate Resolution No. 1150, regarding Lee Scissors, which was adopted.

HOUSE BILLS ON THIRD READING

HB 352, introduced by Representative Hobbs, et al, entitled:

An Act to repeal sections 34.165 and 178.930, RSMo, and to enact in lieu thereof two new sections relating to state purchasing and printing.

Was called from the Informal Calendar and taken up by Senator Scott.

On motion of Senator Scott, **HB 352** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Goodman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Griesheimer on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 376**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 376**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 376, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 376;

2. That the Senate recede from its position on Senate Bill No. 376;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 376, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ John E. Griesheimer /s/ Dennis F. Wood

/s/ Gary Nodler /s/ Shannon Cooper

/s/ Jack A.L. Goodman /s/ Steven Tilley

/s/ Victor E. Callahan /s/ Joe Aull

/s/ Harry Kennedy /s/ Sara Lampe

Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

Senator Griesheimer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Goodman—1

Vacancies—None

On motion of Senator Griesheimer, **CCS** for **HCS** for **SB 376**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR SENATE BILL NO. 376

An Act to repeal section 620.467, RSMo, and to enact in lieu thereof two new sections relating to financial impact on tourism, with an emergency clause.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
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NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Goodman—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Goodman—1

Vacancies—None

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the

table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 740, with **SCS**, introduced by Representative Pearce, entitled:

An Act to authorize the conveyance of property owned by the state in Johnson County to the City of Warrensburg.

Was called from the Informal Calendar and taken up by Senator Koster.

SCS for **HB 740**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 740

An Act to authorize the conveyance of state property.

Was taken up.

Senator Koster moved that **SCS** for **HB 740** be adopted.

Senator Koster offered **SS** for **SCS** for **HB 740**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 740

An Act to authorize the conveyance of state property.

Senator Koster moved that **SS** for **SCS** for **HB 740**, be adopted, which motion prevailed.

On motion of Senator Koster, **SS** for **SCS** for **HB 740** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Goodman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Koster, title to the bill was agreed to.

Senator Koster moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Scott assumed the Chair.

Senator Rupp moved that **HB 265**, with **SA 5** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 5 was again taken up.

At the request of Senator Rupp, **HB 265**, with **SA 5** (pending), was placed on the Informal Calendar.

HB 267, introduced by Representatives Jones (117) and Cunningham (86), entitled:

An Act to repeal section 162.961, RSMo, and to enact in lieu thereof one new section relating to special education due process hearings.

Was called from the Informal Calendar and taken up by Senator Rupp.

Senator Callahan offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Bill No. 267, Page 1, Section A, Line 2, by inserting immediately after said line the following:

“162.431. 1. When it is necessary to change

the boundary lines between seven-director school districts, in each district affected, ten percent of the voters by number of those voting for school board members in the last annual school election in each district may petition the district boards of education in the districts affected, regardless of county lines, for a change in boundaries. The question shall be submitted at the next [general municipal] election, **as referenced in section 115.123, RSMo.**

2. The voters shall decide the question by a majority vote of those who vote upon the question. If assent to the change is given by each of the various districts voting, each voting separately, the boundaries are changed from that date.

3. If one of the districts votes against the change and the other votes for the change, the matter may be appealed to the state board of education, in writing, within fifteen days of the submission of the question by either one of the districts affected, or in the above event by a majority of the signers of the petition requesting a vote on the proposal. At the first meeting of the state board following the appeal, a board of arbitration composed of three members, none of whom shall be a resident of any district affected, shall be appointed. In determining whether it is necessary to change the boundary line between seven-director districts, the board of arbitration shall base its decision upon the following:

(1) The presence of school-aged children in the affected area;

(2) The presence of actual educational harm to school-aged children, either due to a significant difference in the time involved in transporting students or educational deficiencies in the district which would have its boundary adversely affected; and

(3) The presence of an educational necessity, not of a commercial benefit to landowners or to the district benefitting for the proposed boundary adjustment.

4. Within twenty days after notification of appointment, the board of arbitration shall meet and consider the necessity for the proposed changes and shall decide whether the boundaries shall be changed as requested in the petition or be left unchanged, which decision shall be final. The decision by the board of arbitration shall be rendered not more than thirty days after the matter is referred to the board. The chairman of the board of arbitration shall transmit the decision to the secretary of each district affected who shall enter the same upon the records of his district and the boundaries shall thereafter be in accordance with the decision of the board of arbitration. The members of the board of arbitration shall be allowed a fee of fifty dollars each, to be paid at the time the appeal is made by the district taking the appeal or by the petitioners should they institute the appeal.

5. If the board of arbitration decides that the boundaries shall be left unchanged, no new petition for the same, or substantially the same, boundary change between the same districts shall be filed until after the expiration of two years from the date of the municipal election at which the question was submitted to the voters of the districts.”; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted.

Senator Callahan offered **SSA 1** for **SA1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1

Amend House Bill No. 267, Page 1, Section A, Line 2, by inserting after all of said line the following:

“162.431. 1. When it is necessary to change the boundary lines between seven-director school districts, in each district affected, ten percent of the voters by number of those voting for school board members in the last annual school election in each district may petition the district boards of

education in the districts affected, regardless of county lines, for a change in boundaries. The question shall be submitted at the next [general municipal] election, **as referenced in section 115.123, RSMo.**

2. The voters shall decide the question by a majority vote of those who vote upon the question. If assent to the change is given by each of the various districts voting, each voting separately, the boundaries are changed from that date.

3. If one of the districts votes against the change and the other votes for the change, the matter may be appealed to the state board of education, in writing, within fifteen days of the submission of the question by either one of the districts affected, or in the above event by a majority of the signers of the petition requesting a vote on the proposal. At the first meeting of the state board following the appeal, a board of arbitration composed of three members, none of whom shall be a resident of any district affected, shall be appointed. In determining whether it is necessary to change the boundary line between seven-director districts, the board of arbitration shall base its decision upon the following:

(1) The presence of school-aged children in the affected area;

(2) The presence of actual educational harm to school-aged children, either due to a significant difference in the time involved in transporting students or educational deficiencies in the district which would have its boundary adversely affected; and

(3) The presence of an educational necessity, not of a commercial benefit to landowners or to the district benefitting for the proposed boundary adjustment.

4. If the potential receiving district obtained a score consistent with the criteria for classification of the district as “accredited” on its most recent annual performance report and the potential sending district obtained a score

consistent with the criteria for classification of the district as “unaccredited” on its most recent annual performance report, the board shall approve the proposed boundary change for the educational well-being of the children enrolled in the potential sending district.

[4.] **5.** Within twenty days after notification of appointment, the board of arbitration shall meet and consider the necessity for the proposed changes and shall decide whether the boundaries shall be changed as requested in the petition or be left unchanged, which decision shall be final. The decision by the board of arbitration shall be rendered not more than thirty days after the matter is referred to the board. The chairman of the board of arbitration shall transmit the decision to the secretary of each district affected who shall enter the same upon the records of his district and the boundaries shall thereafter be in accordance with the decision of the board of arbitration. The members of the board of arbitration shall be allowed a fee of fifty dollars each, to be paid at the time the appeal is made by the district taking the appeal or by the petitioners should they institute the appeal.

[5.] **6.** If the board of arbitration decides that the boundaries shall be left unchanged, no new petition for the same, or substantially the same, boundary change between the same districts shall be filed until after the expiration of two years from the date of the municipal election at which the question was submitted to the voters of the districts.”; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above substitute amendment be adopted, which motion prevailed.

Senator Green offered SA 2:

SENATE AMENDMENT NO. 2

Amend House Bill No. 267, Page 3, Section 162.961, Line 70, by inserting immediately after all of said line the following:

“Section 1. Notwithstanding any provision of law to the contrary, the state auditor shall have the power to audit any school district within the state in the same manner as the auditor may audit any agency of the state.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Gibbons offered **SA 3:**

SENATE AMENDMENT NO. 3

Amend House Bill No. 267, Page 1, In The Title, Line 3, by striking the following: “due process hearings”; and

Further amend said bill, page 3, section 162.961, line 70, by inserting after all of said line the following:

“163.011. As used in this chapter unless the context requires otherwise:

(1) “Adjusted operating levy”, the sum of tax rates for the current year for teachers' and incidental funds for a school district as reported to the proper officer of each county pursuant to section 164.011, RSMo;

(2) “Average daily attendance”, the quotient or the sum of the quotients obtained by dividing the total number of hours attended in a term by resident pupils between the ages of five and twenty-one by the actual number of hours school was in session in that term. To the average daily attendance of the following school term shall be added the full-time equivalent average daily attendance of summer school students. “Full-time equivalent average daily attendance of summer school students” shall be computed by dividing the total number of hours, except for physical education hours that do not count as credit toward graduation for students in grades nine, ten, eleven, and twelve, attended by all summer school pupils by the number of hours required in section 160.011, RSMo, in the school term. For purposes

of determining average daily attendance under this subdivision, the term “resident pupil” shall include all children between the ages of five and twenty-one who are residents of the school district and who are attending kindergarten through grade twelve in such district. If a child is attending school in a district other than the district of residence and the child's parent is teaching in the school district or is a regular employee of the school district which the child is attending, then such child shall be considered a resident pupil of the school district which the child is attending for such period of time when the district of residence is not otherwise liable for tuition. Average daily attendance for students below the age of five years for which a school district may receive state aid based on such attendance shall be computed as regular school term attendance unless otherwise provided by law;

(3) “Current operating expenditures”:

(a) For the fiscal year 2007 calculation, “current operating expenditures” shall be calculated using data from fiscal year 2004 and shall be calculated as all expenditures for instruction and support services except capital outlay and debt service expenditures minus the revenue from federal categorical sources; food service; student activities; categorical payments for transportation costs pursuant to section 163.161; state reimbursements for early childhood special education; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo; the vocational education entitlement for the district, as provided for in section 167.332, RSMo; and payments from other districts;

(b) In every fiscal year subsequent to fiscal year 2007, current operating expenditures shall be the amount in paragraph (a) plus any increases in state funding pursuant to sections 163.031 and 163.043 subsequent to fiscal year 2005, not to exceed five percent, per recalculation, of the state revenue received by a district in the 2004-05

school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments for any district from the first preceding calculation of the state adequacy target;

(4) "District's tax rate ceiling", the highest tax rate ceiling in effect subsequent to the 1980 tax year or any subsequent year. Such tax rate ceiling shall not contain any tax levy for debt service;

(5) "Dollar value modifier", an index of the relative purchasing power of a dollar, calculated as one plus fifteen percent of the difference of the regional wage ratio minus one, provided that the dollar value modifier shall not be applied at a rate less than 1.0:

(a) "County wage per job", the total county wage and salary disbursements divided by the total county wage and salary employment for each county and the city of St. Louis as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year;

(b) "Regional wage per job":

a. The total Missouri wage and salary disbursements of the metropolitan area as defined by the Office of Management and Budget divided by the total Missouri metropolitan wage and salary employment for the metropolitan area for the county signified in the school district number or the city of St. Louis, as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year and recalculated upon every decennial census to incorporate counties that are newly added to the description of metropolitan areas; or if no such metropolitan area is established, then:

b. The total Missouri wage and salary disbursements of the micropolitan area as defined by the Office of Management and Budget divided by the total Missouri micropolitan wage and salary employment for the micropolitan area for the

county signified in the school district number, as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year, if a micropolitan area for such county has been established and recalculated upon every decennial census to incorporate counties that are newly added to the description of micropolitan areas; or

c. If a county is not part of a metropolitan or micropolitan area as established by the Office of Management and Budget, then the county wage per job, as defined in paragraph (a) of this subdivision, shall be used for the school district, as signified by the school district number;

(c) "Regional wage ratio", the ratio of the regional wage per job divided by the state median wage per job;

(d) "State median wage per job", the fifty-eighth highest county wage per job;

(6) "Free and reduced lunch pupil count", the number of pupils eligible for free and reduced lunch on the last Wednesday in January for the preceding school year who were enrolled as students of the district, as approved by the department in accordance with applicable federal regulations;

(7) "Free and reduced lunch threshold" shall be calculated by dividing the total free and reduced lunch pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(8) "Limited English proficiency pupil count", the number in the preceding school year of pupils aged three through twenty-one enrolled or preparing to enroll in an elementary school or secondary school who were not born in the United States or whose native language is a language other

than English or are Native American or Alaskan native, or a native resident of the outlying areas, and come from an environment where a language other than English has had a significant impact on such individuals' level of English language proficiency, or are migratory, whose native language is a language other than English, and who come from an environment where a language other than English is dominant; and have difficulties in speaking, reading, writing, or understanding the English language sufficient to deny such individuals the ability to meet the state's proficient level of achievement on state assessments described in Public Law 107-10, the ability to achieve successfully in classrooms where the language of instruction is English, or the opportunity to participate fully in society;

(9) "Limited English proficiency threshold" shall be calculated by dividing the total limited English proficiency pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(10) "Local effort":

(a) For the fiscal year 2007 calculation, "local effort" shall be computed as the equalized assessed valuation of the property of a school district in calendar year 2004 divided by one hundred and multiplied by the performance levy less the percentage retained by the county assessor and collector plus one hundred percent of the amount received in fiscal year 2005 for school purposes from intangible taxes, fines, escheats, payments in lieu of taxes and receipts from state-assessed railroad and utility tax, one hundred percent of the amount received for school purposes pursuant to the merchants' and manufacturers' taxes under sections 150.010 to 150.370, RSMo, one hundred percent of the amounts received for school

purposes from federal properties under sections 12.070 and 12.080, RSMo, except when such amounts are used in the calculation of federal impact aid pursuant to P.L. 81-874, fifty percent of Proposition C revenues received for school purposes from the school district trust fund under section 163.087, and one hundred percent of any local earnings or income taxes received by the district for school purposes. Under this paragraph, for a special district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, a tax levy of zero shall be utilized in lieu of the performance levy for the special school district;

(b) In every year subsequent to fiscal year 2007, "local effort" shall be the amount calculated under paragraph (a) of this subdivision plus any increase in the amount received for school purposes from fines or less any decrease in the amount received for school purposes from fines in any school district located entirely within any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants that creates a county municipal court after January 1, 2006. If a district's assessed valuation has decreased subsequent to the calculation outlined in paragraph (a) of this subdivision, the district's local effort shall be calculated using the district's current assessed valuation in lieu of the assessed valuation utilized in calculation outlined in paragraph (a) of this subdivision;

(11) "Membership" shall be the average of:

(a) The number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in September of the previous year and who were in attendance one day or more during the preceding ten school days; and

(b) The number of resident full-time students and the full-time equivalent number of part-time

students who were enrolled in the public schools of the district on the last Wednesday in January of the previous year and who were in attendance one day or more during the preceding ten school days, plus the full-time equivalent number of summer school pupils.

“Full-time equivalent number of part-time students” is determined by dividing the total number of hours for which all part-time students are enrolled by the number of hours in the school term. “Full-time equivalent number of summer school pupils” is determined by dividing the total number of hours for which all summer school pupils were enrolled by the number of hours required pursuant to section 160.011, RSMo, in the school term. Only students eligible to be counted for average daily attendance shall be counted for membership;

(12) “Operating levy for school purposes”, the sum of tax rates levied for teachers' and incidental funds plus the operating levy or sales tax equivalent pursuant to section 162.1100, RSMo, of any transitional school district containing the school district, in the payment year, not including any equalized operating levy for school purposes levied by a special school district in which the district is located;

(13) “Performance district”, any district that has met all performance standards and indicators as established by the department of elementary and secondary education for purposes of accreditation under section 161.092, RSMo, and as reported on the final annual performance report for that district each year;

(14) “Performance levy”, three dollars and forty-three cents;

(15) “School purposes” pertains to teachers' and incidental funds;

(16) “Special education pupil count”, the number of public school students with a current individualized education program and receiving services from the resident district as of December

first of the preceding school year **and nonpublic students served through the federal Individuals with Disabilities Education Act by the district in which the nonpublic school is located**, except for special education services provided through a school district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, in which case the sum of the students in each district within the county exceeding the special education threshold of each respective district within the county shall be counted within the special district and not in the district of residence for purposes of distributing the state aid derived from the special education pupil count;

(17) “Special education threshold” shall be calculated by dividing the total special education pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(18) “State adequacy target”, the sum of the current operating expenditures of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, divided by the total average daily attendance of all included performance districts. The department of elementary and secondary education shall first calculate the state adequacy target for fiscal year 2007 and recalculate the state adequacy target every two years using the most current available data. The recalculation shall never result in a decrease from the previous state adequacy target amount. Should a recalculation result in an increase in the state adequacy target amount, fifty percent of that increase shall be included in the state adequacy target amount in the year of recalculation, and fifty percent of that

increase shall be included in the state adequacy target amount in the subsequent year. The state adequacy target may be adjusted to accommodate available appropriations;

(19) “Teacher”, any teacher, teacher-secretary, substitute teacher, supervisor, principal, supervising principal, superintendent or assistant superintendent, school nurse, social worker, counselor or librarian who shall, regularly, teach or be employed for no higher than grade twelve more than one-half time in the public schools and who is certified under the laws governing the certification of teachers in Missouri;

(20) “Weighted average daily attendance”, the average daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that exceeds the free and reduced lunch threshold, plus the product of seventy-five hundredths multiplied by the number of special education pupil count that exceeds the special education threshold, and plus the product of six-tenths multiplied by the number of limited English proficiency pupil count that exceeds the limited English proficiency threshold. For special districts established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, weighted average daily attendance shall be the average daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that exceeds the free and reduced lunch threshold, plus the product of seventy-five hundredths multiplied by the sum of the special education pupil count that exceeds the threshold for each county district, plus the product of six-tenths multiplied by the limited English proficiency pupil count that exceeds the limited English proficiency threshold. None of the districts comprising a special district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, shall use any special education pupil count in calculating their weighted average daily attendance.”; and

Further amend the title and enacting clause accordingly.

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

Senator Coleman offered SA 4:

SENATE AMENDMENT NO. 4

Amend House Bill No. 267, Page 3, Section 162.961, Line 70, by inserting immediately after all of said line the following:

“Section 1. Whenever any school district in this state attains a score or displays criteria for classification of the district on its annual performance review consistent with the classification of “unaccredited”, the state board of education shall, within ninety days, study all of the pertinent, current data from the district and shall either classify the district as “unaccredited” or issue a report to the general assembly and the governor delineating the factors considered and the reasons for not classifying the district as “unaccredited”. Should the state board vote to classify a district as “unaccredited”, the board may vote to apply such classification prospectively to a date no later than ten days after the last scheduled day of classes for the district in the current academic year.”; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Smith offered SA 5:

SENATE AMENDMENT NO. 5

Amend House Bill No. 267, Page 1, Section A, Line 2, by inserting after all of said line the following:

“161.660. The department of elementary and secondary education shall designate, by July 1, 2008, a teacher assessment program for use by all school districts within this state. Such

assessment shall be a comprehensive, performance-based evaluation of the teacher. The assessment designated by the department shall be an existing assessment tool, such as the Praxis Examination, the National Teacher Examination, or another existing assessment tool. Multiple assessments shall be designated in order to assess each teacher according to the specific subject area taught by the teacher. The department may promulgate rules in order to effectuate the provisions of this section, including objective measures to determine whether a teacher demonstrates a minimum level of competency in the teacher's subject area, as well as whether a teacher demonstrates a high level of competency in the teacher's subject area based on a score of ninety percent or better on the assessment. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.”; and

Further amend said bill, page 3, section 162.961, line 70, by inserting immediately after said line the following:

“162.1162. 1. Beginning August 28, 2008, any school district that is not fully accredited by the state board of education shall require each teacher to be assessed every five years to determine the competency of the teacher in the teacher's subject area or areas.

2. The school district shall utilize one or

more of the assessments designated by the department of elementary and secondary education in section 161.660, RSMo. The school district shall notify each teacher of the results of the assessment by certified mail sent to the teacher.

3. Any teacher who fails to demonstrate a minimum level of competency, based on the results of the assessment required by subsection 1 of this section, shall be allowed to re-take the assessment no more than one time within three months after receiving notification of the failure.

4. Notwithstanding the provisions of sections 168.221, RSMo and 168.281, RSMo, a teacher that fails to demonstrate a minimum level of competency shall not be considered a permanent employee of the school district.

5. A teacher that demonstrates a high level of competency, as determined by rules promulgated by the department of elementary and secondary education under authority granted in section 161.660, RSMo, shall be exempt from the assessment required by this section for the next five-year period.

6. The provisions of this section shall not apply to a teacher for five years after the teacher first obtains licensure in this state. Any teacher that demonstrates a high level of competency on the initial licensure examination is exempted from the provisions of this section for a period of ten years from the date of initial licensure as a teacher.”; and

Further amend the title and enacting clause accordingly.

Senator Smith moved that the above amendment be adopted.

At the request of Senator Rupp, **HB 267**, with **SA 5** (pending), was placed on the Informal Calendar.

HCS for HBs 444, 217, 225, 239, 243, 297,

402 and **172**, with **SCS**, entitled:

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to an income tax deduction.

Was called from the Informal Calendar and taken up by Senator Crowell.

SCS for **HCS** for **HBs 444, 217, 225, 239, 243, 297, 402** and **172**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 444, 217, 225, 239, 243,
297, 402 and 172

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to an income tax deduction.

Was taken up.

Senator Crowell moved that **SCS** for **HCS** for **HBs 444, 217, 225, 239, 243, 297, 402** and **172** be adopted.

Senator Crowell offered **SS** for **SCS** for **HCS** for **HBs 444, 217, 225, 239, 243, 297, 402** and **172**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 444, 217, 225, 239, 243,
297, 402, & 172

An Act to repeal section 143.124, RSMo, and to enact in lieu thereof two new sections relating to income tax deductions.

Senator Crowell moved that **SS** for **SCS** for **HCS** for **HBs 444, 217, 225, 239, 243, 297, 402** and **172** be adopted.

Senator Green offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 444, 217, 225, 239, 243, 297, 402 and 172, Page 1, Section A, Line 3,

by inserting after all of said line the following:

“143.121. 1. The Missouri adjusted gross income of a resident individual shall be the taxpayer's federal adjusted gross income subject to the modifications in this section.

2. There shall be added to the taxpayer's federal adjusted gross income:

(a) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit;

(b) Interest on certain governmental obligations excluded from federal gross income by Section 103 of the Internal Revenue Code. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (a) of subsection 3 of this section. The amount added pursuant to this paragraph shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of Section 265 of the Internal Revenue Code. The reduction shall only be made if it is at least five hundred dollars;

(c) The amount of any deduction that is included in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount deducted exceeds the amount that would have been deductible pursuant to Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002; and

(d) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by Section 172 of the Internal Revenue Code of 1986, as amended, other than the deduction allowed by Section 172(b)(1)(G) and Section 172(i) of the

Internal Revenue Code of 1986, as amended, for a net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a period of more than twenty years and carries backward for more than two years. Any amount of net operating loss taken against federal taxable income but disallowed for Missouri income tax purposes pursuant to this paragraph after June 18, 2002, may be carried forward and taken against any income on the Missouri income tax return for a period of not more than twenty years from the year of the initial loss.

3. There shall be subtracted from the taxpayer's federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(a) Interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from Missouri income taxes pursuant to the laws of the United States. The amount subtracted pursuant to this paragraph shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this paragraph. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining the taxpayer's federal adjusted gross income or included in the taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(b) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to

one-half of such portion of the gain;

(c) The amount necessary to prevent the taxation pursuant to this chapter of any annuity or other amount of income or gain which was properly included in income or gain and was taxed pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(d) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(e) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(f) The portion of capital gain specified in section 135.357, RSMo, that would otherwise be included in federal adjusted gross income;

(g) The amount that would have been deducted in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as in effect on January 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002;

(h) For all tax years beginning on or after January 1, 2005, the amount of any income received for military service while the taxpayer serves in a combat zone which is included in federal adjusted gross income and not otherwise excluded therefrom. As used in this section, "combat zone" means any area which the President of the United States by Executive Order designates as an area in which armed forces of the United States are or have engaged in combat. Service is performed in a combat zone only if performed on

or after the date designated by the President by Executive Order as the date of the commencing of combat activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone; [and]

(i) For all tax years ending on or after July 1, 2002, with respect to qualified property that is sold or otherwise disposed of during a taxable year by a taxpayer and for which an addition modification was made under paragraph (c) of subsection 2 of this section, the amount by which addition modification made under paragraph (c) of subsection 2 of this section on qualified property has not been recovered through the additional subtractions provided in paragraph (g) of this subsection; **and**

(j) The amount of any qualified higher education expenses determined under section 143.1014.

4. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the modifications provided in section 143.411.

6. In addition to the modifications to a taxpayer's federal adjusted gross income in this section, to calculate Missouri adjusted gross income there shall be subtracted from the taxpayer's federal adjusted gross income any gain recognized pursuant to Section 1033 of the Internal Revenue Code of 1986, as amended, arising from compulsory or involuntary conversion of property as a result of condemnation or the imminence thereof.”; and

Further amend said bill, Page 10, Section 143.125, Line 16, by inserting after all of said line the following:

“143.1014. 1. This section shall be known and may be cited as the “Higher Education

Expenses Deduction”.

2. As used in this section, the following terms mean:

(1) “Department”, the department of revenue;

(2) “Director”, the director of the department of revenue;

(3) “Higher education institution”, an institution that meets the standards for accreditation as determined by either the North Central Association of Colleges and Secondary Schools or by other accrediting bodies recognized by the United States Department of Education or by utilizing accreditation standards applicable to non-degree granting institutions as established by the coordinating board for higher education.

(4) “Tax liability”, the tax due under chapter 143, other than taxes withheld under sections 143.191 to 143.265; and

(5) “Taxpayer”, any student filing income tax returns or a taxpayer who claims a student as a dependent.

3. If any taxpayer with a federal adjusted gross income of less than two hundred thousand dollars incurs tuition or fee expenses for enrollment of at least half time at a higher education institution, such taxpayer shall subtract from such taxpayer's federal adjusted gross income an amount equal to one hundred percent of such costs the taxpayer paid during the taxable year.

4. The department may promulgate such rules or regulations as are necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028,

RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

5. The provisions of this section shall apply to all tax years beginning on or after January 1, 2008.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Coleman, Justus, McKenna and Smith.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman
Days	Graham	Green	Justus
Kennedy	McKenna	Shoemyer	Smith
Wilson—13			

NAYS—Senators

Bartle	Champion	Crowell	Engler
Gibbons	Griesheimer	Koster	Lager
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel—18		

Absent—Senators

Clemens	Gross—2
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Absent with leave—Senator Goodman—1

Vacancies—None

Senator Green offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee

Substitute for House Bills Nos. 444, 217, 225, 239, 243, 297, 402 and 172, Page 1, Section A, Line 3, by inserting immediately after said line the following:

“135.237. 1. This section shall be known and may be cited as the “Small Business Health Insurance Expenses Deduction”.

2. As used in this section, the following terms mean:

(1) “Department”, the department of revenue;

(2) “Director”, the director of the department of revenue;

(3) “Farmer”, any person who derives at least two-thirds of such person's income from using or cultivating land for the production of agricultural crops, livestock, or livestock products, poultry, or poultry products, milk or dairy products, or fruit or other horticultural products. The term shall not include a person who processes farm products or distributes farming supplies by contracting to provide spraying, harvesting, or other farming services;

(4) “Small business”, a for-profit enterprise consisting of fewer than fifty full- or part-time employees;

(5) “Taxpayer”, any small business or farmer that incurs expenses in providing health insurance for its employees.

3. If any taxpayer incurs expenses for providing its employees with health insurance, such taxpayer may subtract from its federal adjusted gross income an amount equal to one hundred percent of such costs paid during the taxable year. In the case of a S corporation or small business corporation described in section 143.471, RSMo, or a partnership, in computing the Missouri taxable income of the taxpayer, a deduction apportioned in proportion to their share of ownership of the business on the last day of the taxpayer's tax period for which such

tax deductions are being claimed shall be allowed from their Missouri adjusted gross income in the amount of one hundred percent of qualified employee health insurance expenses. In the case of a sole proprietorship, the sole proprietor shall be allowed a tax deduction in an amount equal to one hundred percent of any qualified employee health insurance expenses.

4. The department may promulgate such rules or regulations as are necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

5. The provisions of this section shall apply to all tax years beginning on or after January 1, 2008.

143.121. 1. The Missouri adjusted gross income of a resident individual shall be the taxpayer's federal adjusted gross income subject to the modifications in this section.

2. There shall be added to the taxpayer's federal adjusted gross income:

(a) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit;

(b) Interest on certain governmental obligations excluded from federal gross income by Section 103 of the Internal Revenue Code. The previous sentence shall not apply to interest on

obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (a) of subsection 3 of this section. The amount added pursuant to this paragraph shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of Section 265 of the Internal Revenue Code. The reduction shall only be made if it is at least five hundred dollars;

(c) The amount of any deduction that is included in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount deducted exceeds the amount that would have been deductible pursuant to Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002; and

(d) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by Section 172 of the Internal Revenue Code of 1986, as amended, other than the deduction allowed by Section 172(b)(1)(G) and Section 172(i) of the Internal Revenue Code of 1986, as amended, for a net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a period of more than twenty years and carries backward for more than two years. Any amount of net operating loss taken against federal taxable income but disallowed for Missouri income tax purposes pursuant to this paragraph after June 18, 2002, may be carried forward and taken against any income on the Missouri income tax return for a period of not more than twenty years from the year of the initial loss.

3. There shall be subtracted from the taxpayer's federal adjusted gross income the

following amounts to the extent included in federal adjusted gross income:

(a) Interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from Missouri income taxes pursuant to the laws of the United States. The amount subtracted pursuant to this paragraph shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this paragraph. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining the taxpayer's federal adjusted gross income or included in the taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(b) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to one-half of such portion of the gain;

(c) The amount necessary to prevent the taxation pursuant to this chapter of any annuity or other amount of income or gain which was properly included in income or gain and was taxed pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(d) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(e) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(f) The portion of capital gain specified in section 135.357, RSMo, that would otherwise be included in federal adjusted gross income;

(g) The amount that would have been deducted in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as in effect on January 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002;

(h) For all tax years beginning on or after January 1, 2005, the amount of any income received for military service while the taxpayer serves in a combat zone which is included in federal adjusted gross income and not otherwise excluded therefrom. As used in this section, "combat zone" means any area which the President of the United States by Executive Order designates as an area in which armed forces of the United States are or have engaged in combat. Service is performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combat activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone; [and]

(i) For all tax years ending on or after July 1, 2002, with respect to qualified property that is sold or otherwise disposed of during a taxable year by a taxpayer and for which an addition modification was made under paragraph (c) of subsection 2 of this section, the amount by which addition modification made under paragraph (c) of subsection 2 of this section on qualified property has not been recovered through the additional subtractions provided in paragraph (g) of this

subsection; and

(j) The amount of any qualified employee health insurance expenses incurred by a small business or farmer as determined under section 135.237, RSMo.

4. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the modifications provided in section 143.411.

6. In addition to the modifications to a taxpayer's federal adjusted gross income in this section, to calculate Missouri adjusted gross income there shall be subtracted from the taxpayer's federal adjusted gross income any gain recognized pursuant to Section 1033 of the Internal Revenue Code of 1986, as amended, arising from compulsory or involuntary conversion of property as a result of condemnation or the imminence thereof.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Barnitz, Coleman, Days and Smith.

SA 2 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman
Days	Graham	Green	Justus
Kennedy	McKenna	Shoemyer	Smith
Wilson—13			

NAYS—Senators

Bartle	Champion	Crowell	Gibbons
Griesheimer	Gross	Lager	Loudon
Mayer	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Stouffer
Vogel—17			

Absent—Senators

Clemens Engler Koster—3

Absent with leave—Senator Goodman—1

Vacancies—None

Senator Green offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 444, 217, 225, 239, 243, 297, 402 and 172, Page 1, Section A, Line 3, by inserting immediately after all of said line the following “143.113. 1. For all taxable years beginning on or after January 1, 2000, an individual taxpayer [who is an employee within the meaning of Section 401 (c) (1) of the Internal Revenue Code of 1986, as amended,] shall be allowed to subtract from the taxpayer’s Missouri adjusted gross income to determine Missouri taxable income an amount equal to **one-hundred percent** of the amount which the taxpayer has paid during the taxable year for insurance which constitutes medical care for the taxpayer, the taxpayer’s spouse, and dependents [to the extent that such amounts qualify as deductible pursuant to Section 162(1) of the Internal Revenue Code of 1986, as amended, for the same taxable year, and shall only be deductible to the extent that such amounts are not deducted on the taxpayer’s federal income tax return for that taxable year].

2. The director of the department of revenue shall promulgate rules and regulations to administer the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.”;

And further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted and requested a roll call

vote be taken. He was joined in his request by Senators Bray, Coleman, Shoemyer and Smith.

SA 3 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman
Days	Engler	Graham	Green
Griesheimer	Justus	Kennedy	Koster
McKenna	Shoemyer	Smith	Wilson—16

NAYS—Senators

Bartle	Champion	Crowell	Gibbons
Gross	Lager	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel—16

Absent—Senator Clemens—1

Absent with leave—Senator Goodman—1

Vacancies—None

Senator Shoemyer offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 444, 217, 225, 239, 243, 297, 402 and 172, Page 10, Section 143.125, Line 16, by inserting immediately after all of said line the following “**Section 1. Any health care provider who qualifies to participate in a system for coordinated health care services under section 191.411 shall be allowed to subtract from the taxpayer’s Missouri adjusted gross income to determine Missouri taxable income an amount equal to twenty percent of the health care provider’s adjusted gross income or ten-thousand dollars, whichever is less.**”

And further amend the title and enacting clause accordingly.

Senator Shoemyer moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Days, Graham, Green and Justus.

SA 4 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman
Days	Graham	Green	Justus
Kennedy	McKenna	Shoemyer	Smith
Wilson—13			

NAYS—Senators

Bartle	Champion	Crowell	Engler
Gibbons	Griesheimer	Gross	Lager
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel—18		

Absent—Senators

Clemens	Koster—2
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Absent with leave—Senator Goodman—1

Vacancies—None

Senator Justus offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 444, 217, 225, 239, 243, 297, 402 and 172, Page 1, Section A, Line 3, by inserting after all of said line the following:

“135.406. 1. A taxpayer shall be allowed a tax credit against any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions, equal to twenty percent of the earned income credit allowed under Section 32 of the federal Internal Revenue Code.

2. If the credit exceeds the tax owed, the department of revenue shall treat such excess as an overpayment and shall refund such amount to the taxpayer.

3. The director of the department of revenue shall make efforts every year to inform taxpayers who may be eligible to receive the

credit provided under this section.

4. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:

(1) Any new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which a program authorized under this section is sunset.”; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Barnitz, Callahan, Coleman and Smith.

Senator Engler assumed the Chair.

SA 5 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman
Days	Engler	Graham	Green
Justus	Kennedy	McKenna	Shoemyer
Smith	Wilson—14		

NAYS—Senators

Bartle	Champion	Crowell	Gibbons
Griesheimer	Gross	Lager	Loudon
Mayer	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Stouffer
Vogel—17			

Absent—Senators

Clemens	Koster—2
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Absent with leave—Senator Goodman—1

Vacancies—None

Senator Bray offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 444, 217, 225, 239, 243, 297, 402 and 172, Page 1, In The Title, Lines 2-3, by striking the following: “income tax deductions” and inserting in lieu thereof the following: “income taxation”; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after all of said line the following:

“143.121. 1. The Missouri adjusted gross income of a resident individual shall be the taxpayer's federal adjusted gross income subject to the modifications in this section.

2. There shall be added to the taxpayer's federal adjusted gross income:

(a) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit;

(b) Interest on certain governmental obligations excluded from federal gross income by Section 103 of the Internal Revenue Code. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (a) of subsection 3 of this section. The amount added pursuant to this paragraph shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of Section 265 of the Internal Revenue Code. The reduction shall only be made if it is at least five hundred dollars;

(c) The amount of any deduction that is

included in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount deducted exceeds the amount that would have been deductible pursuant to Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002; [and]

(d) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by Section 172 of the Internal Revenue Code of 1986, as amended, other than the deduction allowed by Section 172(b)(1)(G) and Section 172(i) of the Internal Revenue Code of 1986, as amended, for a net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a period of more than twenty years and carries backward for more than two years. Any amount of net operating loss taken against federal taxable income but disallowed for Missouri income tax purposes pursuant to this paragraph after June 18, 2002, may be carried forward and taken against any income on the Missouri income tax return for a period of not more than twenty years from the year of the initial loss; and

(e) For nonresident individuals in all taxable years ending on or after December 31, 2006, the amount of any property taxes paid to another state or a political subdivision of another state for which a deduction was allowed on such nonresident's federal return in the taxable year.

3. There shall be subtracted from the taxpayer's federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(a) Interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of

the United States to the extent exempt from Missouri income taxes pursuant to the laws of the United States. The amount subtracted pursuant to this paragraph shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this paragraph. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining the taxpayer's federal adjusted gross income or included in the taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(b) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to one-half of such portion of the gain;

(c) The amount necessary to prevent the taxation pursuant to this chapter of any annuity or other amount of income or gain which was properly included in income or gain and was taxed pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(d) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(e) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(f) The portion of capital gain specified in

section 135.357, RSMo, that would otherwise be included in federal adjusted gross income;

(g) The amount that would have been deducted in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as in effect on January 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002;

(h) For all tax years beginning on or after January 1, 2005, the amount of any income received for military service while the taxpayer serves in a combat zone which is included in federal adjusted gross income and not otherwise excluded therefrom. As used in this section, "combat zone" means any area which the President of the United States by Executive Order designates as an area in which armed forces of the United States are or have engaged in combat. Service is performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combat activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone; and

(i) For all tax years ending on or after July 1, 2002, with respect to qualified property that is sold or otherwise disposed of during a taxable year by a taxpayer and for which an addition modification was made under paragraph (c) of subsection 2 of this section, the amount by which addition modification made under paragraph (c) of subsection 2 of this section on qualified property has not been recovered through the additional subtractions provided in paragraph (g) of this subsection.

4. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the taxpayer's share of the Missouri fiduciary

adjustment provided in section 143.351.

5. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the modifications provided in section 143.411.

6. In addition to the modifications to a taxpayer's federal adjusted gross income in this section, to calculate Missouri adjusted gross income there shall be subtracted from the taxpayer's federal adjusted gross income any gain recognized pursuant to Section 1033 of the Internal Revenue Code of 1986, as amended, arising from compulsory or involuntary conversion of property as a result of condemnation or the imminence thereof.""; and

Further amend said bill, Page 10, Section 143.125, Line 16, by inserting after all of said line the following:

"143.431. 1. The Missouri taxable income of a corporation taxable under sections 143.011 to 143.996 shall be so much of its federal taxable income for the taxable year, with the modifications specified in subsections 2 to 4 of this section, as is derived from sources within Missouri as provided in section 143.451. The tax of a corporation shall be computed on its Missouri taxable income at the rates provided in section 143.071.

2. There shall be added to or subtracted from federal taxable income the modifications to adjusted gross income provided in section 143.121, **with the exception of subdivision (e) of subsection 2 of section 143.121**, and the applicable modifications to itemized deductions provided in section 143.141. There shall be subtracted the federal income tax deduction provided in section 143.171. There shall be subtracted, to the extent included in federal taxable income, corporate dividends from sources within Missouri.

3. (1) If an affiliated group of corporations files a consolidated income tax return for the taxable year for federal income tax purposes and fifty percent or more of its income is derived from

sources within this state as determined in accordance with section 143.451, then it may elect to file a Missouri consolidated income tax return. The federal consolidated taxable income of the electing affiliated group for the taxable year shall be its federal taxable income.

(2) So long as a federal consolidated income tax return is filed, an election made by an affiliated group of corporations to file a Missouri consolidated income tax return may be withdrawn or revoked only upon substantial change in the law or regulations adversely changing tax liability under this chapter, or with permission of the director of revenue upon the showing of good cause for such action. After such a withdrawal or revocation with respect to an affiliated group, it may not file a Missouri consolidated income tax return for five years thereafter, except with the approval of the director of revenue, and subject to such terms and conditions as he may prescribe.

(3) No corporation which is part of an affiliated group of corporations filing a Missouri consolidated income tax return shall be required to file a separate Missouri corporate income tax return for the taxable year.

(4) For each taxable year an affiliated group of corporations filing a federal consolidated income tax return does not file a Missouri consolidated income tax return, for purposes of computing the Missouri income tax, the federal taxable income of each member of the affiliated group shall be determined as if a separate federal income tax return had been filed by each such member.

(5) The director of revenue may prescribe such regulations not inconsistent with the provisions of this chapter as he may deem necessary in order that the tax liability of any affiliated group of corporations making a Missouri consolidated income tax return, and of each corporation in the group, before, during, and after the period of affiliation, may be returned, determined, computed, assessed, collected, and adjusted, in such manner as clearly to reflect the

Missouri taxable income derived from sources within this state and in order to prevent avoidance of such tax liability.

4. If a net operating loss deduction is allowed for the taxable year, there shall be added to federal taxable income the amount of the net operating loss modification for each loss year as to which a portion of the net operating loss deduction is attributable. As used in this subsection, the following terms mean:

(1) "Loss year", the taxable year in which there occurs a federal net operating loss that is carried back or carried forward in whole or in part to another taxable year;

(2) "Net addition modification", for any taxable year, the amount by which the sum of all required additions to federal taxable income provided in this chapter, except for the net operating loss modification, exceeds the combined sum of the amount of all required subtractions from federal taxable income provided in this chapter;

(3) "Net operating loss deduction", a net operating loss deduction allowed for federal income tax purposes under Section 172 of the Internal Revenue Code of 1986, as amended, or a net operating loss deduction allowed for Missouri income tax purposes under paragraph (d) of subsection 2 of section 143.121, but not including any net operating loss deduction that is allowed for federal income tax purposes but disallowed for Missouri income tax purposes under paragraph (d) of subsection 2 of section 143.121;

(4) "Net operating loss modification", an amount equal to the lesser of the amount of the net operating loss deduction attributable to that loss year or the amount by which the total net operating loss in the loss year is less than the sum of:

(a) The net addition modification for that loss year; and

(b) The cumulative net operating loss deductions attributable to that loss year allowed for

the taxable year and all prior taxable years.

5. For all tax years ending on or after July 1, 2002, federal taxable income may be a positive or negative amount. Subsection 4 of this section shall be effective for all tax years with a net operating loss deduction attributable to a loss year ending on or after July 1, 2002, and the net operating loss modification shall only apply to loss years ending on or after July 1, 2002.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 444, 217, 225, 239, 243, 297, 402 and 172, Page 1, Section A, Line 3, by inserting immediately after all of said line the following:

“143.121. 1. The Missouri adjusted gross income of a resident individual shall be the taxpayer's federal adjusted gross income subject to the modifications in this section.

2. There shall be added to the taxpayer's federal adjusted gross income:

(a) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit;

(b) Interest on certain governmental obligations excluded from federal gross income by Section 103 of the Internal Revenue Code. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (a) of subsection 3 of this section. The amount added pursuant to this paragraph shall be reduced by the amounts applicable to such interest that would

have been deductible in computing the taxable income of the taxpayer except only for the application of Section 265 of the Internal Revenue Code. The reduction shall only be made if it is at least five hundred dollars;

(c) The amount of any deduction that is included in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount deducted exceeds the amount that would have been deductible pursuant to Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002; and

(d) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by Section 172 of the Internal Revenue Code of 1986, as amended, other than the deduction allowed by Section 172(b)(1)(G) and Section 172(i) of the Internal Revenue Code of 1986, as amended, for a net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a period of more than twenty years and carries backward for more than two years. Any amount of net operating loss taken against federal taxable income but disallowed for Missouri income tax purposes pursuant to this paragraph after June 18, 2002, may be carried forward and taken against any income on the Missouri income tax return for a period of not more than twenty years from the year of the initial loss.

3. There shall be subtracted from the taxpayer's federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(a) Interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from

Missouri income taxes pursuant to the laws of the United States. The amount subtracted pursuant to this paragraph shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this paragraph. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining the taxpayer's federal adjusted gross income or included in the taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(b) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to one-half of such portion of the gain;

(c) The amount necessary to prevent the taxation pursuant to this chapter of any annuity or other amount of income or gain which was properly included in income or gain and was taxed pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(d) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(e) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(f) The portion of capital gain specified in section 135.357, RSMo, that would otherwise be

included in federal adjusted gross income;

(g) The amount that would have been deducted in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as in effect on January 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002;

(h) For all tax years beginning on or after January 1, 2005, the amount of any income received for military service while the taxpayer serves in a combat zone which is included in federal adjusted gross income and not otherwise excluded therefrom. As used in this section, "combat zone" means any area which the President of the United States by Executive Order designates as an area in which armed forces of the United States are or have engaged in combat. Service is performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combat activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone; and

(i) For all tax years ending on or after July 1, 2002, with respect to qualified property that is sold or otherwise disposed of during a taxable year by a taxpayer and for which an addition modification was made under paragraph (c) of subsection 2 of this section, the amount by which addition modification made under paragraph (c) of subsection 2 of this section on qualified property has not been recovered through the additional subtractions provided in paragraph (g) of this subsection.

4. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the modifications provided in section 143.411.

6. In addition to the modifications to a taxpayer's federal adjusted gross income in this section, to calculate Missouri adjusted gross income there shall be subtracted from the taxpayer's federal adjusted gross income any gain recognized pursuant to Section 1033 of the Internal Revenue Code of 1986, as amended, arising from compulsory or involuntary conversion of property as a result of condemnation or the imminence thereof.

7. (1) As used in this subsection, "qualified health insurance premium" means the amount paid during the tax year by such taxpayer for any insurance policy primarily providing health care coverage for the taxpayer, the taxpayer's spouse, or the taxpayer's dependents.

(2) In addition to the subtractions in subsection 3 of this section, one hundred percent of the amount of qualified health insurance premiums shall be subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for such premiums is included in federal taxable income. The taxpayer shall provide the department of revenue with proof of the amount of qualified health insurance premiums paid."; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Coleman offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 444, 217, 225, 239, 243, 297, 402 and 172, Page 1, In The Title, Lines 3-4, by striking the following: "income tax deductions" and inserting in lieu thereof the

following: "income taxation"; and

Further amend said bill, Page 10, Section 143.125, Line 16 of said page, by inserting after all of said line the following:

"143.1008. 1. In each taxable year beginning on or after January 1, 2008, each individual or corporation entitled to a tax refund in an amount sufficient to make a designation under this section may designate that one dollar or any amount in excess of one dollar on a single return, and two dollars or any amount in excess of two dollars on a combined return, of the refund due be credited to the after-school retreat reading and assessment grant program fund. The contribution designation authorized by this section shall be clearly and unambiguously printed on the first page of each income tax return form provided by this state. If any individual or corporation that is not entitled to a tax refund in an amount sufficient to make a designation under this section wishes to make a contribution to the after-school retreat reading and assessment grant program fund, such individual or corporation may, by separate check, draft, or other negotiable instrument, send in with the payment of taxes, or may send in separately, that amount, clearly designated for the after-school retreat reading and assessment grant program fund, the individual or corporation wishes to contribute. The department of revenue shall deposit such amount to the after-school retreat reading and assessment grant program fund as provided in subsection 2 of this section.

2. The director of revenue shall deposit at least monthly all contributions designated by individuals under this section to the state treasurer for deposit to the after-school retreat reading and assessment grant program fund. The fund shall be administered by the department of elementary and secondary education with moneys in the fund distributed

as provided under section 167.680, RSMo.

3. The director of revenue shall deposit at least monthly all contributions designated by the corporations under this section, less an amount sufficient to cover the cost of collection, handling, and administration by the department of revenue during fiscal year 2008, to the after-school retreat reading and assessment grant program fund.

4. A contribution designated under this section shall only be deposited in the after-school retreat reading and assessment grant program fund after all other claims against the refund from which such contribution is to be made have been satisfied.

5. Moneys deposited in the after-school retreat reading and assessment grant program fund shall be distributed by the department of elementary and secondary education in accordance with the provisions of this section and section 167.680, RSMo.

6. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

7. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after August 28, 2007, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on December thirty-first of the calendar year immediately following the calendar year in which the program authorized under this

section is sunset.”; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered SA 9:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 444, 217, 225, 239, 243, 297, 402 and 172, Page 4, Section 143.124, Line 23, by inserting immediately after “older” the following: “**and whose income is forty thousand dollars or less if the taxpayer's filing status is single, head of household, or married filing separately, or fifty thousand dollars or less if the taxpayer's filing status is married filing combined**”; and

Further amend said bill and section, page 5, line 6, by inserting immediately after “older” the following: “**and whose income is forty thousand dollars or less if the taxpayer's filing status is single, head of household, or married filing separately, or fifty thousand dollars or less if the taxpayer's filing status is married filing combined**”; and

Further amend said bill, section and page, line 16, by inserting immediately after “older” the following: “**and whose income is forty thousand dollars or less if the taxpayer's filing status is single, head of household, or married filing separately, or fifty thousand dollars or less if the taxpayer's filing status is married filing combined**”; and

Further amend said bill, section, and page, line 27, by inserting immediately after “older” the following: “**and whose income is forty thousand dollars or less if the taxpayer's filing status is single, head of household, or married filing separately, or fifty thousand dollars or less if the taxpayer's filing status is married filing**

combined”; and

Further amend said bill and section, page 6, line 10, by inserting immediately after “older” the following: **“and whose income is forty thousand dollars or less if the taxpayer's filing status is single, head of household, or married filing separately, or fifty thousand dollars or less if the taxpayer's filing status is married filing combined”; and**

Further amend said bill, section and page, line 20, by inserting immediately after “older” the following: **“and whose income is forty thousand dollars or less if the taxpayer's filing status is single, head of household, or married filing separately, or fifty thousand dollars or less if the taxpayer's filing status is married filing combined”; and**

Further amend said bill, page 8, section 143.125, line 20, by inserting immediately after “individual” the following: **“whose income is forty thousand dollars or less if the taxpayer's filing status is single, head of household, or married filing separately; or fifty thousand dollars or less if the taxpayer's filing status is married filing combined”.**

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Green, Justus, McKenna and Shoemyer.

SA 9 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Coleman	Days
Engler	Graham	Green	Justus
Kennedy	McKenna	Shoemyer	Smith
Wilson—13			

NAYS—Senators

Bartle	Callahan	Crowell	Gibbons
Griesheimer	Koster	Lager	Loudon
Mayer	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Stouffer
Vogel—17			

Absent—Senators

Champion Clemens Gross—3

Absent with leave—Senator Goodman—1

Vacancies—None

Senator Barnitz offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 444, 217, 225, 239, 243, 297, 402 and 172, Page 4, Section 143.124, Line 1, by inserting immediately after “2002” the following: **“, and a maximum of the first six thousand six hundred sixty dollars of any retirement allowance received from any privately funded sources for the tax year beginning on or after January 1, 2007 and ending on or before December 31, 2007, and a maximum of the first seven thousand three hundred twenty dollars of any retirement allowance received from any privately funded sources for the tax year beginning on or after January 1, 2008 and ending on or before December 31, 2008, and a maximum of the first seven thousand nine hundred eighty dollars of any retirement allowance received from any privately funded sources for the tax year beginning on or after January 1, 2009 and ending on or before December 31, 2009, and a maximum of the first eight thousand six hundred forty dollars of any retirement allowance received from any privately funded sources for the tax year beginning on or after January 1, 2010 and ending on or before December 31, 2010, and a maximum of the first nine thousand three hundred dollars of any retirement allowance received from any privately funded sources for the tax year beginning on or after January 1, 2011 and ending on or before December 31, 2011, and a maximum of the first ten thousand dollars of any retirement allowance received from any**

privately funded sources for all tax years beginning on or after January 1, 2012”.

Senator Barnitz moved that the above amendment be adopted.

At the request of Senator Crowell, **HCS for HBs 444, 217, 225, 239, 243, 297, 402 and 172, with SCS, SS for SCS and SA 10** (pending), was placed on the Informal Calendar.

President Pro Tem Gibbons assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HCS for HB 405**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

Senator Engler assumed the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SBs 62 and 41**, entitled:

An Act to repeal sections 476.083, 571.030, 571.080, 571.090, 571.095, and 571.111, RSMo, and to enact in lieu thereof seven new sections relating to the criminal justice system, with penalty provisions.

With House Amendment No. 2 to House Amendment No. 1, House Amendment No. 1, as amended, and House Amendment No. 2.

HOUSE AMENDMENT NO. 2 TO HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 62 & 41, Page 1,

Line 5 by deleting from said line the word **“absolute”** and inserting in lieu thereof the word **“affirmative”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 62 & 41, Page 3, Section 563.058, Lines 1 through 3, by deleting all of said lines and inserting in lieu thereof the following:

“563.058. 1. A person who uses force as described in sections 563.031, 563.041, 563.046, 563.051, 563.056, and 563.061 is justified in using such force and such fact shall be an absolute defense to criminal prosecution or civil liability, unless the person against whom”; and

Further amend said section, Page 3, Lines 7 through 9 by deleting all of the following sentence:

“As used in this subsection, the term “criminal prosecution” includes arresting, detaining in custody, and charging or prosecuting the defendant.”; and

Further amend said bill, Page 4, Section 571.030, Line 33, by inserting after the word, **“jurisdiction,”** the following, **“or all qualified retired peace officers, as defined in subsection 10 of this section, and who carry the identification required by subsection 11 of this section,”**;

Further amend said section, Page 6, Line 97, by inserting after all of said line the following:

“10. As used in this section “qualified retired peace officer” means an individual who:

(1) Retired in good standing from service with a public agency as a peace officer, other than for reasons of mental instability;

(2) Before such retirement, was authorized by law to engage in or supervise the prevention,

detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

(3) Before such retirement, was regularly employed as a peace officer for an aggregate of fifteen years or more; or

retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

(4) Has a nonforfeitable right to benefits under the retirement plan of the agency;

(5) During the most recent twelve-month period, has met, at the expense of the individual, the standards for training and qualification for active peace officers to carry firearms;

(6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(7) Is not prohibited by federal law from receiving a firearm.

11. The identification required by this subsection is:

(1) A photographic identification issued by the agency from which the individual retired from service as a peace officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm; or

(2) A photographic identification issued by the agency from which the individual retired from service as a peace officer; and

(3) A certification issued by the state in which the individual resides that indicates that

the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the state to meet the standards established by the state for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 62 & 41, Section 571.111, Page 9, Line 75 by inserting immediately after said Line the following:

“630.140. 1. Information and records compiled, obtained, prepared or maintained by the residential facility, day program operated, funded or licensed by the department or otherwise, specialized service, or by any mental health facility or mental health program in which people may be civilly detained pursuant to chapter 632, RSMo, in the course of providing services to either voluntary or involuntary patients, residents or clients shall be confidential.

2. The facilities or programs shall disclose information and records including medication given, dosage levels, and individual ordering such medication to the following upon their request:

(1) The parent of a minor patient, resident or client;

(2) The guardian or other person having legal custody of the patient, resident or client;

(3) The attorney of a patient, resident or client who is a ward of the juvenile court, an alleged incompetent, an incompetent ward or a person detained under chapter 632, RSMo, as evidenced by court orders of the attorney's appointment;

(4) An attorney or personal physician as

authorized by the patient, resident or client;

(5) Law enforcement officers and agencies, information about patients, residents or clients committed pursuant to chapter 552, RSMo, but only to the extent necessary to carry out the responsibilities of their office, and all such law enforcement officers shall be obligated to keep such information confidential;

(6) The entity or agency authorized to implement a system to protect and advocate the rights of persons with developmental disabilities under the provisions of 42 U.S.C. Sections 15042 to 15044. The entity or agency shall be able to obtain access to the records of a person with developmental disabilities who is a client of the entity or agency if such person has authorized the entity or agency to have such access; and the records of any person with developmental disabilities who, by reason of mental or physical condition is unable to authorize the entity or agency to have such access, if such person does not have a legal guardian, conservator or other legal representative, and a complaint has been received by the entity or agency with respect to such person or there is probable cause to believe that such person has been subject to abuse or neglect. The entity or agency obtaining access to a person's records shall meet all requirements for confidentiality as set out in this section;

(7) The entity or agency authorized to implement a system to protect and advocate the rights of persons with mental illness under the provisions of 42 U.S.C. 10801 shall be able to obtain access to the records of a patient, resident or client who by reason of mental or physical condition is unable to authorize the system to have such access, who does not have a legal guardian, conservator or other legal representative and with respect to whom a complaint has been received by the system or there is probable cause to believe that such individual has been subject to abuse or neglect. The entity or agency obtaining access to a person's records shall meet all requirements for

confidentiality as set out in this section. The provisions of this subdivision shall apply to a person who has a significant mental illness or impairment as determined by a mental health professional qualified under the laws and regulations of the state;

(8) To mental health coordinators, but only to the extent necessary to carry out their duties under chapter 632, RSMo.

3. The facilities or services may disclose information and records under any of the following:

(1) As authorized by the patient, resident or client;

(2) To persons or agencies responsible for providing health care services to such patients, residents or clients;

(3) To the extent necessary for a recipient to make a claim or for a claim to be made on behalf of a recipient for aid or insurance;

(4) To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, program evaluations or similar studies; provided, that such personnel shall not identify, directly or indirectly, any individual patient, resident or client in any report of such research, audit or evaluation, or otherwise disclose patient, resident or client identities in any manner;

(5) To the courts as necessary for the administration of chapter 211, RSMo, 475, RSMo, 552, RSMo, or 632, RSMo;

(6) To law enforcement officers or public health officers, but only to the extent necessary to carry out the responsibilities of their office, and all such law enforcement and public health officers shall be obligated to keep such information confidential;

(7) Pursuant to an order of a court or administrative agency of competent jurisdiction;

(8) To the attorney representing petitioners,

but only to the extent necessary to carry out their duties under chapter 632, RSMo;

(9) To the department of social services or the department of health and senior services as necessary to report or have investigated abuse, neglect, or rights violations of patients, residents, or clients;

(10) To a county board established pursuant to sections 205.968 to 205.972, RSMo 1986, but only to the extent necessary to carry out their statutory responsibilities. The county board shall not identify, directly or indirectly, any individual patient, resident or client;

(11) To parents, legal guardians, treatment professionals, law enforcement officers, and other individuals who by having such information could mitigate the likelihood of a suicide. The facility treatment team shall have determined that the consumer's safety is at some level of risk.

4. The facility or program shall document the dates, nature, purposes and recipients of any records disclosed under this section and sections 630.145 and 630.150.

5. The records and files maintained in any court proceeding under chapter 632, RSMo, shall be confidential and available only to the patient, the patient's attorney, guardian, or, in the case of a minor, to a parent or other person having legal custody of the patient, [and] to the petitioner and the petitioner's attorney, **and to the Missouri state highway patrol for reporting to the National Instant Criminal Background Check System (NICS)**. In addition, the court may order the release or use of such records or files only upon good cause shown, and the court may impose such restrictions as the court deems appropriate.

6. Nothing contained in this chapter shall limit the rights of discovery in judicial or administrative procedures as otherwise provided for by statute or rule.

7. The fact of admission of a voluntary or involuntary patient to a mental health facility under

chapter 632, RSMo, may only be disclosed as specified in subsections 2 and 3 of this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 376**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 376**.

Emergency clause adopted.

Bill ordered enrolled.

REPORTS OF STANDING COMMITTEES

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 1055**, begs leave to report that it has considered the same and recommends that the bill do pass with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 1055, Page 5, Section 188.325, Line 29, by striking all of said lines and inserting in lieu thereof the following: “**for one year after birth. The agency or**”; and further amend line 35, by inserting after “section.” the following: “**Nothing in this act shall require the public and private agencies or entities providing services or counseling pursuant to the alternatives to abortion program to provide services or counseling relating to any means of contraception or birth control. Nothing shall prevent such agencies or entities from**

counseling or referring clients to services relating to future pregnancies, but in no event shall such counseling include any positive reference to, or referral for, abortion.”.

RESOLUTIONS

Senator Engler offered Senate Resolution No. 1151, regarding Susan H. Bowman, which was adopted.

Senator Engler offered Senate Resolution No. 1152, regarding Willa Berry, which was adopted.

Senator Engler offered Senate Resolution No. 1153, regarding Christine Ward, which was adopted.

Senator Engler offered Senate Resolution No. 1154, regarding Maurice Lynn Creason, which was adopted.

Senator Engler offered Senate Resolution No. 1155, regarding Jan Woods, which was adopted.

Senator Engler offered Senate Resolution No. 1156, regarding Stephen R. Alexander, which was adopted.

Senator Engler offered Senate Resolution No. 1157, regarding John Davis, which was adopted.

Senator Engler offered Senate Resolution No. 1158, regarding Mark Hardy, which was adopted.

Senator Engler offered Senate Resolution No. 1159, regarding Charlie Meadows, which was adopted.

Senator Engler offered Senate Resolution No. 1160, regarding Marc Scoggin, which was adopted.

Senator Engler offered Senate Resolution No. 1161, regarding Patsy Wallace, which was adopted.

Senator Engler offered Senate Resolution

No. 1162, regarding Stan Walden, which was adopted.

Senator Engler offered Senate Resolution No. 1163, regarding Ronnie J. Storie, which was adopted.

Senator Engler offered Senate Resolution No. 1164, regarding Donna L. Bouchard, which was adopted.

Senator Engler offered Senate Resolution No. 1165, regarding Jenny Gowen, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1166, regarding Robert A. Leake, Palmyra, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Lager introduced to the Senate, sixth grade students from Meadville Elementary School.

Senator Justus introduced to the Senate, Mary Pendleton, Tony Moore and Zach Knoch, Kansas City; and Zach was made an honorary page.

Senator Ridgeway introduced to the Senate, the Physician of the Day, Dr. Jim DiRenna, D.O., Clay County.

Senator Loudon introduced to the Senate, Melissa Biehl and seventy fourth grade students from Bellerive Elementary School, Creve Coeur.

Senator Gibbons introduced to the Senate, forty-eight fourth grade students from St. Peter School, Kirkwood; and Devin Barnett, Andrew Grunik, Madeleine La Valle and Haley Williams were made honorary pages.

Senator Loudon introduced to the Senate, Jim Swope, Lee's Summit; and representatives of Farmers Insurance Group from around the state.

Senator Griesheimer introduced to the Senate, Bill Juergens, Sullivan.

Senator Purgason introduced to the Senate, Martha and Maggie Hiatt, Willow Springs.

Senator Bray introduced to the Senate, Donna

Lohman, Tyler Harger and thirty-five fourth grade students from Mary Institute Country Day School, Ladue.

On behalf of Senator Engler and himself, Senator Barnitz introduced to the Senate, Rachel

Gore and sixth grade students from Bunker Elementary School.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-FOURTH DAY—WEDNESDAY, MAY 2, 2007

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SB 570-Clemens

SS#4 for SCS for SB 430-Shields

SENATE BILLS FOR PERFECTION

- | | |
|---|--|
| 1. SB 644-Griesheimer | 8. SB 11-Coleman, with SCS |
| 2. SBs 372 & 366-Justus and Koster,
with SCS | 9. SB 536-Lager, with SCS |
| 3. SB 388-Mayer, with SCS | 10. SB 552-Bartle |
| 4. SB 225-Stouffer, with SCS | 11. SB 484-Stouffer, with SCS |
| 5. SB 571-Mayer, with SCS | 12. SBs 348, 626 & 461-Koster, et al, with SCS |
| 6. SB 652-Coleman and Gibbons,
with SCS | 13. SJR 15-Green |
| 7. SB 699-Lager, with SCS | 14. SB 629-Smith, with SCS |
| | 15. SB 122-Bray and Days, with SCS |
| | 16. SB 491-Ridgeway |

HOUSE BILLS ON THIRD READING

- | | |
|--|--|
| 1. HCS for HB 551, with SCS (Koster) | 6. HCS for HB 182 |
| 2. HB 791-Wilson (130), et al, with SCS
(Mayer) | 7. HB 686-Smith (150) and Tilley
(Stouffer) |
| 3. HCS for HB 74 (Scott)
(In Fiscal Oversight) | 8. HB 488-Wasson (Stouffer)
(In Fiscal Oversight) |
| 4. HCS for HB 184 (Rupp) | 9. HCS for HB 165, with SCS |
| 5. HCS for HB 741 (Koster) | 10. HB 579-Dempsey, et al (Shields) |

- | | |
|---|--------------------------------------|
| 11. HB 462-Munzlinger, et al (Purgason) | 15. HCS for HBs 654 & 938 (Crowell) |
| 12. HB 134-Guest, et al (Nodler)
(In Fiscal Oversight) | 16. HJR 19-Bearden, et al (Ridgeway) |
| 13. HCS for HB 894, with SCS (Days) | 17. HCS for HB 181 (Rupp) |
| 14. HB 1014-Wright, et al, with SCS (Mayer) | 18. HCS#2 for HB 28 (Mayer) |
| | 19. HCS for HB 1055, with SCA 1 |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SB 303-Loudon

SENATE BILLS FOR PERFECTION

- | | |
|--|---|
| SB 2-Gibbons, with SCS | SB 287-Crowell and Vogel, with SS
(pending) |
| SB 17-Shields, with SCS | SB 292-Mayer |
| SB 20-Griesheimer, with SCS | SB 297-Loudon, with SCS |
| SB 27-Bartle and Koster | SB 300-Bartle |
| SB 53-Koster and Engler, with SCS | SB 341-Goodman, with SCS |
| SB 101-Mayer | SB 363-Bartle |
| SB 131-Rupp | SB 364-Koster, with SCS, SS for SCS,
SA 1 & SSA 1 for SA 1 (pending) |
| SB 153-Engler, et al, with SCS | SBs 370, 375 & 432-Scott and Koster,
with SCS & SA 5 (pending) |
| SB 155-Engler, with SCS & SS for SCS
(pending) | SB 385-Gibbons, with SCS |
| SB 160-Rupp, with SCS | SB 400-Crowell, et al |
| SB 168-Mayer and Crowell, with SCS, SS
for SCS & SA 1 (pending) | SB 444-Goodman |
| SB 169-Rupp, with SCS, SS for SCS & SA 3
(pending) | SB 453-Scott, with SCS |
| SB 205-Stouffer and Gibbons, with SCS | SB 458-Gibbons |
| SB 212-Goodman | SB 476-Crowell |
| SB 213-McKenna | SB 480-Ridgeway, et al, with SCS |
| SB 242-Nodler, with SCS | SB 492-Crowell |
| SB 250-Ridgeway and Vogel | SB 499-Engler and Clemens, with SCS |
| SB 252-Ridgeway and McKenna | SB 511-Scott, with SCS |
| SB 254-Nodler, et al, with SCS | SB 521-Lager, et al, with SCS |
| SBs 260 & 71-Koster, et al, with SCS | SB 523-Scott, with SCS |
| SB 274-Shields | SB 531-Gibbons, with SCS |
| SB 282-Griesheimer, with SCS & SS for
SCS (pending) | SB 534-Nodler |
| | SB 537-Lager |

SB 542-Scott, with SCS
SBs 555 & 38-Gibbons, with SCS
SB 563-Lager, with SCS & SS for SCS
(pending)
SB 572-Vogel
SB 586-Crowell, with SCS
SB 592-Scott, with SCS

SB 599-Engler, with SCS
SB 627-Ridgeway
SB 635-Loudon, with SCS
SBs 660, 553, 557, 167, 258, 114 &
378-Mayer, with SCS
SB 698-Ridgeway, et al, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 39, with SCS (Koster)
HB 41-Portwood, with SCS (Loudon)
HB 46-Viebrock and Stevenson (Stouffer)
HB 69-Day, with SCS (Barnitz)
HB 125-Franz, with SCS (Shoemyer)
HCS for HB 135, with SCS (Koster)
HB 155-Dusenbergh, et al (Ridgeway)
HB 220-Stevenson (Nodler)
HCS for HB 221 (Loudon)
HB 255-Bruns, with SCS (Vogel)
HB 265-Cunningham (86), with SA 5
(pending) (Rupp)
HB 267-Jones (117) and Cunningham (86),
with SA 5 (pending) (Rupp)
HB 269-Nolte, et al (Ridgeway)
HCS for HB 272 (Goodman)
HCS for HB 298, with SCS (Engler)
HCS for HB 346 (Clemens)

HCS for HBs 444, 217, 225, 239, 243,
297, 402 & 172, with SCS, SS for SCS
& SA 10 (pending) (Crowell)
HB 454-Jetton, et al (Mayer)
HCS for HB 469, with SCS (Crowell)
HB 489-Baker (123), et al, with SCS
(Shields)
HB 526-Pratt (Loudon)
HB 596-St. Onge, with SCS (Stouffer)
HCS for HB 620, with SCS (Ridgeway)
HB 744-St. Onge (Stouffer)
HCS for HB 774 (Crowell)
HCS for HB 780, with SCS (Scott)
HB 875-Franz, with SCS (Purgason)
HCS for HJR 1, with SCS (Rupp)
HJR 7-Nieves, et al, with SCS (pending)
(Engler)

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Reported 2/15

SB 8-Kennedy

Reported 3/8

SB 185-Green

House Bills

Reported 4/5

HB 576-Cooper (120), et al (Clemens)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SBs 62 & 41-Goodman and Koster,
with HCS, as amended

SCS for SB 302-Loudon, with HA 1
SB 416-Goodman, with HCS

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SB 30-Nodler and Ridgeway, with HCS, as
amended

SB 233-Crowell, with HAs 1, 2, 3, 4 & 5

SCS for SB 308-Crowell, et al, with HCS,
as amended

HB 1 (Icet), with SCS (Gross)

HCS for HB 2, with SCS (Gross)

HCS for HB 3, with SCS (Gross)

HCS for HB 4, with SCS (Gross)

HCS for HB 5, with SCS (Gross)

HCS for HB 6, with SCS (Gross)

HCS for HB 7, with SCS (Gross)

HCS for HB 8, with SCS (Gross)

HCS for HB 9, with SCS (Gross)

HCS for HB 10, with SCS (Gross)

HCS for HB 11, with SCS, as amended
(Gross)

HCS for HB 12, with SCS (Gross)

HCS for HB 13, with SCS (Gross)

HCS for HB 327, with SS for SCS, as
amended (Griesheimer)

Requests to Recede or Grant Conference

SB 25-Champion, with HCS, as amended
(Senate requests House recede
or grant conference)

SCS for SB 64-Goodman and Koster, with
HCS, as amended
(Senate requests House recede
or grant conference)

SB 81-Griesheimer, with HCS, as amended
(Senate requests House recede
or grant conference)

SCS for SB 198-Mayer, with HCS
(Senate requests House recede
or grant conference)

RESOLUTIONS

Reported from Committee

HCR 15-Threlkeld, et al, with SCS
(Shields)

SCR 10-Koster and Shields
HCR 25-Yates, et al (Bartle)

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Journal

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Journal of the Senate

FIRST REGULAR SESSION

SIXTY-FOURTH DAY—WEDNESDAY, MAY 2, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Government is not warfare of interests. We shall not gain our ends by heat and bitterness, which make it impossible to think either calmly or fairly...” (Woodrow Wilson)

Merciful Father, it’s already been an interesting week with yet so much still ahead of us, and “heat” being generated making things more difficult for us to think calmly and deal with each other fairly and rationally. Help us this day to acquire Your spirit within us; so that what is said is helpful, what is done is right in Your eyes, and the people benefit from our efforts. And Lord, we pray for Senator Rupp and ask that the hand of the surgeon is skillful and Your healing is present for him. And for Senator Goodman, that Your healing may be complete and he is restored to full health. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz Bartle Bray Callahan

Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

Absent—Senators—None

Absent with leave—Senators

Goodman Rupp—2

Vacancies—None

The Lieutenant Governor was present.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **CCS** for **HCS** for **SB 376**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS** for **HCS** for **SB 376**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 461**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 845**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Purgason, Chairman of the Committee on Health and Mental Health, submitted the following report:

Mr. President: Your Committee on Health and Mental Health, to which was referred **HCS** for **HB 818**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HCS** for **HB 245**, begs leave to report that it has considered the same and recommends that

the bill do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 820**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 30**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 11**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 8**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

President Kinder assumed the Chair.

RESOLUTIONS

Senator Shields offered Senate Resolution No. 1167, regarding Neffie Wilson, which was adopted.

Senator Shields offered Senate Resolution No. 1168, regarding Susan Martin, which was adopted.

Senator Shields offered Senate Resolution No. 1169, regarding Robert Brousseau, which was

adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2** for **SB 406**, entitled:

An Act to repeal sections 87.006, 103.085, 104.010, 104.040, 104.160, 104.312, 104.320, 104.344, 104.352, 104.354, 104.380, 104.395, 104.805, 104.1003, 104.1012, 104.1015, 104.1021, 104.1024, 104.1027, 104.1039, 104.1051, 104.1072, 104.1087, 104.1090, 105.660, 105.665, 105.910, 105.915, 105.920, 169.010, 169.070, 169.466, 169.471, 169.670, and 211.393, RSMo, and to enact in lieu thereof forty new sections relating to employee benefit plans.

With House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 1, House Substitute Amendment No. 1 for House Amendment No. 1, as amended, House Amendment Nos. 2, 4, 5, 6, House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 7, House Substitute Amendment No. 1 for House Amendment No. 7, as amended.

HOUSE AMENDMENT NO. 1 TO HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR HOUSE AMENDMENT NO. 1

Amend House Substitute Amendment No. 1 for House Amendment No. 1 to House Committee Substitute No. 2 for Senate Bill No. 406, Page 1, Line 10, by inserting after the word, “**employees**” the following words, “, **in addition to the plans currently offered including but not limited to health maintenance organization plans, preferred provider organization plans, copay plans,**”; and

Further amend said bill by amending the title,

enacting clause, and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR HOUSE AMENDMENT NO. 1

Amend House Committee Substitute No. 2 for Senate Bill No. 406, Page 2, Section 87.006, by inserting after all of said section the following:

“103.080. 1. As used in this section, the following terms shall mean:

(1) “Health savings account” or “account”, shall have the same meaning ascribed to it as in 26 U.S.C. Section 223(d), as amended;

(2) “High deductible health plan”, a policy or contract of health insurance or health care plan that meets the criteria established in 26 U.S.C. Section 223(c)(2), as amended, and any regulations promulgated thereunder.

2. Beginning with the open enrollment period for the 2008 plan year, the board shall offer to all qualified employees and participating public entities the option of receiving health care coverage through a high deductible health plan and the establishment of a health savings account. In no instance shall a qualified employee be required to enroll in a high deductible health plan with a deductible greater than the minimum allowed by law, however, a qualified employee shall have the option to enroll in a high deductible health plan up to the maximum allowed by law. The health savings account shall conform to the guidelines to be established by the Internal Revenue Service for the 2008 tax year but in no case shall a qualified employee be required to contribute more than the minimum amount allowed by law. A qualified employee may contribute up to the maximum allowed by law. In order for a qualified individual to obtain a high deductible health plan through the Missouri consolidated health care plan, such individual shall present evidence, in a manner prescribed by regulation, to the board that he or she has established a

health savings account in compliance with 26 U.S.C. Section 223, and any amendments and regulations promulgated thereto.

3. The board is authorized to promulgate rules and regulations for the administration and implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

4. The board shall issue a request for proposals from insurance carriers interested in offering a high deductible health plan in connection with a health savings account.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute No. 2 for Senate Bill No. 406, Page 2, Section 87.006, by inserting after all of said section the following:

“94.579. 1. The governing body of any home rule city with more than one hundred fifty-one thousand five hundred but fewer than one hundred fifty-one thousand six hundred inhabitants is hereby authorized to impose, by order or ordinance, a sales tax on all retail sales made within the city which are subject to sales tax under chapter 144, RSMo. The tax authorized in this section shall not exceed one percent, and shall be imposed solely for the

purpose of providing revenues for the operation of public safety departments, including police and fire departments, and for pension programs, and health care for employees and pensioners of the public safety departments. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The order or ordinance shall not become effective unless the governing body of the city submits to the voters residing within the city at a state general, primary, or special election a proposal to authorize the governing body of the city to impose a tax under this section.

2. The ballot of submission for the tax authorized in this section

shall be in substantially the following form:

Shall (insert the name of the city) impose a sales tax at a rate of (up to one) percent, solely for the purpose of providing revenues for the operation of public safety departments of the city?

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter immediately following notification to the department of revenue. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. All revenue collected under this section

by the director of the department of revenue on behalf of any city, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the "Public Safety Protection

Sales Tax Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the trust fund and credited to the city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such city. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. The director shall keep accurate records of the amounts in the fund, and such records shall be open to the inspection of the officers of such city and to the public. Not later than the tenth day of each month, the director shall distribute all moneys deposited in the fund during the preceding month to the city. Such funds shall be deposited with the treasurer of the city, and all expenditures of moneys from the fund shall be by an appropriation ordinance enacted by the governing body of the city.

4. On or after the effective date of the tax, the director of revenue shall be responsible for the administration, collection, enforcement, and operation of the tax, and sections 32.085 and 32.087, RSMo, shall apply. In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing body

of the city may authorize the use of a bracket system similar to that authorized in section 144.285, RSMo, and notwithstanding the provisions of that section, this new bracket system shall be used where this tax is imposed and shall apply to all taxable transactions. Beginning with the effective date of the tax, every retailer in the city shall add the sales tax to the sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. For purposes of this section, all retail sales shall be deemed to be consummated at the place of business of the retailer.

5. All applicable provisions in sections 144.010 to 144.525, RSMo, governing the state sales tax, and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax, and all exemptions granted to agencies of government, organizations, and persons under sections 144.010 to 144.525, RSMo, are hereby made applicable to the imposition and collection of the tax. The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax. All discounts allowed the retailer under the state sales tax for the collection of and for payment of taxes are hereby allowed and made applicable to the tax. The penalties for violations provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, are hereby made applicable to violations of this section. If any person is delinquent in the payment of the amount required to be paid under this section, or in the event a determination has been made against the person

for the tax and penalties under this section, the limitation for bringing suit for the collection of the delinquent tax and penalties shall be the same as that provided in sections 144.010 to 144.525, RSMo.

6. The governing body of any city that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the city) repeal the sales tax imposed at a rate of (up to one) percent for the purpose of providing revenues for the operation of public safety departments of the city?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

7. The governing body of any city that has adopted the sales tax authorized in this section shall submit the question of repeal of the tax to the voters every five years from the date of its inception on a date available for elections for the city. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the city) repeal the sales tax imposed at a rate of (up

to one) percent for the purpose of providing revenues for the operation of public safety departments of the city?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

8. Whenever the governing body of any city that has adopted the sales tax authorized in this section receives a petition, signed by a number of registered voters of the city equal to at least two percent of the number of registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

9. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the city shall notify the director of the department of revenue of the action at least ninety days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director shall remit the balance in the account to the city and close the account of that city. The director shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.”; and

Further amend said bill, Page 44, Section 105.683, Line 1, by inserting after the words, “**Any plan,**” the following words, “**other than a plan created pursuant to sections 169.010 through 169.141 or sections 169.600 through 169.715,**”; and

Further amend said section, Page 44, Line 3, by deleting the word, “**three**” and inserting in lieu thereof the word, “**five**”; and

Further amend said section, Page 44, Line 4, by deleting the word, “**three**” and inserting in lieu thereof the word, “**five**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute No. 2 for Senate Bill No. 406, Page 15, Section 104.320, Line 57, by inserting after the word, “**contracts**” the following words, “**and may employ or contract with third-party advisors**”; and

Further amend said section, Page 15, Line 58,

by inserting after the word, “**section.**” the following words, “**The board shall have the power to borrow money for any of the authorized purposes of the board and to issue negotiable notes, bonds or other instruments in writing in evidence of the sum or sums to be borrowed.**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute No. 2 for Senate Bill No. 406, Page 1, Section A, by inserting after all of said section the following:

“50.1250. 1. If a member has less than five years of creditable service upon termination of employment, the member shall forfeit the portion of his or her defined contribution account attributable to board matching contributions or county matching contributions pursuant to section 50.1230. The proceeds of such forfeiture shall be applied towards matching contributions made by the board for the calendar year in which the forfeiture occurs. If the board does not approve a matching contribution, then forfeitures shall revert to the county employees' retirement fund. The proceeds of such forfeiture with respect to county matching contributions shall be applied toward matching contributions made by the respective county in accordance with rules prescribed by the board.

2. A member shall be eligible to receive a distribution of the member's defined contribution account in such form selected by the member as permitted under and in accordance with the rules and regulations formulated and adopted by the board from time to time, and commencing as soon as administratively feasible following separation from service, unless the member elects to receive the account balance at a later time, but no later than his or her required beginning date. Notwithstanding the foregoing, if the value of a

member's defined contribution account balance is [five] one thousand dollars or less at the time of the member's separation from service, without respect to any board-matching contributions or employer-matching contribution which might be allocated following the member's separation from service, then his or her defined contribution account shall be distributed to the member in a single sum as soon as administratively feasible following his or her separation from service. The amount of the distribution shall be the amount determined as of the valuation date described in section 50.1240, if the member has at least five years of creditable service. If the member has less than five years of creditable service upon his or her separation from service, then the amount of the distribution shall equal the portion of the member's defined contribution account attributable to the member's seed contributions pursuant to section 50.1220, if any, determined as of the valuation date.

3. If the member dies before receiving the member's account balance, the member's designated beneficiary shall receive the member's defined contribution account balance, as determined as of the immediately preceding valuation date, in a single sum. The member's beneficiary shall be his or her spouse, if married, or his or her estate, if not married, unless the member designates an alternative beneficiary in accordance with procedures established by the board.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute No. 2 for Senate Bill No. 406, Page 1, Section A, Line 10, by inserting after all of said line the following:

“86.1230. 1. Any member who retires subsequent to August 28, 1991, with entitlement to a pension under sections 86.900 to 86.1280, shall

receive each month, in addition to such member's base pension and cost-of-living adjustments thereto under section 86.1220, and in addition to any other compensation or benefit to which such member may be entitled under sections 86.900 to 86.1280, a supplemental retirement benefit of fifty dollars per month. The amount of such supplemental retirement benefit may be adjusted by cost-of-living adjustments determined by the retirement board not more frequently than annually. [Such determination shall be based on advice of the plan's actuary that the increase in the benefit will not cause the present value of anticipated future plan benefits, calculated on the actuarial assumptions used for the most recent annual valuation, to exceed the sum of the trust fund assets plus the present value of anticipated contributions to the trust fund.]

2. Any member who was retired on or before August 28, 1991, and is receiving retirement benefits from the retirement system shall, upon application to the retirement board, be retained as a consultant, and for such services such member shall receive each month, in addition to such member's base pension and cost-of-living adjustments thereto under section 86.1220, and in addition to any other compensation or benefit to which such member may be entitled under sections 86.900 to 86.1280, a supplemental compensation in the amount of fifty dollars per month. This appointment as a consultant shall in no way affect any member's eligibility for retirement benefits under the provisions of sections 86.900 to 86.1280, or in any way have the effect of reducing retirement benefits otherwise payable to such member. The amount of such supplemental compensation under this subsection may be adjusted by cost-of-living adjustments determined by the retirement board not more frequently than annually. [Such determination shall be based on advice of the plan's actuary that the increase in the benefit will not cause the present value of anticipated future plan benefits, calculated on the actuarial assumptions used for the most recent

annual valuation, to exceed the sum of the trust fund assets plus the present value of anticipated contributions to the trust fund.]

3. [In determining and granting the cost-of-living adjustments under this section, the retirement board shall adopt such rules and regulations as may be necessary to effectuate the purposes of this section, including provisions for the manner of computation of such adjustments and the effective dates thereof. The retirement board shall provide for such adjustments to be determined once each year and granted on a date or dates to be chosen by the board. The retirement board shall not be required to prorate the initial adjustment to any supplemental retirement benefit or any supplemental compensation under this section for any member.

4.] For purposes of subsections 1 and 2 of this section, the term "member" shall include a surviving spouse entitled to a benefit under sections 86.900 to 86.1280 who shall be deemed to have retired for purposes of this section on the date of retirement of the member of whom such person is the surviving spouse or on the date of death of such member if such member died prior to retirement; provided, that if the surviving spouse of any member who retired prior to August 28, 2000, shall not have remarried prior to August 28, 2000, but remarries thereafter, such surviving spouse shall thereafter receive benefits under subsection 2 of this section, and provided further, that no benefits shall be payable under this section to the surviving spouse of any member who retired prior to August 28, 2000, if such surviving spouse was at any time remarried after the member's death and prior to August 28, 2000. All benefits payable to a surviving spouse under this section shall be in addition to all other benefits to which such surviving spouse may be entitled under other provisions of sections 86.900 to 86.1280. Any such surviving spouse of a member who dies while entitled to payments under this section shall succeed to the full amount of payment under this

section to which such member was entitled at the time of such member's death, including any cost-of-living adjustments received by such member in the payment under this section prior to such member's death. In all events, the term "member" shall not include any children of the member who would be entitled to receive part or all of the pension which would be received by a surviving spouse if living.

4. Any member who is receiving benefits from the retirement system and who either was retired under the provisions of subdivision (1) of subsection 1 of section 86.1150, or who retired before August 28, 2001, under the provisions of section 86.1180 or section 86.1200, shall, upon application to the retirement board, be retained as a consultant. For such services such member shall receive each month in addition to such member's base pension and cost-of-living adjustments thereto under section 86.1220, and in addition to any other compensation or benefit to which such member may be entitled under sections 86.900 to 86.1280, an equalizing supplemental compensation of ten dollars per month. This appointment as a consultant shall in no way affect any member's eligibility for retirement benefits under the provisions of sections 86.900 to 86.1280, or in any way have the effect of reducing retirement benefits otherwise payable to such member. The amount of equalizing supplemental compensation under this subsection may be adjusted by cost-of-living adjustments, determined by the retirement board not more frequently than annually, but in no event shall the aggregate of such equalizing supplemental compensation together with all such cost-of-living adjustments thereto exceed twenty-five percent of the member's base pension. Each cost-of-living adjustment to compensation under this subsection shall be determined independently of any cost-of-living adjustment to any other benefit under sections 86.900 to 86.1280. For the purposes of this

subsection, the term “member” shall include a surviving spouse entitled to benefits under the provisions of section 86.900 to 86.1280, and who is the surviving spouse of a member who qualified, or would have qualified if living, for compensation under this subsection. Such surviving spouse shall, upon application to the retirement board, be retained as a consultant, and for such services shall be compensated in an amount equal to the compensation which would have been received by the member under this subsection, if living. Any such surviving spouse of a member who dies while entitled to payments under this subsection shall succeed to the full amount of payment under this subsection to which such member was entitled at the time of such member's death, including any cost-of-living adjustments received by such member in the payment under this subsection prior to such member's death. In all events, the term “member” shall not include any children of the member who would be entitled to receive part or all of the pension that would be received by a surviving spouse, if living.

5. A surviving spouse who is entitled to benefits under the provisions of subsection 1 of section 86.1240 as a result of the death prior to August 28, 2007, of a member in service, and who is receiving benefits from the retirement system, shall, upon application to the retirement board, be retained as a consultant, and for such services such surviving spouse shall receive each month an equalizing supplemental compensation of ten dollars per month. A surviving spouse entitled to benefits under the provisions of subsection 1 of section 86.1240 as a result of the death of a member in service on or after August 28, 2007, shall receive each month an equalizing supplemental benefit of ten dollars per month. All benefits payable to a surviving spouse under this subsection shall be in addition to all other benefits to which such surviving spouse may be entitled under other provisions of sections 86.900 to 86.1280 and

shall in no way have the effect of reducing benefits otherwise payable to such surviving spouse. The amount of equalizing supplemental benefit or equalizing supplemental compensation under this subsection may be adjusted by cost-of-living adjustments, determined by the retirement board not more frequently than annually, but in no event shall the aggregate of such equalizing supplemental benefit or compensation together with all such cost-of-living adjustments thereto exceed twenty-five percent of the base pension of the surviving spouse. Each cost-of-living adjustment to an equalizing supplemental benefit or compensation under this subsection shall be determined independently of any cost-of-living adjustment to any other benefit under sections 86.900 to 86.1280. In all events the term “surviving spouse” as used in this subsection shall not include any children of the member who would be entitled to receive part or all of the pension that would be received by a surviving spouse, if living.

6. In determining and granting the cost-of-living adjustments under this section, the retirement board shall adopt such rules and regulations as may be necessary to effectuate the purposes of this section, including provisions for the manner of computation of such adjustments and the effective dates thereof. The retirement board shall provide for such adjustments to be determined once each year and granted on a date or dates to be chosen by the board. The retirement board shall not be required to prorate the initial adjustment to any benefit or compensation under this section for any member.

[5.] 7. The determination of whether the retirement system will remain actuarially sound shall be made at the time any cost-of-living adjustment under this section is granted. If at any time the retirement system ceases to be actuarially sound, [supplemental retirement] any benefit

[payments under subsection 1 of this section and supplemental] or compensation payments [as a consultant under subsection 2 of] **provided under** this section shall continue as adjusted by increases or decreases theretofore granted. A member of the retirement board shall have no personal liability for granting increases under this section if that retirement board member in good faith relied and acted upon advice of a qualified actuary that the retirement system would remain actuarially sound.

86.1600. 1. Any member who retires subsequent to August 28, 1997, **and on or before August 28, 2007**, with entitlement to a pension under sections 86.1310 to 86.1640, **and any member who retires subsequent to August 28, 2007, with entitlement to a pension under sections 86.1310 to 86.1640 and who either has at least fifteen years of creditable service or is retired under subsection 1 of section 86.1560**, shall receive each month, in addition to such member's base pension and cost-of-living adjustments thereto under section 86.1590, and in addition to any other compensation or benefit to which such member may be entitled under sections 86.1310 to 86.1640, a supplemental retirement benefit of fifty dollars per month. The amount of such supplemental retirement benefit may be adjusted by cost-of-living adjustments determined by the retirement board not more frequently than annually. [Such determination shall be based on advice of the plan's actuary that the increase in the benefit will not cause the present value of anticipated future plan benefits, calculated on the actuarial assumptions used for the most recent annual valuation, to exceed the sum of the trust fund assets plus the present value of anticipated contributions to the trust fund.]

2. Any member who was retired on or before August 28, 1997, and is receiving retirement benefits from the retirement system shall, upon application to the retirement board, be retained as a consultant, and for such services such member shall receive each month, in addition to such

member's base pension and cost-of-living adjustments thereto under section 86.1590, and in addition to any other compensation or benefit to which such member may be entitled under sections 86.1310 to 86.1640, a supplemental compensation in the amount of fifty dollars per month. This appointment as a consultant shall in no way affect any member's eligibility for retirement benefits under the provisions of sections 86.1310 to 86.1640, or in any way have the effect of reducing retirement benefits otherwise payable to such member. The amount of such supplemental compensation under this subsection may be adjusted by cost-of-living adjustments determined by the retirement board not more frequently than annually. [Such determination shall be based on advice of the plan's actuary that the increase in the benefit will not cause the present value of anticipated future plan benefits, calculated on the actuarial assumptions used for the most recent annual valuation, to exceed the sum of the trust fund assets plus the present value of anticipated contributions to the trust fund.]

3. In determining and granting the cost-of-living adjustments under this section, the retirement board shall adopt such rules and regulations as may be necessary to effectuate the purposes of this section, including provisions for the manner of computation of such adjustments and the effective dates thereof. The retirement board shall provide for such adjustments to be determined once each year and granted on a date or dates to be chosen by the board. The retirement board shall not be required to prorate the initial adjustment to any supplemental retirement benefit or any supplemental compensation under this section for any member.

4. For purposes of subsections 1 and 2 of this section, the term "member" shall include a surviving spouse who is entitled to a benefit under sections 86.1310 to 86.1640, who shall be deemed to have retired for purposes of this section on the date of retirement of the member of whom such

person is the surviving spouse or on the date of death of such member if such member died prior to retirement; **provided, that no benefits shall be payable under this section to the surviving spouse of any member who died while in active service after August 28, 2007, unless such death occurred in the line of duty or course of employment or as the result of an injury or illness incurred in the line of duty or course of employment or unless such member had at least fifteen years of creditable service. The surviving spouse of a member who died in service after August 28, 2007, whose death occurred in the line of duty or course of employment or as the result of an injury or illness incurred in the line of duty or course of employment shall be entitled to benefits under subsection 1 of this section without regard to such member's years of creditable service.** All benefits payable to a surviving spouse under this section shall be in addition to all other benefits to which such surviving spouse may be entitled under other provisions of sections 86.1310 to 86.1640. Any [such] **qualifying** surviving spouse of a member who dies while entitled to payments under this section shall succeed to the full amount of payment under this section to which such member was entitled at the time of such member's death, including any cost-of-living adjustments received by such member in the payment under this section prior to such member's death.

5. The determination of whether the retirement system will remain actuarially sound shall be made at the time any cost-of-living adjustment under this section is granted. If at any time the retirement system ceases to be actuarially sound, supplemental retirement benefit payments under subsection 1 of this section and supplemental compensation payments as a consultant under subsection 2 of this section shall continue as adjusted by increases or decreases theretofore granted. A member of the retirement board shall have no personal liability for granting increases under this section if that retirement board member

in good faith relied and acted upon advice of a qualified actuary that the retirement system would remain actuarially sound.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE SUBSTITUTE AMENDMENT NO. 1
FOR HOUSE AMENDMENT NO. 7

Amend House Substitute Amendment No. 1 for House Amendment No. 7 to House Committee Substitute No. 2 for Senate Bill No. 406, Page 1, Section 104.010, Line 8, by inserting after the word “nations.”, the following:

“This provision should remain in effect only insofar as it continues to be consistent with, and does not unduly interfere with, the foreign policy of the United States as determined by the federal government.”;

HOUSE SUBSTITUTE AMENDMENT NO. 1
FOR HOUSE AMENDMENT NO. 7

Amend House Committee Substitute No. 2 for Senate Bill No. 406, Page 8, Section 104.010, Line 190, by inserting after all of said line the following:

“3. Notwithstanding any other provision of law, the board of trustees shall immediately enact all necessary provisions and take all necessary actions to ensure that no public funds are invested in entities that have direct financial relationships with the U.S. State Department-designated terrorist-sponsoring states, and to replace any holdings that are divested with comparable investments. This in no way shall apply to any company that is providing humanitarian aid for the citizens of these nations.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that Representative Wildberger has been removed from the conference committee on **SCS** for **HCS** for **HB 8** and Representative Brown (50) has been appointed to the conference committee on **SCS** for **HCS** for **HB 8**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that Representative Wildberger has been removed from the conference committee on **SCS** for **HCS** for **HB 9** and Representative Johnson has been appointed to the conference committee on **SCS** for **HCS** for **HB 9**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 46**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS**, as amended, for **HB 665** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SA 1** and **SA 3** to **HB 574** and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

REFERRALS

President Pro Tem Gibbons referred **HCS** for **HB 1055**, with **SCA 1**, to the Committee on Governmental Accountability and Fiscal Oversight.

Senator Gross requested unanimous consent of the Senate to suspend the rules for the purpose of allowing the conferees on **SCS** for **HB 1**; **SCS** for **HCS** for **HB 2**; **SCS** for **HCS** for **HB 3**; **SCS** for **HCS** for **HB 4**; **SCS** for **HCS** for **HB 5**; **SCS** for **HCS** for **HB 6**; **SCS** for **HCS** for **HB 7**; **SCS** for **HCS** for **HB 8**; **SCS** for **HCS** for **HB 9**; **SCS** for **HCS** for **HB 10**; **SCS** for **HCS** for **HB 11**, as amended; **SCS** for **HCS** for **HB 12**; and **SCS** for **HCS** for **HB 13** to meet while the Senate is in session, which request was granted.

HOUSE BILLS ON THIRD READING

Senator Clemens moved that **HB 576** be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Koster assumed the Chair.

On motion of Senator Clemens, **HB 576** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Green
Griesheimer	Gross	Justus	Koster
Lager	Loudon	Mayer	McKenna
Nodler	Purgason	Ridgeway	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—30		

NAYS—Senator Graham—1

Absent—Senator Kennedy—1

Absent with leave—Senators

Goodman Rupp—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by

which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 255, with **SCS**, introduced by Representative Bruns, entitled:

An Act to repeal sections 8.294, 37.005, 37.452, and 253.510, RSMo, and to enact in lieu thereof five new sections relating to the office of administration, with an emergency clause.

Was called from the Informal Calendar and taken up by Senator Vogel.

SCS for **HB 255**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 255

An Act to repeal sections 3.070, 8.110, 8.120, 8.180, 8.200, 8.250, 8.255, 8.260, 8.291, 8.294, 8.310, 8.316, 8.320, 8.325, 8.330, 8.340, 8.350, 8.360, 8.800, 8.830, 8.843, 26.220, 26.225, 27.095, 27.100, 28.305, 28.310, 29.405, 29.410, 30.505, 30.510, 33.710, 34.010, 34.031, 34.032, 34.040, 34.042, 34.044, 34.065, 34.130, 37.005, 37.010, 37.452, 44.237, 217.575, 251.240, 253.320, 253.510, 261.010, 311.650, 313.210, 320.260, 334.125, 361.010, and 630.525, RSMo, and to enact in lieu thereof fifty-four new sections relating to the office of administration, with an emergency clause.

Was taken up.

Senator Vogel moved that **SCS** for **HB 255** be adopted.

Senator Vogel offered **SS** for **SCS** for **HB 255**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 255

An Act to repeal sections 3.070, 8.110, 8.120, 8.180, 8.200, 8.250, 8.255, 8.260, 8.291, 8.294, 8.310, 8.316, 8.320, 8.325, 8.330, 8.340, 8.350, 8.360, 8.800, 8.830, 8.843, 26.220, 26.225, 27.095, 27.100, 28.305, 28.310, 29.405, 29.410, 30.505,

30.510, 33.710, 34.010, 34.031, 34.032, 34.040, 34.042, 34.044, 34.065, 34.130, 37.005, 37.010, 37.452, 44.237, 217.575, 251.240, 253.320, 253.510, 261.010, 311.650, 313.210, 320.260, 334.125, 361.010, and 630.525, RSMo, and to enact in lieu thereof fifty-four new sections relating to the office of administration, with an emergency clause.

Senator Vogel moved that **SS** for **SCS** for **HB 255** be adopted.

Senator Justus offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 255, Page 16, Section 26.225, Line 8, by inserting after all of said line the following:

“4. Under no circumstances shall more than one transition office be established under the provisions of this section.”; and

Further amend said bill, page 17, section 27.100, line 7 by inserting after all of said line the following:

“4. Under no circumstances shall more than one transition office be established under the provisions of this section.”; and

Further amend said bill, page 18, section 28.310, line 6 by inserting after all of said line the following:

“4. Under no circumstances shall more than one transition office be established under the provisions of this section.”; and

Further amend said bill, page 19, section 29.410, line 5 by inserting after all of said line the following:

“4. Under no circumstances shall more than one transition office be established under the provisions of this section.”; and

Further amend said bill, page 20, section 30.510, line 4 by inserting after all of said line the

following:

“4. Under no circumstances shall more than one transition office be established under the provisions of this section.”.

Senator Justus moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Vogel, **HB 255**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SB 30**, as amended. Representatives: Stevenson, Sutherland, Cooper (120), Bringer and Zweifel.

On motion of Senator Shields, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kinder.

RESOLUTIONS

Senator Callahan offered Senate Resolution No. 1170, regarding Christian Ott Elementary School, Independence School District, which was adopted.

On behalf of Senator Rupp, Senator Shields offered Senate Resolution No. 1171, regarding Pat Komoroski, Saint Charles, which was adopted.

Senator Gibbons offered Senate Resolution No. 1172, regarding Westchester Elementary School, St. Louis, which was adopted.

Senator Gibbons offered Senate Resolution No. 1173, regarding Avery Elementary School, Webster Groves School District, which was adopted.

Senator Koster offered Senate Resolution No. 1174, regarding Brigadier General Christopher D. Miller, Whiteman Air Force Base, which was adopted.

Senator Barnitz offered Senate Resolution No. 1175, regarding Daniel Steward, Jefferson City, which was adopted.

Senator Kennedy offered Senate Resolution No. 1176, regarding the Eightieth Birthday of Bettie L. Koerber, Affton, which was adopted.

On behalf of Senator Rupp, Senator Shields offered Senate Resolution No. 1177, regarding Verna Greber, Troy, which was adopted.

Senator Crowell offered Senate Resolution No. 1178, regarding Michelle Gilmer, which was adopted.

Senator Crowell offered Senate Resolution No. 1179, regarding Trail of Tears State Park, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 1180, regarding Regina Guthrie, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 1181, regarding Greg Ourth, Benton, which was adopted.

Senator Crowell offered Senate Resolution No. 1182, regarding Blair Moran, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 1183, regarding Lloyd Stoner, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 1184, regarding Duane DeCota, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 1185, regarding Elizabeth Lorenz, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 1186, regarding Mike Marshall, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 1187, regarding Sikeston American Legion Post 114, which was adopted.

Senator Crowell offered Senate Resolution No. 1188, regarding Food Giant Supermarkets, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 1189, regarding MikeRentals, Incorporated, Sikeston, which was adopted.

THIRD READING OF SENATE BILLS

Senator Loudon moved that **SS** for **SB 303** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Loudon, **SS** for **SB 303** was placed on the Informal Calendar.

HOUSE BILLS ON THIRD READING

HCS for **HB 551**, with **SCS**, was placed on the Informal Calendar.

HB 791, with **SCS**, introduced by Representative Wilson (130), et al, entitled:

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to the provision of certain claims information by health carriers.

Was taken up by Senator Mayer.

SCS for **HB 791**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 791

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to the provision of certain claims information by health carriers.

Was taken up.

Senator Scott assumed the Chair.

Senator Mayer moved that **SCS** for **HB 791** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS** for **HB 791**

was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Goodman Rupp—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HB 327**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 327**.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

May 2, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice
and consent the following appointment:

Katie J. Smith, 15855 Country Lane East, Platte City, Platte
County, Missouri 64079, as the Director of the Department of
Agriculture, for a term ending at the pleasure of the Governor, and
until her successor is duly appointed and qualified; vice, L. Matthew
Boatright, term expired.

Respectfully submitted,

MATT BLUNT

CONFERENCE COMMITTEE REPORTS

Senator Griesheimer on behalf of the
conference committee appointed to act with a like
committee from the House on **SS** for **SCS** for **HCS**
for **HB 327**, as amended, moved that the following
conference committee report be taken up, which
motion prevailed.

**CONFERENCE COMMITTEE REPORT ON
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 327**

The Conference Committee appointed on
Senate Substitute for Senate Committee Substitute
for House Committee Substitute for House Bill
No. 327, with Senate Amendment Nos. 2, 3, 4, 5,
6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20,
Senate Substitute Amendment No. 1 for Senate
Amendment No. 22, 23, 24, 25, Senate
Amendment No. 2 to Senate Amendment No. 27,
Senate Amendment No. 27 as amended, 28,
and 29, begs leave to report that we, after free and
fair discussion of the differences, have agreed to
recommend and do recommend to the respective
bodies as follows:

1. That the Senate recede from its position on
Senate Substitute for Senate Committee Substitute
for House Committee Substitute for House Bill
No. 327, as amended;

2. That the House recede from its position on
House Committee Substitute for House Bill
No. 327;

3. That the attached Conference Committee
Substitute for Senate Substitute for Senate
Committee Substitute for House Committee
Substitute for House Bill No. 327, be Third Read
and Finally Passed.

FOR THE HOUSE:

/s/ Ron Richard

/s/ Ed Robb

/s/ Rod Jetton

/s/ Fred Kratky

/s/ Clint Zweifel

FOR THE SENATE:

John Griesheimer

/s/ Chris Koster

/s/ Jason Crowell

/s/ Victor E. Callahan

/s/ Harry Kennedy

Senator Ridgeway assumed the Chair.

Senator Griesheimer moved that the above
conference committee report be adopted.

At the request of Senator Griesheimer, the
above motion was withdrawn.

PRIVILEGED MOTIONS

Senator Griesheimer moved that the Senate
refuse to adopt the **CCR** on **SS** for **SCS** for **HCS**
for **HB 327**, as amended, and request the House
grant further conference, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 744, introduced by Representative St.
Onge, entitled:

An Act to repeal sections 226.530, 226.580,
302.545, 302.700, 302.755, 302.775, 311.326,
390.071, 390.136, and 622.095, RSMo, and to
enact in lieu thereof nine new sections relating to
transportation, with penalty provisions.

Was called from the Informal Calendar and
taken up by Senator Stouffer.

Senator Stouffer offered **SS** for **HB 744**,
entitled:

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 744

An Act to repeal sections 43.010, 43.030, 43.050, 43.090, 43.110, 43.120, 43.140, 43.210, 43.220, 43.530, 226.527, 226.530, 226.580, 227.107, 238.202, 238.207, 238.208, 238.210, 238.225, 238.230, 238.275, 301.010, 301.030, 301.130, 301.131, 301.140, 301.142, 301.144, 301.150, 301.170, 301.177, 301.200, 301.218, 301.221, 301.225, 301.229, 301.280, 301.301, 301.310, 301.420, 301.440, 301.444, 301.550, 301.560, 301.567, 301.570, 301.640, 301.716, 302.010, 302.272, 302.275, 302.321, 302.545, 302.700, 302.720, 302.755, 302.775, 303.415, 304.015, 304.022, 304.070, 304.170, 304.180, 304.230, 304.281, 306.015, 306.016, 306.535, 307.010, 307.015, 307.090, 307.100, 307.120, 307.125, 307.155, 307.172, 307.173, 307.179, 307.195, 307.198, 307.365, 307.375, 307.390, 307.400, 311.326, 390.030, 390.071, 390.136, 407.815, 556.021, 577.029, 577.039, and 622.095, RSMo, and section 301.190 as enacted by house committee substitute for senate substitute no. 2 for senate committee substitute for senate bill no. 583, ninety-third general assembly, second regular session, section 301.190 as enacted by senate substitute for senate committee substitute for house bill no. 487 merged with senate bill no. 488, ninety-third general assembly, first regular session, section 301.566 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1288, ninety-second general assembly, second regular session, and section 301.566 as enacted by house substitute for senate substitute for senate committee substitute for senate bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular session, and to enact in lieu thereof one hundred twenty-three new sections relating to transportation, with penalty provisions, an effective date for certain sections, and an emergency clause for certain sections.

Senator Stouffer moved that **SS** for **HB 744** be

adopted.

Senator Shields offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 744, Page 58, Section 301.010, Line 15 of said page, by inserting after all of said line the following:

“301.020. 1. Every owner of a motor vehicle or trailer, which shall be operated or driven upon the highways of this state, except as herein otherwise expressly provided, shall annually file, by mail or otherwise, in the office of the director of revenue, an application for registration on a blank to be furnished by the director of revenue for that purpose containing:

(1) A brief description of the motor vehicle or trailer to be registered, including the name of the manufacturer, the vehicle identification number, the amount of motive power of the motor vehicle, stated in figures of horsepower and whether the motor vehicle is to be registered as a motor vehicle primarily for business use as defined in section 301.010;

(2) The name, the applicant's identification number and address of the owner of such motor vehicle or trailer;

(3) The gross weight of the vehicle and the desired load in pounds if the vehicle is a commercial motor vehicle or trailer.

2. If the vehicle is a motor vehicle primarily for business use as defined in section 301.010 and if such vehicle is five years of age or less, the director of revenue shall [retain] **obtain** the odometer information [provided in the vehicle inspection report] **in a manner prescribed by rule**, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of five years after the receipt of such information. This section shall not apply unless:

(1) The application for the vehicle's certificate of ownership was submitted after July 1, 1989; and

(2) The certificate was issued pursuant to a manufacturer's statement of origin.

3. If the vehicle is any motor vehicle other than a motor vehicle primarily for business use, a recreational motor vehicle, motorcycle, motortricycle, bus or any commercial motor vehicle licensed for over twelve thousand pounds and if such motor vehicle is five years of age or less, the director of revenue shall [retain] **obtain** the odometer information [provided in the vehicle inspection report] **in a manner prescribed by rule**, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of five years after the receipt of such information. This subsection shall not apply unless:

(1) The application for the vehicle's certificate of ownership was submitted after July 1, 1990; and

(2) The certificate was issued pursuant to a manufacturer's statement of origin.

4. If the vehicle qualifies as a reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, non-USA-std motor vehicle, as defined in section 301.010, or prior salvage as referenced in section 301.573, the owner or lienholder shall surrender the certificate of ownership. The owner shall make an application for a new certificate of ownership, pay the required title fee, and obtain the vehicle examination certificate required pursuant to subsection 9 of section 301.190. If an insurance company which pays a claim on a salvage vehicle as defined in section 301.010 and the insured is retaining ownership of the vehicle, as prior salvage, the vehicle shall only be required to meet the examination requirements under and pursuant to subsection 10 of section 301.190. Notarized bills of sale along with a copy of the front and back of the certificate of ownership for all major

component parts installed on the vehicle and invoices for all essential parts which are not defined as major component parts shall accompany the application for a new certificate of ownership. If the vehicle is a specially constructed motor vehicle, as defined in section 301.010, two pictures of the vehicle shall be submitted with the application. If the vehicle is a kit vehicle, the applicant shall submit the invoice and the manufacturer's statement of origin on the kit. If the vehicle requires the issuance of a special number by the director of revenue or a replacement vehicle identification number, the applicant shall submit the required application and application fee. All applications required under this subsection shall be submitted with any applicable taxes which may be due on the purchase of the vehicle or parts. The director of revenue shall appropriately designate "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Non-USA-Std Motor Vehicle", or "Specially Constructed Motor Vehicle" on the current and all subsequent issues of the certificate of ownership of such vehicle.

5. Every insurance company which pays a claim for repair of a motor vehicle which as the result of such repairs becomes a reconstructed motor vehicle as defined in section 301.010 or which pays a claim on a salvage vehicle as defined in section 301.010 and the insured is retaining ownership of the vehicle, shall in writing notify the claimant, if he is the owner of the vehicle, and the lienholder if a lien is in effect, that he is required to surrender the certificate of ownership, and the documents and fees required pursuant to subsection 4 of this section to obtain a prior salvage motor vehicle certificate of ownership or documents and fees as otherwise required by law to obtain a salvage certificate of ownership, from the director of revenue. The insurance company shall within thirty days of the payment of such claims report to the director of revenue the name and address of such claimant, the year, make, model, vehicle identification number, and license plate number of the vehicle, and the date of loss

and payment.

6. Anyone who fails to comply with the requirements of this section shall be guilty of a class B misdemeanor.

7. An applicant for registration may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section 192.935, RSMo. Moneys in the blindness education, screening and treatment program fund shall be used solely for the purposes established in section 192.935, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

8. An applicant for registration may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund as established in sections 194.297 to 194.304, RSMo. Moneys in the organ donor fund shall be used solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.”; and

Further amend said bill, page 88, section 301.144, line 28 of said page, by inserting after all of said line the following:

“301.147. 1. Notwithstanding the provisions of section 301.020 to the contrary, beginning July 1, 2000, the director of revenue may provide owners of motor vehicles, other than commercial motor vehicles licensed in excess of twelve thousand pounds gross weight, the option of biennially registering motor vehicles. Any vehicle manufactured as an even-numbered model year vehicle shall be renewed each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be renewed each odd-numbered calendar year, subject to the following requirements:

(1) The fee collected at the time of biennial registration shall include the annual registration fee plus a pro rata amount for the additional twelve months of the biennial registration;

(2) Presentation of all documentation otherwise required by law for vehicle registration including, but not limited to, a personal property tax receipt or certified statement for the preceding year that no such taxes were due as set forth in section 301.025, **and proof of [a] any applicable motor vehicle safety inspection and any applicable emission inspection conducted within sixty days prior to the date of application and proof of insurance as required by section 303.026, RSMo. If a motor vehicle owner is exempt from submitting proof of a motor vehicle safety inspection under the provisions of section 307.357, RSMo, then the motor vehicle owner shall submit an affidavit stating that the motor vehicle has fewer than one hundred thousand miles.**

2. The director of revenue may prescribe rules and regulations for the effective administration of this section. The director is authorized to adopt those rules that are reasonable and necessary to accomplish the limited duties specifically delegated within this section. Any rule or portion

of a rule, as that term is defined in section 536.010, RSMo, that is promulgated pursuant to the authority delegated in this section shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 1, 2000, shall be invalid and void.

3. The director of revenue shall have the authority to stagger the registration period of motor vehicles other than commercial motor vehicles licensed in excess of twelve thousand pounds gross weight. Once the owner of a motor vehicle chooses the option of biennial registration, such registration must be maintained for the full twenty-four month period.”; and

Further amend said bill, page 229, section 307.173, line 4 of said page, by inserting after all of said line the following:

“307.178. 1. As used in this section, the term “passenger car” means every motor vehicle designed for carrying ten persons or less and used for the transportation of persons; except that, the term “passenger car” shall not include motorcycles, motorized bicycles, **or** motor tricycles[, and trucks with a licensed gross weight of twelve thousand pounds or more].

2. Each driver[, except persons employed by the United States Postal Service while performing duties for that federal agency which require the operator to service postal boxes from their vehicles, or which require frequent entry into and exit from their vehicles,] and [front seat] passenger of a passenger car manufactured after January 1, 1968, operated on a street or highway in this state, and persons [less than eighteen years of age] operating or riding in a truck, as defined in section 301.010, RSMo, on a street or highway of this state

shall wear a properly adjusted and fastened safety belt that meets federal National Highway, Transportation and Safety Act requirements. [No person shall be stopped, inspected, or detained solely to determine compliance with this subsection.] The provisions of this section and section 307.179 shall not be applicable to [persons] **any person who [have] possesses documentation from a physician that such person has a medical reason for failing to have a seat belt fastened about their body[, nor shall]. No person shall be found guilty of violating this section or section 307.179 if such person demonstrates that he or she has a medical reason for failing to have a seat belt fastened about their body.** The provisions of this section **shall not** be applicable to persons while operating or riding a motor vehicle being used in agricultural work-related activities. Noncompliance with this subsection shall not constitute probable cause for violation of any other provision of law. The provisions of this subsection shall not apply to the transporting of children under sixteen years of age, as provided in section 307.179. **Persons employed by the United States Postal Service while performing duties for that federal agency which require the operator to service postal boxes from their vehicles, or which require frequent entry into and exit from their vehicles are exempt from the provisions of this subsection.**

3. Each driver of a motor vehicle transporting a child less than sixteen years of age shall secure the child in a properly adjusted and fastened restraint under section 307.179.

4. In any action to recover damages arising out of the ownership, common maintenance or operation of a motor vehicle, failure to wear a safety belt in violation of this section shall not be considered evidence of comparative negligence. Failure to wear a safety belt in violation of this section may be admitted to mitigate damages, but only under the following circumstances:

(1) Parties seeking to introduce evidence of

the failure to wear a safety belt in violation of this section must first introduce expert evidence proving that a failure to wear a safety belt contributed to the injuries claimed by plaintiff;

(2) If the evidence supports such a finding, the trier of fact may find that the plaintiff's failure to wear a safety belt in violation of this section contributed to the plaintiff's claimed injuries, and may reduce the amount of the plaintiff's recovery by an amount not to exceed one percent of the damages awarded after any reductions for comparative negligence.

5. Except as otherwise provided for in section 307.179, each person who violates the provisions of subsection 2 of this section is guilty of an infraction for which a fine not to exceed ten dollars may be imposed. All other provisions of law and court rules to the contrary notwithstanding, no court costs shall be imposed on any person due to a violation of this section. In no case shall points be assessed against any person, pursuant to section 302.302, RSMo, for a violation of this section.

6. The state highways and transportation commission shall initiate and develop a program of public information to develop understanding of, and ensure compliance with, the provisions of this section. The commission shall evaluate the effectiveness of this section and shall include a report of its findings in the annual evaluation report on its highway safety plan that it submits to NHTSA and FHWA pursuant to 23 U.S.C. 402.

7. If there are more persons than there are seat belts in the enclosed area of a motor vehicle, then the passengers who are unable to wear seat belts **because all existing seat belts are in use** shall sit [in the area] **on the seats** behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front-seated area. The passenger or passengers occupying a seat location referred to in this subsection is not in violation of this section. This subsection shall not apply to passengers who are accompanying a driver of a motor vehicle who is licensed under section

302.178, RSMo.”; and

Further amend said bill, page 232, section 307.198, line 24 of said page, by inserting after all of said line the following:

“307.357. 1. Notwithstanding sections 307.350 to 307.390, a motor vehicle owner may renew or reregister the registration plates on a motor vehicle that is otherwise required to be inspected if such vehicle has fewer than one hundred thousand miles, as evidenced by the odometer, without submitting such vehicle to a biennial motor vehicle safety inspection.

2. In order to qualify for the exemption set forth in subsection 1 of this section, the owner of such a vehicle shall submit to the director an affidavit, sworn to under the penalty of perjury, stating that the motor vehicle has fewer than one hundred thousand miles.

3. The provisions of this section shall not exempt a person from submitting such a motor vehicle to a motor vehicle safety inspection for purposes of initially registering and titling such a vehicle, transferring ownership, or when a motor vehicle safety inspection is otherwise required by law.”; and

Further amend said bill, page 275, section 577.039, line 15 of said page, by inserting after all of said line the following:

“643.315. 1. Except as provided in sections 643.300 to 643.355, all motor vehicles which are domiciled, registered or primarily operated in an area for which the commission has established a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355 shall be inspected and approved prior to sale or transfer; provided that, if such vehicle is inspected and approved prior to sale or transfer, such vehicle shall not be subject to another emissions inspection for ninety days after the date of sale or transfer of such vehicle. In addition, any such vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved under the

emissions inspection program established pursuant to sections 643.300 to 643.355 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved under the emissions inspection program established pursuant to sections 643.300 to 643.355 in each odd-numbered calendar year. All motor vehicles subject to the inspection requirements of sections 643.300 to 643.355 shall display a valid emissions inspection sticker, and when applicable, a valid emissions inspection certificate shall be presented at the time of registration or registration renewal of such motor vehicle. The department of revenue shall require evidence of [the] **any applicable motor vehicle safety inspection** and emission inspection and approval required by this section in issuing the motor vehicle annual registration in conformity with the procedure required by sections 307.350 to 307.390, RSMo, and sections 643.300 to 643.355. The director of revenue may verify that a successful safety and emissions inspection was completed via electronic means.

2. The inspection requirement of subsection 1 of this section shall apply to all motor vehicles except:

(1) Motor vehicles with a manufacturer's gross vehicle weight rating in excess of eight thousand five hundred pounds;

(2) Motorcycles and motortricycles if such vehicles are exempted from the motor vehicle emissions inspection under federal regulation and approved by the commission by rule;

(3) Model year vehicles manufactured prior to 1996;

(4) Vehicles which are powered exclusively by electric or hydrogen power or by fuels other than gasoline which are exempted from the motor vehicle emissions inspection under federal regulation and approved by the commission by rule;

(5) Motor vehicles registered in an area

subject to the inspection requirements of sections 643.300 to 643.355 which are domiciled and operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355, but only if the owner of such vehicle presents to the department an affidavit that the vehicle will be operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355 for the next twenty-four months, and the owner applies for and receives a waiver which shall be presented at the time of registration or registration renewal;

(6) New and unused motor vehicles, of model years of the current calendar year and of any calendar year within two years of such calendar year, which have an odometer reading of less than six thousand miles at the time of original sale by a motor vehicle manufacturer or licensed motor vehicle dealer to the first user;

(7) Historic motor vehicles registered pursuant to section 301.131, RSMo;

(8) School buses;

(9) Heavy-duty diesel-powered vehicles with a gross vehicle weight rating in excess of eight thousand five hundred pounds;

(10) New motor vehicles that have not been previously titled and registered, for the four-year period following their model year of manufacture[, provided the odometer reading for such motor vehicles are under forty thousand miles at their first required biennial safety inspection conducted under sections 307.350 to 307.390, RSMo; otherwise such motor vehicles shall be subject to the emissions inspection requirements of subsection 1 of this section during the same period that the biennial safety inspection is conducted]; and

(11) Motor vehicles that are driven fewer than twelve thousand miles [between biennial safety inspections] **on a biennial basis**.

3. The commission may, by rule, allow inspection reciprocity with other states having

equivalent or more stringent testing and waiver requirements than those established pursuant to sections 643.300 to 643.355.

4. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section 301.550, RSMo, may choose to sell a motor vehicle subject to the inspection requirements of sections 643.300 to 643.355 either:

(a) With prior inspection and approval as provided in subdivision (2) of this subsection; or

(b) Without prior inspection and approval as provided in subdivision (3) of this subsection.

(2) If the dealer chooses to sell the vehicle with prior inspection and approval, the dealer shall disclose, in writing, prior to sale, whether the vehicle obtained approval by meeting the emissions standards established pursuant to sections 643.300 to 643.355 or by obtaining a waiver pursuant to section 643.335. A vehicle sold pursuant to this subdivision by a licensed motor vehicle dealer shall be inspected and approved within the one hundred twenty days immediately preceding the date of sale, and, for the purpose of registration of such vehicle, such inspection shall be considered timely.

(3) If the dealer chooses to sell the vehicle without prior inspection and approval, the purchaser may return the vehicle within ten days of the date of purchase, provided that the vehicle has no more than one thousand additional miles since the time of sale, if the vehicle fails, upon inspection, to meet the emissions standards specified by the commission and the dealer shall have the vehicle inspected and approved without the option for a waiver of the emissions standard and return the vehicle to the purchaser with a valid emissions certificate and sticker within five working days or the purchaser and dealer may enter into any other mutually acceptable agreement. If the dealer chooses to sell the vehicle without prior inspection and approval, the dealer shall disclose conspicuously on the sales contract

and bill of sale that the purchaser has the option to return the vehicle within ten days, provided that the vehicle has no more than one thousand additional miles since the time of sale, to have the dealer repair the vehicle and provide an emissions certificate and sticker within five working days if the vehicle fails, upon inspection, to meet the emissions standards established by the commission, or enter into any mutually acceptable agreement with the dealer. A violation of this subdivision shall be an unlawful practice as defined in section 407.020, RSMo. No emissions inspection shall be required pursuant to sections 643.300 to 643.360 for the sale of any motor vehicle which may be sold without a certificate of inspection and approval, as provided pursuant to subsection 2 of section 307.380, RSMo.”; and

Further amend said bill, page 280, section D, line 4 of said page, by inserting after all of said line the following:

“Section E. The enactment of section 307.357 and the repeal and reenactment of sections 301.020, 301.147, 307.350, and 643.315 shall become effective January 1, 2008.”; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted.

Senator Graham requested a division of the question on the adoption of **SA 1** requesting that a vote first be taken on the portion of the amendment dealing with section 307.178; and that a second vote be taken on the remainder of the amendment, which request was granted.

Senator Shields moved that Part I of **SA 1** be adopted, which motion prevailed.

Senator Scott assumed the Chair.

Senator Shields moved that Part II of **SA 1** be adopted.

Senator Graham requested a roll call vote be taken on the adoption of Part II of **SA 1** and was joined in his request by Senators Callahan, Coleman, Justus and Kennedy.

Part II of **SA 1** was adopted by the following vote:

YEAS—Senators

Bartle	Callahan	Champion	Clemens
Days	Engler	Gibbons	Green
Gross	Justus	Koster	Lager
Loudon	Mayer	Nodler	Ridgeway
Scott	Shields	Stouffer	Vogel—20

NAYS—Senators

Barnitz	Bray	Coleman	Crowell
Graham	Griesheimer	Kennedy	McKenna
Purgason	Shoemyer	Smith	Wilson—12

Absent—Senators—None

Absent with leave—Senators

Goodman Rupp—2

Vacancies—None

Senator Justus offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Bill No. 744, Page 275, Section 1, Line 23, by inserting after all of said line the following:

“Section 2. 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest in the following described real property owned by the state in Jackson County to the city of Kansas City:

Parcel # 12-840-27-08-00-0-00-000

**JOHNSON'S SUB OF O T LANDS
BEG 460 W 185' S NE CE S SW 1/4
SE 1/4 TH SW 250' SE 220' NE 250'
NW 220' TO POB**

Parcel # 12-840-26-02-00-0-00-000

EAST KANSAS

LOT 1 & N 10 FT OF LOT 2 BL K 53

Parcel # 12-840-26-03-00-0-00-000

EAST KANSAS

**ALL OF LOT 2 (EX N 10') & ALL OF
LOT 3 & N 10' OF LOT 4 BLK 53**

2. The commissioner of administration shall set the terms and conditions for the sale as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, and the time, place, and terms of the sale.

3. The attorney general shall approve as to form the instrument of conveyance.”; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted.

Senator Stouffer raised the point of order that **SA 2** is out of order as it goes beyond the scope and purpose of the title.

At the request of Senator Justus, **SA 2** was withdrawn, rendering the point of order moot.

Senator Loudon offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 744, Page 111, Section 301.280, Line 5, by striking the opening bracket “[”]; and

Further amend said bill, page 111, section 301.280, line 6, by striking the following: “[**may**]”; and

Further amend said bill, page 111, section 301.280, line 11, by striking the opening bracket “[”]; and

Further amend said bill, page 111, section 301.280, line 14, by striking the closing bracket “]”.

Senator Loudon moved that the above

amendment be adopted, which motion prevailed.

Senator Stouffer offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Bill No. 744, Page 61, Section 301.037, Lines 9-24 of said page, by striking all of said section from the bill; and

Further amend said bill, Page 266, Section 390.030, Line 10 of said page, by inserting an opening bracket “[” immediately before the word “and” at the beginning of said line; and further amend line 11 of said page, by inserting a closing bracket “]” after “vehicles,”; and

Further amend the title and enacting clause accordingly.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for House Bill No. 744, Page 61, Section 301.037, Line 24 of said page, by inserting immediately after said line the following:

“301.040. The director of revenue shall notify each registered motor vehicle owner by mail, at the last known address, within an appropriate period prior to the beginning of the registration period to which he has been assigned, of the date for reregistration. Such notice shall include an application blank for registration and shall specify the amount of license fees due and the registration period covered by such license. **No commercial inserts or other forms of advertising shall accompany the notice.** Application blanks shall also be furnished all branch offices of the department of revenue and license fee offices designated by the director of revenue under the provisions of section 136.055, RSMo, where they shall be made available to any person upon request. Failure of the owner to receive such notice

shall not relieve the owner of the requirement to register pursuant to this chapter.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

Senator Stouffer requested a roll call vote be taken on the adoption of **SA 5**. He was joined in his request by Senators Bartle, Callahan, Lager and Crowell.

SA 5 was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Coleman	Days	Engler
Graham	Green	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Purgason	Ridgeway
Shoemyer	Smith	Wilson—23	

NAYS—Senators

Clemens	Crowell	Gibbons	Griesheimer
Nodler	Scott	Shields	Stouffer
Vogel—9			

Absent—Senators—None

Absent with leave—Senators

Goodman	Rupp—2
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Vacancies—None

Senator Shields offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for House Bill No. 744, Page 73, Section 301.140, Lines 17-18 of said page, by striking the following: “No refunds shall be made on the unused portion of any license plates surrendered for such credit.” and inserting in lieu thereof the following: “**If a motor vehicle is sold and is not being replaced, then any unused portion of the original registration fee, provided such unused portion is in an amount of five**

dollars or greater, may be refunded upon surrender of the license plates. Such refund shall be granted based upon the date the license plates are surrendered.”.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for House Bill No. 744, Page 260, Section 387.075, Line 26, by inserting after all of said line the following:

“388.700. Sections 388.700 to 388.745 shall be known as “The Regional Railroad Authorities Act.” As used in sections 388.700 to 388.745, unless the context clearly requires otherwise, the following words and terms shall mean:

(1) “Authority”, “railroad authority”, or “regional railroad authority”, a regional railroad authority organized and operated as a political subdivision under sections 388.700 to 388.745;

(2) “Common carrier”, a railroad engaged in transportation for hire;

(3) “Commissioners”, the commissioners of the regional railroad authority;

(4) “Project”, any railroad facilities proposed to be acquired, constructed, improved, or refinanced by an authority, including any real or personal property, structures, machinery, equipment, and appurtenances determined by the authority to be useful or convenient for railroad operations and handling passengers or freight;

(5) “Railroad”, any form of nonhighway ground transportation that runs on rails or electromagnetic guideways. The term “railroad” shall also have the meaning associated to it in 49 U.S.C. Section 20102, as amended;

(6) “Railroad properties and facilities”, any real or personal property or interest in such property which is owned, leased or otherwise controlled by a railroad or other person, including an authority, and which are used or are useful in rail transportation service, including:

(a) Track, roadbed and related structures, including rail, ties, ballast, other track materials, grading, tunnels, bridges, tressels, culverts, elevated structures, stations, office buildings used for operating purposes only, repair shops, engine houses and public improvements used or usable for rail service operation;

(b) Communication and power transmission systems for use by railroads;

(c) Signals, including signals and interlockers;

(d) Terminal or yard facilities and services to express company and railroads and their shippers, including ferries, tugs, car floats and related shoreside facilities designed for the transportation of equipment by water;

(e) Shop or repair facilities or any other property used or capable of being used in rail freight transportation services or in connection with such services or for originating, terminating, improving and expediting the movement of equipment or goods;

(6) “Real property”, lands, structures, improvements thereof, and water and riparian rights, and any and all interests and estates therein, legal or equitable, including but not limited to easements, rights-of-way, uses, leases, and licenses.

388.703. The purpose of an authority established and operated under sections 388.700 to 388.745 is to provide for the preservation, improvement, and the continuation of rail service for agriculture, industry, or passenger traffic and to provide for the preservation of

railroad right-of-way for transportation uses, when determined to be practicable and necessary for the public welfare. The acquisition of real property under sections 388.700 to 388.745; the planning, acquisition, establishment, construction, improvement, maintenance, equipment, operation, regulation, and protection of authority facilities; and the exercise of powers granted to authorities and other public agencies to be severally or jointly exercised are public and governmental functions, exercised for public purpose, and matters of public necessity. All real property and other property acquired and used by or on behalf of an authority or other public agency, as provided in sections 388.700 to 388.745, shall be used for public and governmental purposes and as a matter of public necessity.

388.706. 1. Every municipality or county within this state is authorized to form a regional railroad authority under the provisions of this section.

2. A regional railroad authority may be organized by resolution or joint resolution adopted by the governing body or bodies of one or more counties. The governing body or bodies of a municipality or municipalities within a county or counties may request by resolution that the county or counties organize a railroad authority. If the county or counties do not organize an authority within ninety days of receipt of the request, the municipality or municipalities may organize an authority by resolution or joint resolution. A resolution organizing an authority shall state:

(1) That the authority is organized under the provisions of sections 388.700 to 388.745 as a political subdivision of Missouri;

(2) The proposed name of the authority, including the words “regional railroad authority”;

(3) The county, counties, municipality or

municipalities adopting the organization resolution;

(4) The number of commissioners of the authority, not less than five; the number to be appointed by the governing body of each county or municipality; and the names and addresses of the board of commissioners;

(5) The city and county in which the registered office of the authority is to be situated;

(6) That neither the state of Missouri, the municipality or municipalities, nor any other political subdivision is liable for obligations of the authority; and

(7) Any other provision for regulating the business of the authority determined by the governing body or bodies adopting the resolution.

388.709. Before final adoption of an organization resolution, the governing body of each county or municipality named in it shall provide for a public hearing upon notice published in a newspaper of general circulation in the county or municipality. The notice of a hearing by the governing body of a county shall be mailed to the governing body of each municipality in the county, except municipalities participating in the organization, at least thirty days before the hearing. The hearing may be adjourned from time to time, to a time and place publicly announced at the hearing, or to a time and place fixed by notice published in a newspaper of general circulation in the county or municipality at least ten days before the adjourned session. Joint hearing sessions may be held by the governing bodies of all counties or municipalities named, at any convenient public place within any of the counties or municipalities. The resolution may be amended by the governing body or bodies at or after any hearing session at which the amended resolution is proposed and made

available to interested citizens. It shall not become effective until adopted in identical form by the governing bodies of all counties or municipalities named in the resolution.

388.712. Upon the appointment and qualification of the commissioners first appointed to a regional railroad authority under section 388.715, the commissioners shall submit to the secretary of state a certified copy of each resolution adopted pursuant to section 388.706. A copy of the organization resolution, certified by the recording officer of each municipality or county adopting it, shall be filed with the secretary of state, who shall issue a certificate of incorporation if the resolution conforms to the requirements of this section, stating in the certificate the name of the authority and the date of its incorporation, which shall be the date of acceptance for filing. The certificate of incorporation shall be conclusive evidence of the valid organization and existence of the authority.

388.715. 1. All powers granted to an authority shall be exercised by its board of commissioners. Commissioners shall be appointed and vacancies in their office shall be filled by the governing body of each county or municipality named in the organization resolution, in accordance with the provisions of that resolution. The term of each commissioner shall be one year, or the remainder of the one year term for which a vacancy is filled, and until a successor is appointed. Commissioners shall receive no compensation for services but shall be reimbursed for necessary expenses incurred in the performance of their duties.

2. The board of commissioners shall by resolution establish the time and place or places of its regular meetings and the method and notice required for calling special meetings, all of which shall be open to the public. A majority of the commissioners being present at a meeting, any action may be taken by resolution

or motion adopted by recorded vote of a majority of those present, unless a larger majority is required by bylaws adopted by the board.

3. The board of commissioners shall appoint a chair, vice-chair, secretary, and treasurer from its members, each to serve for a term of one year and until a successor is appointed. The offices of secretary and treasurer may be combined, and deputies or assistants may be appointed for either office or the combined office, from members of the board or otherwise. The powers and duties of each office shall be determined by the board, which shall require and pay for a surety bond for each officer handling funds. The board shall provide for the keeping of a full and accurate record of all proceedings and of resolutions, regulations, and orders issued or adopted. The state auditor shall annually audit the books of said regional railroad authority.

388.718. An authority may exercise all the powers necessary or desirable to implement the powers specifically granted in sections 388.700 to 388.745, and in exercising the powers is deemed to be performing an essential governmental as a political subdivision of the state. Without limiting the generality of the foregoing, the authority may:

(1) Sue and be sued, have a seal, and have perpetual succession;

(2) Execute contracts and other instruments and take other action as may be necessary to carry out the purposes of sections 388.700 to 388.745;

(3) Receive and disburse federal, state, and other funds, public or private, made available by grant, loan, contribution, tax levy, or other source to accomplish the purposes of sections 388.700 to 388.745. Federal money accepted under this section shall be accepted and spent by the authority upon terms and conditions

prescribed by the United States and consistent with state law. All state money accepted under this section shall be accepted and spent by the authority upon terms and conditions prescribed by the state.

(4) Sell, lease, or otherwise dispose of real or personal property acquired under sections 388.700 to 388.745. The disposal must be in accordance with the laws of this state governing the disposition of other public property.

388.721. 1. The authority may plan, establish, acquire, develop, construct, purchase, enlarge, extend, improve, maintain, equip, operate, regulate, and protect railroads, railroad properties and railroad facilities within its boundaries, including but not limited to terminal buildings, roadways, crossings, bridges, causeways, tunnels, equipment, and rolling stock.

2. The authority may apply to any public agency for permits, consents, authorizations, and approvals required for any project and take all actions necessary to comply with their conditions.

388.724. The authority may exercise the power of eminent domain under chapter 523, RSMo, except that it shall have no power of eminent domain with respect to property owned by another authority or political subdivision of Missouri or any other state, or with respect to property owned or used by a railroad corporation unless the federal Surface Transportation Board or a successor agency, if any, or another authority with power to make the finding, has found that the public convenience and necessity permit discontinuance of rail service on the property. All property taken for the exercise of the powers granted herein is declared to be taken for a public governmental purpose and as a matter of public necessity.

388.727. The state of Missouri and any

political subdivision or municipal corporation thereof may in its discretion, with or without consideration, transfer or cause to be transferred to any regional railroad authority or may place in its possession or control, by lease or other contract or agreement, either for a limited period or in fee, any property within a regional railroad authority district or any property wherever situated. Nothing in this section, however, shall in any way impair, alter or change any obligations, contractual or otherwise, heretofore entered into by said entities.

388.730. The authority may establish charges and rentals for the use, sale, and availability of its property and service and may hold, use, dispose of, invest, and reinvest the income, revenues, and funds derived therefrom. Subject to any agreement with bondholders, it may invest money not required for immediate use, including bond proceeds, in the securities it shall deem prudent, notwithstanding the provisions of any other law relating to the investment of public funds.

388.733. The authority shall be subject to tort liability to the extent provided in chapter 537, RSMo, and may procure insurance against the liability, and may indemnify and purchase and maintain insurance on behalf of any of its commissioners, officers, employees, or agents. It may also procure insurance against loss of or damage to property in the amounts, by reason of the risks, and from the insurers as it deems prudent.

388.736. The state may make grants to a regional railroad authority, as appropriated by the general assembly, to be allocated by the department of transportation to regional railroad authorities. The authority may accept, contract for, and receive and disburse federal, state, and other funds or property, public or private, made available by grant, loan, or lease, to be used in the exercise of any of its powers,

and may comply with the terms and conditions of the grant or loan.

388.739. 1. Every regional railroad authority, organized under the provisions of sections 388.700 to 388.745, may from time to time issue its negotiable revenue bonds or notes in such principal amounts as, in its opinion, shall be necessary to provide sufficient funds for achieving its purposes, including the construction, establishment, acquisition, improvement, maintenance, protection and regulation of railroads and railroad facilities, that may be necessary to carry out the provisions of sections 388.700 to 388.745.

2. The state shall not be liable on any notes or bonds of any regional railroad authority. Any such notes or bonds shall not be a debt of the state and shall contain on the faces thereof a statement to such effect.

3. No commissioner of any regional railroad authority or any authorized person executing authority notes or bonds shall be liable personally on said notes or bonds or shall be subject to any personal liability or accountability by reason of the issuance thereof.

4. No authority shall be required to pay any taxes or any assessments whatsoever to this state or to any political subdivisions, municipality or other governmental agency of this state. The notes and bonds of every authority and the income therefrom shall, at all times, be exempt from any taxes and any assessments, except for death and gift taxes and taxes on transfers.

5. Every authority shall have the powers and be governed by the procedures now or hereafter conferred upon or applicable to the environmental improvement authority, chapter 260, RSMo, relating to the manner of issuance of revenue bonds and notes, and the port authority shall exercise all such powers and adhere to all such procedures insofar as they

are consistent with the necessary and proper undertaking of its purposes.

388.742. The authority may enter into contracts including leases with any person, firm, or corporation, for terms the authority may determine:

(1) Providing for the operation of any facilities on behalf of the authority, at the rate of compensation as may be determined;

(2) Leasing a rail line for operation by the lessee or any facility or space therein for other commercial purposes, at rentals as may be determined, but no person may be authorized to operate a rail line other than as a common carrier;

(3) Granting the privilege, for compensation as the authority shall determine, of supplying goods, commodities, services, or facilities along rail lines or in or upon other property; and

(4) Making available services furnished by the authority or its agents, at charges, rentals, or fees which shall be reasonable and uniform for the same class of privilege or service.

388.745. If, at any time, the governing body of any city or county that organized a regional railroad authority, votes, by majority, to dissolve a regional railroad authority, it shall be dissolved effective the date of the approval of dissolution by the highways and transportation commission of the state. In the event of dissolution of a regional railroad authority, all funds and other assets shall be distributed among the cities and counties, who were members, on a pro rata basis.”; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Shoemyer offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for House Bill No. 744, Page 130, Section 301.560, Line 13, by inserting immediately after said line the following:

“For purposes of this subsection, qualified transactions shall include the purchase of salvage titled vehicles by a licensed salvage dealer. A used motor vehicle dealer who also holds a salvage dealers license shall be allowed one additional plate or certificate number per fifty-unit qualified transactions annually. In order for salvage dealers to obtain number plates or certificates under this section, dealers shall submit to the department of revenue on August first of each year a statement certifying, under penalty of perjury, the dealer’s number of purchases during the reporting period of July first of the immediately preceding year to June thirtieth of the present year.”.

Senator Shoemyer moved that the above amendment be adopted, which motion prevailed.

Senator Koster offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for House Bill No. 744, Page 245, Section 379.130, Lines 10-26 of said page, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Koster moved that the above amendment be adopted, which motion prevailed.

Senator Justus offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for House Bill No. 744, Page 275, Section 1, Line 23, by inserting immediately after said line the following:

“Section 2. The director of the department of revenue shall include with the registration notice required by section 301.040, RSMo, a

voter registration application form that conforms with the provisions of section 115.160, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Stouffer, **HB 744**, with **SS**, as amended (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 25**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 64**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 81**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 198** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 272**, entitled:

An Act to repeal sections 41.950, 214.275, 214.340, 327.621, 331.030, 333.011, 333.121, 334.610, 334.625, 337.510, 337.715, 338.035, 338.220, 339.507, 339.513, 339.519, 339.521, 339.525, and 660.315, RSMo, and to enact in lieu thereof twenty-four new sections relating to professional licensing of certain occupations, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 407**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 322**, entitled:

An Act to repeal sections 8.007, 8.110, 8.120, 8.177, 8.250, 8.255, 8.291, and 304.190, RSMo, and to enact in lieu thereof six new sections relating to construction-related activities.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 166**, entitled:

An Act to repeal section 407.610, RSMo, and section 67.1000, as enacted by senate committee substitute for senate bill no. 820, eighty-ninth general assembly, second regular session, and section 67.1000, as enacted by house bill no. 1587, eighty-ninth general assembly, second regular

session, and to enact in lieu thereof five new sections relating to tourism.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 270**, entitled:

An Act to repeal sections 590.120 and 590.190, RSMo, and to enact in lieu thereof two new sections relating to the POST commission.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 288** and **SB 152** and **SCS** for **SB 115**, entitled:

An Act to authorize the conveyance of certain state properties, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 298**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 397**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the

House has taken up and passed **SB 172**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 127**, entitled:

An Act to repeal sections 104.040 and 104.160, RSMo, and to enact in lieu thereof two new sections relating to the highway patrol retirement system.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to grant further conference on **SS** for **SCS** for **HCS** for **HB 327**, as amended, and request the Senate to take up and adopt the **CCR** on **SS** for **SCS** for **HCS** for **HB 327**, as amended, and Third Read and finally pass **CCS** for **SS** for **SCS** for **HCS** for **HB 327**.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
May 2, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Robert D. Onder, Jr., 2090 Key Harbour Drive, Lake Saint Louis, Saint Charles County, Missouri 63367, as a member of the Life Sciences Research Board, for a term ending April 8, 2010, and until his successor is duly appointed and qualified; vice, Donna Beck Smith, term expired.

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons referred the above appointment and the appointment appearing on Page 1176 to the Committee on Gubernatorial Appointments.

REFERRALS

President Pro Tem Gibbons referred **HCS** for **HB 820**; **HCS** for **HB 818**, with **SCS**; and **HCS** for **HB 461** to the Committee on Governmental Accountability and Fiscal Oversight.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 25**, as amended: Senators Champion, Goodman, Stouffer, Days and Coleman.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 64**, as amended: Senators Goodman, Shields, Mayer, Smith and Wilson.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 81**, as amended: Senators Griesheimer, Koster, Engler, Callahan and McKenna.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 198**: Senators Mayer, Clemens, Stouffer, Wilson and Barnitz.

BILLS DELIVERED TO THE GOVERNOR

CCS for **HCS** for **SB 376**, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

RESOLUTIONS

Senator Green offered Senate Resolution No. 1190, regarding Michael A. Gavura, O'Fallon,

which was adopted.

Senator Green offered Senate Resolution No. 1191, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Richard H. "Dick" Kellett, Florissant, which was adopted.

Senator Green offered Senate Resolution No. 1192, regarding Paul G. Lane, Saint Louis, which was adopted.

Senator Green offered Senate Resolution No. 1193, regarding Colby Barnett, St. Louis, which was adopted.

Senator Green offered Senate Resolution No. 1194, regarding Thomas Joseph "T.J." Dougherty, St. Louis, which was adopted.

Senator Green offered Senate Resolution No. 1195, regarding Michael S. "Mike" Fitzmaurice, Florissant, which was adopted.

Senator Green offered Senate Resolution No. 1196, regarding Joshua Robert "Josh" Hanten, St. Louis, which was adopted.

Senator Green offered Senate Resolution No. 1197, regarding Matthew Douglas "Matt" Hendrich, St. Louis, which was adopted.

Senator Green offered Senate Resolution No. 1198, regarding Michael Anthony "Mike" Hendrich, St. Louis, which was adopted.

Senator Green offered Senate Resolution No. 1199, regarding William Andrew "Will" LaChance, Jennings, which was adopted.

On motion of Senator Shields, the Senate recessed until 8:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Koster.

PRIVILEGED MOTIONS

Senator Crowell moved that the Senate refuse to concur in **HCS No. 2** for **SB 406**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference

thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Crowell moved that **HCS** for **HBs 444, 217, 225, 239, 243, 297, 402** and **172**, with **SCS, SS** for **SCS** and **SA 10** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 10 was again taken up.

Senator Barnitz moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Crowell, **HCS** for **HBs 444, 217, 225, 239, 243, 297, 402** and **172**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

HB 41, with **SCS**, introduced by Representative Portwood, entitled:

An Act to repeal section 86.365, RSMo, relating to special advisors to police departments.

Was called from the Informal Calendar and taken up by Senator Loudon.

SCS for **HB 41**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 41

An Act to repeal sections 86.365, 195.503, 590.040, and 650.120, RSMo, and to enact in lieu thereof three new sections relating to law enforcement, with an emergency clause for certain sections.

Was taken up.

Senator Loudon moved that **SCS** for **HB 41** be adopted.

Senator Kennedy offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 41, Page 1, Section A, Line 3, by inserting after all of said line the following:

"84.120. 1. No person shall be appointed or

employed as policeman, turnkey, or officer of police who shall have been convicted of, or against whom any indictment may be pending, for any offense, the punishment of which may be confinement in the penitentiary; nor shall any person be so appointed who is not of good character, or who is not a citizen of the United States, or who is not able to read and write the English language, or who does not possess ordinary physical strength and courage. The patrolmen and turnkeys hereafter appointed shall serve while they shall faithfully perform their duties and possess mental and physical ability and be subject to removal only for cause after a hearing by the boards, who are hereby invested with the [exclusive] jurisdiction in the premises.

2. The board shall have the sole discretion whether to delegate portions of its jurisdiction to hearing officers. The board shall retain final and ultimate authority over such matters and over the person to whom the delegation may be made. In any hearing before the board under this section, the member involved may make application to the board to waive a hearing before the board and request that a hearing be held before a hearing officer.

3. Nothing in this section or chapter shall be construed to prohibit the board of police commissioners from delegating any task related to disciplinary matters, disciplinary hearings, or any other hearing or proceeding which could otherwise be heard by the board or concerning any determination related to whether an officer is able to perform the necessary functions of the position. Tasks related to the preceding matter may be delegated by the board to a hearing officer under the provisions of subsection 4 of this section.

4. (1) The hearing officer to whom a delegation has been made by the board may, at the sole discretion of the board, perform certain functions, including but not limited to the following:

(a) Presiding over a disciplinary matter from its inception through to the final hearing;

(b) Preparing a report to the board of police commissioners; and

(c) Making recommendations to the board of police commissioners as to the allegations and the appropriateness of the recommended discipline.

(2) The board shall promulgate rules, which may be changed from time to time as determined by the board, and shall make such rules known to the hearing officer or others.

(3) The board shall at all times retain the authority to render the final decision after a review of the relevant documents, evidence, transcripts, videotaped testimony, or report prepared by the hearing officer.

5. Hearing officers shall be selected in the following manner:

(1) The board shall establish a panel of not less than five persons, all who are to be licensed attorneys in good standing with the Missouri Bar. The composition of the panel may change from time to time at the board's discretion;

(2) From the panel, the relevant member or officer and a police department representative shall alternatively and independently strike names from the list with the last remaining name being the designated hearing officer. The board shall establish a process to be utilized for each hearing which will determine which party makes the first strike and the process may change from time to time;

(3) After the hearing officer is chosen and presides over a matter, such hearing officer shall become ineligible until all hearing officers listed have been utilized, at which time the list shall renew, subject to officers' availability.

84.170. 1. When any vacancy shall take place in any grade of officers, it shall be filled from the next lowest grade; provided, however, that

probationary patrolmen shall serve at least six months as such before being promoted to the rank of patrolman; patrolmen shall serve at least three years as such before being promoted to the rank of sergeant; sergeants shall serve at least one year as such before being promoted to the rank of lieutenant; lieutenants shall serve at least one year as such before being promoted to the rank of captain; and in no case shall the chief or assistant chief be selected from men not members of the force or below the grade of captain. Patrolmen shall serve at least three years as such before promotion to the rank of detective; the inspector shall be taken from men in the rank not below the grade of lieutenant.

2. The boards of police are hereby authorized to make all such rules and regulations, not inconsistent with sections 84.010 to 84.340, or other laws of the state, as they may judge necessary, for the appointment, employment, uniforming, discipline, trial and government of the police. The said boards shall also have power to require of any officer or policeman bond with sureties when they may consider it demanded by the public interests. All lawful rules and regulations of the board shall be obeyed by the police force on pain of dismissal or such lighter punishment, either by suspension, fine, reduction or forfeiture of pay, or otherwise as the boards may adjudge.

3. The authority possessed by the board of police includes, but is not limited to, the authority to delegate portions of its powers authorized in section 84.120, including presiding over a disciplinary hearing, to a hearing officer as determined by the board.”; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted, which motion prevailed.

Senator Gibbons offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 41, Page 1, Section A, Line 3, by inserting immediately after all of said line the following:

“43.030. 1. The superintendent of the Missouri state highway patrol shall be appointed **from the uniformed membership of the patrol** by the governor by and with the advice and consent of the senate. The superintendent shall hold office at the pleasure of the governor. The superintendent shall be a citizen of the United States and a resident taxpaying citizen of this state for a period of three years previous to being appointed as superintendent and shall be at least thirty years of age. The superintendent shall maintain an office [and reside] in Jefferson City.

2. The superintendent of the Missouri state highway patrol shall:

(1) Have command of the patrol and perform all duties imposed on the superintendent and exercise all of the powers and authority conferred upon the superintendent by the provisions of this chapter and the requirements of chapter 650, RSMo;

(2) Within available appropriations, establish an equitable pay plan for the members of the highway patrol and radio personnel taking into consideration ranks and length of service.

43.050. 1. The superintendent may appoint not more than twenty-five captains and one director of radio, each of whom shall have the same qualifications as the superintendent, nor more than sixty lieutenants, and such additional force of sergeants, corporals and patrolmen, so that the total number of members of the patrol shall not exceed nine hundred sixty-five officers and patrolmen and such numbers of radio personnel as the superintendent deems necessary.

2. In case of a national emergency the superintendent may name additional patrolmen and radio personnel in a number sufficient to replace,

temporarily, patrolmen and radio personnel called into military services.

3. **The superintendent may enter into an agreement with the Missouri gaming commission to enforce any law, rule, or regulation, conduct background investigations under the laws of this state, and enforce the regulations of licensed gaming activities governed by chapter 313, RSMo. A notice of either party to terminate or modify the provisions of such agreement shall be in writing and executed not less than one year from the effective date of the termination or modification, unless mutually agreed upon by the superintendent and the Missouri gaming commission.** Members of the patrol hired in conjunction with any agreement with the Missouri gaming commission shall not be subject to the personnel cap referenced in subsection 1 of this section. If such agreement is subsequently terminated or modified to reduce the number of personnel used in such agreement, those members affected by such termination or modification shall not be subject to the personnel cap referenced in subsection 1 of this section for a period of [three] **five** years.

4. [Members] **Member positions** of the patrol [hired] **originally acquired** in conjunction with the community-oriented policing services federal grant or members assigned to fulfill the duties established in sections 43.350 to 43.380 shall not be subject to the personnel cap referenced in subsection 1 of this section.

5. Applicants shall not be discriminated against because of race, creed, color, national origin or sex.

43.090. [The board of public buildings shall provide suitable offices for general headquarters at Jefferson City, Missouri, which shall at all times be open and in charge of the superintendent, or some member of the patrol designated by him.] The superintendent[, with the consent and approval of the commission,] shall employ such clerical

force, radio operators, and other subordinates, and shall provide such office equipment, stationery, postage supplies, [telegraph] **communication** and telephone facilities as he **or she** shall deem necessary **for general headquarters located at Jefferson City, Missouri**, and shall also provide offices, equipment, stationery, postage, clerical force, **communication, telephone**, and other subordinates for the headquarters of each [district] **troop or division** of the patrol. The state highway patrol [radio network] **communications division** shall be under the control of and at the service of the superintendent for such regular and emergency [bulletins] **communications**, and service as the superintendent may require [from time to time].

43.220. Neither the governor[, the commission,] nor the superintendent shall have any power, right or authority to command, order or direct any member of the patrol to perform any duty or service not authorized [by this chapter] **under state statute.**

43.530. **1.** For each request requiring the payment of a fee received by the central repository, the requesting entity shall pay a fee of not more than [five] **nine** dollars per request for criminal history record information not based on a fingerprint search [when the requesting entity is required to obtain such information by any provision of state or federal law and pay a fee of not more than fourteen dollars per request for criminal history record information based on a fingerprint search when the requesting entity is required to obtain such information by any provision of state or federal law; provided that, when the requesting entity is not required to obtain such information by law, the requesting entity shall pay a fee of not more than ten dollars per request for criminal history record information not based on a fingerprint search and]. **In each year beginning on or after January 1, 2010, the superintendent may increase the fee paid by requesting entities by an amount not to exceed one dollar per year, however, under no circumstance shall the fee paid by requesting**

entities exceed fifteen dollars per request.

2. For each request requiring the payment of a fee received by the central repository, the requesting entity shall pay a fee of not more than twenty dollars per request for criminal history record information based on a fingerprint search[. Each such], unless the request is required under the provisions of subdivision (6) of section 210.481, RSMo, section 210.487, RSMo, or section 571.101, RSMo, in which case, the fee shall be fourteen dollars.

3. A request made under subsections 1 and 2 of this section shall be limited to check and search on one individual. Each request shall be accompanied by a check, warrant, voucher, money order, or electronic payment payable to the state of Missouri-criminal record system or payment shall be made in a manner approved by the highway patrol. The highway patrol may establish procedures for receiving requests for criminal history record information for classification and search for fingerprints, from courts and other entities, and for the payment of such requests. There is hereby established by the treasurer of the state of Missouri a fund to be entitled as the "Criminal Record System Fund". Notwithstanding the provisions of section 33.080, RSMo, to the contrary, if the moneys collected and deposited into this fund are not totally expended annually for the purposes set forth in sections 43.500 to 43.543, the unexpended moneys in such fund shall remain in the fund and the balance shall be kept in the fund to accumulate from year to year.

43.546. 1. Any state agency, board, or commission may require the fingerprinting of applicants in specified occupations or appointments within the state agency, board, or commission for the purpose of positive identification and receiving criminal history record information when determining an applicant's ability or fitness to serve in such occupation or appointment.

2. In order to facilitate the criminal

background check under subsection 1 of this section on any person employed or appointed by a state agency, board, or commission, and in accordance with section 43.543, the applicant or employee shall submit a set of fingerprints collected under the standards determined by the Missouri highway patrol. The fingerprints and accompanying fees, unless otherwise arranged, shall be forwarded to the highway patrol to be used to search the state criminal history repository and the fingerprints shall be forwarded to the Federal Bureau of Investigations for a national criminal background check. Notwithstanding the provisions of section 610.120, RSMo, all records related to any criminal history information discovered shall be accessible and available to the state agency making the request.

43.547. 1. The Missouri state highway patrol, at the direction of the governor, shall conduct name or fingerprint background investigations of gubernatorial appointees. The governor's directive shall state whether the background investigation shall be a name background investigation or a fingerprint background investigation. In addition, the patrol may, at the governor's direction, conduct other appropriate investigations to determine if an applicant or appointee is in compliance with section 105.262, RSMo, and other necessary inquiries to determine the person's suitability for positions of public trust.

2. In order to facilitate the fingerprint background investigation under subsection 1 of this section, and in accordance with the provisions of section 43.543, the appointee shall submit a set of fingerprints collected under the standards determined by the Missouri highway patrol. The fingerprints and accompanying fees, unless otherwise arranged, shall be forwarded to the highway patrol to be used to search the state criminal history repository and the fingerprints shall be forwarded to the Federal Bureau of Investigations for a national criminal

background check. Any background investigation conducted at the direction of the governor under subsection 1 of this section may include criminal history record information and other source information obtained by the highway patrol.”; and

Further amend the title and enacting clause accordingly.

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

Senator Loudon moved that **SCS** for **HB 41**, as amended, be adopted, which motion prevailed.

Senator Loudon moved that **SCS** for **HB 41**, as amended, be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Gibbons referred **SCS** for **HB 41**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

PRIVILEGED MOTIONS

Senator Engler moved that **SB 322**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 322**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 322

An Act to repeal sections 8.007, 8.110, 8.120, 8.177, 8.250, 8.255, 8.291, and 304.190, RSMo, and to enact in lieu thereof six new sections relating to construction-related activities.

Was taken up.

Senator Engler moved that **HCS** for **SB 322** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Crowell	Days	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Justus	Kennedy	Koster
Lager	Loudon	Mayer	McKenna

Nodler	Ridgeway	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—29			

NAYS—Senators

Bray	Coleman	Purgason—3
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Absent—Senators—None

Absent with leave—Senators

Goodman	Rupp—2
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Vacancies—None

On motion of Senator Engler, **HCS** for **SB 322** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Ridgeway	Scott
Shields	Shoemyer	Stouffer	Vogel
Wilson—25			

NAYS—Senators

Bray	Coleman	Days	Justus
Purgason	Smith—6		

Absent—Senator Crowell—1

Absent with leave—Senators

Goodman	Rupp—2
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Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Engler moved that **SCS** for **SB 288**, **SB 152** and **SCS** for **SB 115**, with **HCS** be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 288**, **SB 152** and **SCS** for **SB 115**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 288 and
SENATE BILL NO. 152 and
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 115

An Act to authorize the conveyance of certain state properties, with an emergency clause.

Was taken up.

Senator Engler moved that **HCS** for **SCS** for **SB 288**, **SB 152** and **SCS** for **SB 115**, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Goodman Rupp—2

Vacancies—None

On motion of Senator Engler, **HCS** for **SCS** for **SB 288**, **SB 152** and **SCS** for **SB 115**, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
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Champion	Clemens	Coleman	Crowell
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Scott	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Days—1

Absent with leave—Senators

Goodman Rupp—2

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Goodman Rupp—2

Vacancies—None

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Loudon moved that **SCS** for **SB 302**, with **HA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator Loudon moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bartle	Callahan	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Justus	Kennedy	Koster
Lager	Loudon	Mayer	McKenna
Nodler	Purgason	Ridgeway	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—30		

NAYS—Senators

Barnitz Bray—2

Absent—Senators—None

Absent with leave—Senators

Goodman Rupp—2

Vacancies—None

On motion of Senator Loudon, **SCS** for **SB 302**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Callahan	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Justus	Kennedy	Koster
Lager	Loudon	Mayer	McKenna
Nodler	Purgason	Ridgeway	Scott
Shields	Smith	Stouffer	Vogel
Wilson—29			

NAYS—Senators

Barnitz Bray Shoemyer—3

Absent—Senators—None

Absent with leave—Senators

Goodman Rupp—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Scott moved that **SCS** for **SB 272**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 272**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 272

An Act to repeal sections 41.950, 214.275, 214.340, 327.621, 331.030, 333.011, 333.121, 334.610, 334.625, 337.510, 337.715, 338.035, 338.220, 339.507, 339.513, 339.519, 339.521, 339.525, and 660.315, RSMo, and to enact in lieu thereof twenty-four new sections relating to professional licensing of certain occupations, with penalty provisions.

Was taken up.

Senator Griesheimer assumed the Chair.

Senator Scott moved that **HCS** for **SCS** for **SB 272** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Mayer

McKenna	Nodler	Purgason	Ridgeway
Scott	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Loudon—1

Absent with leave—Senators

Goodman	Rupp—2
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Vacancies—None

On motion of Senator Scott, **HCS for SCS for SB 272** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Goodman	Rupp—2
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Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Scott moved that **SB 270**, with **HCS**,

be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SB 270, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 270

An Act to repeal sections 590.120 and 590.190, RSMo, and to enact in lieu thereof two new sections relating to the POST commission.

Was taken up.

Senator Scott moved that **HCS for SB 270** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Graham	Green
Griesheimer	Justus	Kennedy	Koster
Lager	Loudon	Mayer	McKenna
Nodler	Purgason	Ridgeway	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Bray	Gross—2
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Absent with leave—Senators

Goodman	Rupp—2
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Vacancies—None

On motion of Senator Scott, **HCS for SB 270** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Scott	Shields	Shoemyer

Smith Stouffer Vogel Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Goodman Rupp—2

Vacancies—None

Senator Shields assumed the Chair.

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Griesheimer moved that **SB 166**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 166**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 166

An Act to repeal section 407.610, RSMo, and section 67.1000, as enacted by senate committee substitute for senate bill no. 820, eighty-ninth general assembly, second regular session, and section 67.1000, as enacted by house bill no. 1587, eighty-ninth general assembly, second regular session, and to enact in lieu thereof five new sections relating to tourism.

Was taken up.

Senator Griesheimer moved that **HCS** for **SB 166** be adopted.

At the request of Senator Griesheimer, the above motion was withdrawn.

Senator Griesheimer moved that the Senate

refuse to concur in **HCS** for **SB 166** and request the House to recede from its position and take up and pass **SB 166**, which motion prevailed.

Senator Stouffer moved that the Senate refuse to recede from its position on **SA 1** and **SA 3** to **HB 574** and grant the House a conference thereon, which motion prevailed.

Senator Ridgeway moved that the Senate refuse to recede from its position on **SS** for **HB 665**, as amended, and grant the House a conference thereon, and further that the conferees be allowed to exceed the differences on language concerning the assessors, which motion prevailed.

SENATE BILLS FOR PERFECTION

SB 644 was placed on the Informal Calendar.

SB 372 and **SB 366**, with **SCS**, were placed on the Informal Calendar.

SB 388, with **SCS**, was placed on the Informal Calendar.

Senator Stouffer moved that **SB 225**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 225**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 225

An Act to repeal section 21.750, RSMo, and to enact in lieu thereof two new sections relating to hunting heritage protection.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 225** be adopted.

Senator Stouffer offered **SS** for **SCS** for **SB 225**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 225

An Act to repeal section 21.750, RSMo, and to enact in lieu thereof two new sections relating to hunting heritage protection.

Senator Stouffer moved that **SS** for **SCS** for **SB 225** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SS** for **SCS** for **SB 225** was declared perfected and ordered printed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HB 574**, with **SA 1** and **SA 3**: Senators Stouffer, Rupp, Bartle, Kennedy and McKenna.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SS** for **HB 665**, as amended: Senators Ridgeway, Griesheimer, Engler, Shoemyer and Kennedy.

HOUSE BILLS ON THIRD READING

Senator Crowell moved that **HCS** for **HBs 444, 217, 225, 239, 243, 297, 402** and **172**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Crowell, **SS** for **SCS** for **HCS** for **HBs 444, 217, 225, 239, 243, 297, 402** and **172**, as amended, was withdrawn.

Senator Crowell offered **SS No. 2** for **SCS** for **HCS** for **HBs 444, 217, 225, 239, 243, 297, 402** and **172**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 444, 217, 225, 239, 243,
297, 402 and 172

An Act to repeal sections 143.121, 143.124, and 143.431, RSMo, and to enact in lieu thereof five new sections relating to income taxation.

Senator Crowell moved that **SS No. 2** for **SCS** for **HCS** for **HBs 444, 217, 225, 239, 243, 297, 402** and **172** be adopted and requested a roll call

vote be taken. He was joined in his request by Senators Justus, Nodler, Shoemyer and Stouffer.

Senator Koster assumed the Chair.

SS No. 2 for **SCS** for **HCS** for **HBs 444, 217, 225, 239, 243, 297, 402** and **172** was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Lager	Loudon	Mayer	McKenna
Nodler	Purgason	Ridgeway	Scott
Shields	Smith	Stouffer	Vogel
Wilson—29			

NAYS—Senators

Bray	Justus	Shoemyer—3
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Absent—Senators—None

Absent with leave—Senators

Goodman	Rupp—2
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Vacancies—None

Senator Crowell moved that **SS No. 2** for **SCS** for **HCS** for **HBs 444, 217, 225, 239, 243, 297, 402** and **172** be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Gibbons referred **SS No. 2** for **SCS** for **HCS** for **HBs 444, 217, 225, 239, 243, 297, 402** and **172** to the Committee on Governmental Accountability and Fiscal Oversight.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 225**, begs leave to report that it has examined the same and finds that

the bill has been truly perfected and that the printed copies furnished the Senators are correct.

INTRODUCTIONS OF GUESTS

The President introduced to the Senate, his brothers, Dr. Mark Kinder and Frank Kinder, Cape Girardeau.

Senator Nodler introduced to the Senate, Dr. Donna Beegle, Portland, Oregon.

Senator Graham introduced to the Senate, the Physician of the Day, Dr. Richard Burns, M.D., Columbia.

On behalf of Senator Koster, the President introduced to the Senate, Valeta McGhee, Odessa; Linda and Jim Hammontree, Pleasant Hill; and John Beeman, Harrisonville.

Senator Engler introduced to the Senate, Superintendent Earlene Fox, parents and students from Lesterville School.

Senator Griesheimer introduced to the Senate, Shirley Hillhouse, Cathy Day and fourth grade

students from Labadie Elementary School; and Pat Prugh, St. Clair.

Senator Kennedy introduced to the Senate, Cheryl Reinerman and Rhonda Hageman, MSN, APRN, BC, St. Louis; Vijayalakshmi Vellaichamy, Fenton; and Anndee Glick, High Ridge.

Senator Days introduced to the Senate, Jim Ward, Tom Bamuakais and Malon Argint, Special School District, St. Louis.

Senator Bartle introduced to the Senate, Michella Reed, Tori Kelley and fourth grade students from Underwood Elementary School, Lee's Summit; and Michella was made an honorary page.

Senator Scott introduced to the Senate, Chris Rutter and Scott Brooks, Clinton.

Senator Loudon introduced to the Senate, John Schwaig, Jesse Cooper, Dale Turvey, Bernie Federko, Al Roy and Vic Turvey, St. Louis.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-FIFTH DAY—THURSDAY, MAY 3, 2007

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SB 570-Clemens

SS#4 for SCS for SB 430-Shields

SS for SCS for SB 225-Stouffer

SENATE BILLS FOR PERFECTION

1. SB 571-Mayer, with SCS

2. SB 652-Coleman and Gibbons, with SCS

3. SB 699-Lager, with SCS

4. SB 11-Coleman, with SCS

- | | |
|---|------------------------------------|
| 5. SB 536-Lager, with SCS | 9. SJR 15-Green |
| 6. SB 552-Bartle | 10. SB 629-Smith, with SCS |
| 7. SB 484-Stouffer, with SCS | 11. SB 122-Bray and Days, with SCS |
| 8. SBs 348, 626 & 461-Koster, et al, with SCS | 12. SB 491-Ridgeway |

HOUSE BILLS ON THIRD READING

- | | |
|---|--|
| 1. HCS for HB 74 (Scott)
(In Fiscal Oversight) | 13. HCS for HBs 654 & 938 (Crowell) |
| 2. HCS for HB 184 (Rupp) | 14. HJR 19-Bearden, et al (Ridgeway) |
| 3. HCS for HB 741 (Koster) | 15. HCS for HB 181 (Rupp) |
| 4. HCS for HB 182 | 16. HCS#2 for HB 28 (Mayer) |
| 5. HB 686-Smith (150) and Tilley (Stouffer) | 17. HCS for HB 1055, with SCA 1 (Scott)
(In Fiscal Oversight) |
| 6. HB 488-Wasson (Stouffer)
(In Fiscal Oversight) | 18. HCS for HB 461 (Shields)
(In Fiscal Oversight) |
| 7. HCS for HB 165, with SCS | 19. HCS for HB 845 (Crowell) |
| 8. HB 579-Dempsey, et al (Shields) | 20. HCS for HB 818, with SCS
(In Fiscal Oversight) |
| 9. HB 462-Munzlinger, et al (Purgason) | 21. HCS for HB 245 (Stouffer) |
| 10. HB 134-Guest, et al (Nodler)
(In Fiscal Oversight) | 22. HCS for HB 820 (Engler)
(In Fiscal Oversight) |
| 11. HCS for HB 894, with SCS (Days) | |
| 12. HB 1014-Wright, et al, with SCS (Mayer) | |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SB 303-Loudon

SENATE BILLS FOR PERFECTION

- | | |
|-----------------------------------|--|
| SB 2-Gibbons, with SCS | SB 155-Engler, with SCS & SS for SCS
(pending) |
| SB 17-Shields, with SCS | SB 160-Rupp, with SCS |
| SB 20-Griesheimer, with SCS | SB 168-Mayer and Crowell, with SCS, SS
for SCS & SA 1 (pending) |
| SB 27-Bartle and Koster | SB 169-Rupp, with SCS, SS for SCS & SA 3
(pending) |
| SB 53-Koster and Engler, with SCS | SB 205-Stouffer and Gibbons, with SCS |
| SB 101-Mayer | |
| SB 131-Rupp | |
| SB 153-Engler, et al, with SCS | |

SB 212-Goodman	SB 453-Scott, with SCS
SB 213-McKenna	SB 458-Gibbons
SB 242-Nodler, with SCS	SB 476-Crowell
SB 250-Ridgeway and Vogel	SB 480-Ridgeway, et al, with SCS
SB 252-Ridgeway and McKenna	SB 492-Crowell
SB 254-Nodler, et al, with SCS	SB 499-Engler and Clemens, with SCS
SBs 260 & 71-Koster, et al, with SCS	SB 511-Scott, with SCS
SB 274-Shields	SB 521-Lager, et al, with SCS
SB 282-Griesheimer, with SCS & SS for SCS (pending)	SB 523-Scott, with SCS
SB 287-Crowell and Vogel, with SS (pending)	SB 531-Gibbons, with SCS
SB 292-Mayer	SB 534-Nodler
SB 297-Loudon, with SCS	SB 537-Lager
SB 300-Bartle	SB 542-Scott, with SCS
SB 341-Goodman, with SCS	SBs 555 & 38-Gibbons, with SCS
SB 363-Bartle	SB 563-Lager, with SCS & SS for SCS (pending)
SB 364-Koster, with SCS, SS for SCS, SA 1 & SSA 1 for SA 1 (pending)	SB 572-Vogel
SBs 370, 375 & 432-Scott and Koster, with SCS & SA 5 (pending)	SB 586-Crowell, with SCS
SBs 372 & 366-Justus and Koster, with SCS	SB 592-Scott, with SCS
SB 385-Gibbons, with SCS	SB 599-Engler, with SCS
SB 388-Mayer, with SCS	SB 627-Ridgeway
SB 400-Crowell, et al	SB 635-Loudon, with SCS
SB 444-Goodman	SB 644-Griesheimer
	SBs 660, 553, 557, 167, 258, 114 & 378-Mayer, with SCS
	SB 698-Ridgeway, et al, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 39, with SCS (Koster)	HB 255-Bruns, with SCS & SS for SCS (pending) (Vogel)
SCS for HB 41-Portwood (Loudon) (In Fiscal Oversight)	HB 265-Cunningham (86), with SA 5 (pending) (Rupp)
HB 46-Viebrock and Stevenson (Stouffer)	HB 267-Jones (117) and Cunningham (86), with SA 5 (pending) (Rupp)
HB 69-Day, with SCS (Barnitz)	HB 269-Nolte, et al (Ridgeway)
HB 125-Franz, with SCS (Shoemyer)	HCS for HB 272 (Goodman)
HCS for HB 135, with SCS (Koster)	HCS for HB 298, with SCS (Engler)
HB 155-Dusenbergh, et al (Ridgeway)	HCS for HB 346 (Clemens)
HB 220-Stevenson (Nodler)	
HCS for HB 221 (Loudon)	

SS#2 for SCS for HCS for HBs 444, 217, 225,
239, 243, 297, 402 & 172 (Crowell)

(In Fiscal Oversight)

HB 454-Jetton, et al (Mayer)

HCS for HB 469, with SCS (Crowell)

HB 489-Baker (123), et al, with SCS
(Shields)

HB 526-Pratt (Loudon)

HCS for HB 551, with SCS (Koster)

HB 596-St. Onge, with SCS (Stouffer)

HCS for HB 620, with SCS (Ridgeway)
HB 744-St. Onge, with SS (pending)

(Stouffer)

HCS for HB 774 (Crowell)

HCS for HB 780, with SCS (Scott)

HB 875-Franz, with SCS (Purgason)

HCS for HJR 1, with SCS (Rupp)

HJR 7-Nieves, et al, with SCS (pending)

(Engler)

Unofficial

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Journal

Reported 2/15

SB 8-Kennedy

Reported 3/8

SB 185-Green

Copy

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SBs 62 & 41-Goodman and Koster,
with HCS, as amended

SB 127-Mayer, with HCS

SB 416-Goodman, with HCS

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SB 25-Champion, with HCS, as amended

SB 30-Nodler and Ridgeway, with HCS, as
amended

SCS for SB 64-Goodman and Koster, with
HCS, as amended

SB 81-Griesheimer, with HCS, as amended

SCS for SB 198-Mayer, with HCS
 SB 233-Crowell, with HAs 1, 2, 3, 4
 & 5

SCS for SB 308-Crowell, et al, with HCS,
 as amended

HB 1 (Icet), with SCS (Gross)

HCS for HB 2, with SCS (Gross)

HCS for HB 3, with SCS (Gross)

HCS for HB 4, with SCS (Gross)

HCS for HB 5, with SCS (Gross)

HCS for HB 6, with SCS (Gross)

HCS for HB 7, with SCS (Gross)

HCS for HB 8, with SCS (Gross)

HCS for HB 9, with SCS (Gross)

HCS for HB 10, with SCS (Gross)

HCS for HB 11, with SCS, as amended
 (Gross)

HCS for HB 12, with SCS (Gross)

HCS for HB 13, with SCS (Gross)

HCS for HB 327, with SS for SCS, as
 amended (Griesheimer) (House
 requests Senate adopt CCR and pass
 CCS)

HB 574-St. Onge, with SA 1 & SA 3
 (Stouffer)

HB 665-Ervin, et al, with SS, as amended
 (Ridgeway)

Requests to Recede or Grant Conference

SB 166-Griesheimer, with HCS (Senate
 requests House recede and take up and
 pass the bill)

SB 406-Crowell, with HCS#2, as amended
 (Senate requests House recede or
 grant conference)

RESOLUTIONS

Reported from Committee

HCR 15-Threlkeld, et al, with SCS
 (Shields)

SCR 10-Koster and Shields

HCR 25-Yates, et al (Bartle)

HCR 30-Pratt, et al

HCR 11-Ervin and Flook (Ridgeway)

HCR 8-Loehner, et al (Barnitz)

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Journal of the Senate

FIRST REGULAR SESSION

SIXTY-FIFTH DAY—THURSDAY, MAY 3, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“I praise you, for I am marvelously made, wonderful are your works that I know very well.” (Psalm 139:14)

You are an awesome God, O Lord, Who has created us so our mind, body and soul are interconnected and what affects one part touches the others. So we are thankful that even a quiet moment like this, in conversation with You, dissipates some of the stress we experience this time of year. Help us to take more such moments so we may be healthier and more affective in what is ahead of us. And, let us share such times with those we love this weekend. Lord we pray for Senator Bartle’s father, Vincent, that You will touch his heart with Your healing power and restore him to full health and strength. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell

Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Gibbons offered Senate Resolution No. 1200, regarding Susan Corrington, which was adopted.

Senator Bray offered Senate Resolution No. 1201, regarding Dr. Norma Ellington-Twitty, Olivette, which was adopted.

Senator Gross requested unanimous consent of the Senate to suspend the rules for the purpose of allowing the conferees on **SCS for HB 1; SCS for HCS for HB 2; SCS for HCS for HB 3; SCS for HCS for HB 4; SCS for HCS for HB 5; SCS for**

HCS for HB 6; SCS for HCS for HB 7; SCS for HCS for HB 8; SCS for HCS for HB 9; SCS for HCS for HB 10; SCS for HCS for HB 11, as amended; **SCS for HCS for HB 12**; and **SCS for HCS for HB 13** to meet while the Senate is in session, which request was granted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1 to HCS for HB 616** and has taken up and passed **HCS for HB 616**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1 to HB 56** and has taken up and passed **HB 56**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended, to **HB 684**, and has taken up and passed **SCS for HB 684**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended, to **HB 795**, and has taken up and passed **SCS for HB 795**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SB 84**, entitled:

An Act to repeal sections 210.482, 210.487, 210.620, 210.622, 210.625, 210.630, 210.635, 210.640, 210.700, 210.762, 211.319, 211.444, 211.447, 453.010, and 453.011, RSMo, and to enact in lieu thereof thirteen new sections relating to child placements, with an effective date for certain sections.

With House Amendment No. 1, 2, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3, as amended and House Amendment No. 4.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 84, Page 4, Section 210.487, Line 42, by inserting after all of said line the following:

“210.570. This interstate compact for juveniles is entered with all jurisdictions legally joining the compact in the form substantially as follows:

THE INTERSTATE COMPACT FOR JUVENILES ARTICLE I PURPOSE

The compacting states to this Interstate Compact recognize that each state is responsible for the proper supervision or return of juveniles, delinquents and status offenders who are on probation or parole and who have absconded, escaped or run away from supervision and control and in so doing have endangered their own safety and the safety of others. The compacting states also recognize that each state is responsible for the safe return of juveniles who have run away from home and in doing so have left their state of residence. The compacting states also recognize that Congress, by enacting the Crime Control Act, 4 U.S.C. Section 112 (1965), has authorized and encouraged compacts for cooperative efforts and mutual assistance in the prevention of crime.

It is the purpose of this compact, through

means of joint and cooperative action among the compacting states to: (A) ensure that the adjudicated juveniles and status offenders subject to this compact are provided adequate supervision and services in the receiving state as ordered by the adjudicating judge or parole authority in the sending state; (B) ensure that the public safety interests of the citizens, including the victims of juvenile offenders, in both the sending and receiving states are adequately protected; (C) return juveniles who have run away, absconded or escaped from supervision or control or have been accused of an offense to the state requesting their return; (D) make contracts for the cooperative institutionalization in public facilities in member states for delinquent youth needing special services; (E) provide for the effective tracking and supervision of juveniles; (F) equitably allocate the costs, benefits and obligations of the compacting states; (G) establish procedures to manage the movement between states of juvenile offenders released to the community under the jurisdiction of courts, juvenile departments, or any other criminal or juvenile justice agency which has jurisdiction over juvenile offenders; (H) insure immediate notice to jurisdictions where defined offenders are authorized to travel or to relocate across state lines; (I) establish procedures to resolve pending charges (detainers) against juvenile offenders prior to transfer or release to the community under the terms of this compact; (J) establish a system of uniform data collection on information pertaining to juveniles subject to this compact that allows access by authorized juvenile justice and criminal justice officials, and regular reporting of Compact activities to heads of state executive, judicial, and legislative branches and juvenile and criminal justice administrators; (K) monitor compliance with rules governing interstate movement of juveniles and initiate interventions to address and correct non-compliance; (L) coordinate

training and education regarding the regulation of interstate movement of juveniles for officials involved in such activity; and (M) coordinate the implementation and operation of the compact with the Interstate Compact for the Placement of Children, the Interstate Compact for Adult Offender Supervision and other compacts affecting juveniles particularly in those cases where concurrent or overlapping supervision issues arise. It is the policy of the compacting states that the activities conducted by the Interstate Commission created herein are the formation of public policies and therefore are public business. Furthermore, the compacting states shall cooperate and observe their individual and collective duties and responsibilities for the prompt return and acceptance of juveniles subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the purposes and policies of the compact.

ARTICLE II DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

A. “Bylaws” means: those bylaws established by the Interstate Commission for its governance, or for directing or controlling its actions or conduct.

B. “Compact Administrator” means: the individual in each compacting state appointed pursuant to the terms of this compact, responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the Interstate Commission and policies adopted by the State Council under this compact.

C. “Compacting State” means: any state which has enacted the enabling legislation for this compact.

D. “Commissioner” means: the voting representative of each compacting state appointed pursuant to Article III of this compact.

E. “Court” means: any court having jurisdiction over delinquent, neglected, or dependent children.

F. “Deputy Compact Administrator” means: the individual, if any, in each compacting state appointed to act on behalf of a Compact Administrator pursuant to the terms of this compact responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the Interstate Commission and policies adopted by the State Council under this compact.

G. “Interstate Commission” means: the Interstate Commission for Juveniles created by Article III of this compact.

H. “Juvenile” means: any person defined as a juvenile in any member state or by the rules of the Interstate Commission, including:

(1) **Accused Delinquent** - a person charged with an offense that, if committed by an adult, would be a criminal offense;

(2) **Adjudicated Delinquent** - a person found to have committed an offense that, if committed by an adult, would be a criminal offense;

(3) **Accused Status Offender** - a person charged with an offense that would not be a criminal offense if committed by an adult;

(4) **Adjudicated Status Offender** - a person found to have committed an offense that would not be a criminal offense if committed by an adult; and

(5) **Non-Offender** - a person in need of supervision who has not been accused or adjudicated a status offender or delinquent.

I. “Non-Compacting state” means: any state which has not enacted the enabling legislation for this compact.

J. “Probation or Parole” means: any kind of supervision or conditional release of juveniles authorized under the laws of the compacting states.

K. “Rule” means: a written statement by the Interstate Commission promulgated pursuant to Article VI of this compact that is of general applicability, implements, interprets or prescribes a policy or provision of the Compact, or an organizational, procedural, or practice requirement of the commission, and has the force and effect of statutory law in a compacting state, and includes the amendment, repeal, or suspension of an existing rule.

L. “State” means: a state of the United States, the District of Columbia (or its designee), the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Northern Marianas Islands.

ARTICLE III INTERSTATE COMMISSION FOR JUVENILES

A. The compacting states hereby create the “Interstate Commission for Juveniles.” The commission shall be a body corporate and joint agency of the compacting states. The commission shall have all the responsibilities, powers and duties set forth herein, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.

B. The Interstate Commission shall consist of commissioners appointed by the appropriate appointing authority in each state pursuant to the rules and requirements of each compacting state and in consultation with the State Council for Interstate Juvenile Supervision created hereunder. The commissioner shall be the

compact administrator, deputy compact administrator or designee from that state who shall serve on the Interstate Commission in such capacity under or pursuant to the applicable law of the compacting state.

C. In addition to the commissioners who are the voting representatives of each state, the Interstate Commission shall include individuals who are not commissioners, but who are members of interested organizations. Such non-commissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general, Interstate Compact for Adult Offender Supervision, Interstate Compact for the Placement of Children, juvenile justice and juvenile corrections officials, and crime victims. All non-commissioner members of the Interstate Commission shall be ex-officio (non-voting) members. The Interstate Commission may provide in its bylaws for such additional ex-officio (non-voting) members, including members of other national organizations, in such numbers as shall be determined by the commission.

D. Each compacting state represented at any meeting of the commission is entitled to one vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission.

E. The commission shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the compacting states, shall call additional meetings. Public notice shall be given of all meetings and meetings shall be open to the public.

F. The Interstate Commission shall establish an executive committee, which shall include commission officers, members, and others as determined by the bylaws. The executive committee shall have the power to act

on behalf of the Interstate Commission during periods when the Interstate Commission is not in session, with the exception of rulemaking and/or amendment to the compact. The executive committee shall oversee the day-to-day activities of the administration of the compact managed by an executive director and Interstate Commission staff; administers enforcement and compliance with the provisions of the compact, its bylaws and rules, and performs such other duties as directed by the Interstate Commission or set forth in the bylaws.

G. Each member of the Interstate Commission shall have the right and power to cast a vote to which that compacting state is entitled and to participate in the business and affairs of the Interstate Commission. A member shall vote in person and shall not delegate a vote to another compacting state. However, a commissioner, in consultation with the state council, shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the compacting state at a specified meeting. The bylaws may provide for members' participation in meetings by telephone or other means of telecommunication or electronic communication.

H. The Interstate Commission's bylaws shall establish conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.

I. Public notice shall be given of all meetings and all meetings shall be open to the public, except as set forth in the Rules or as otherwise provided in the Compact. The Interstate Commission and any of its

committees may close a meeting to the public where it determines by two-thirds vote that an open meeting would be likely to:

1. Relate solely to the Interstate Commission's internal personnel practices and procedures;

2. Disclose matters specifically exempted from disclosure by statute;

3. Disclose trade secrets or commercial or financial information which is privileged or confidential;

4. Involve accusing any person of a crime, or formally censuring any person;

5. Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

6. Disclose investigative records compiled for law enforcement purposes;

7. Disclose information contained in or related to examination, operating or condition reports prepared by, or on behalf of or for the use of, the Interstate Commission with respect to a regulated person or entity for the purpose of regulation or supervision of such person or entity;

8. Disclose information, the premature disclosure of which would significantly endanger the stability of a regulated person or entity; or

9. Specifically relate to the Interstate Commission's issuance of a subpoena, or its participation in a civil action or other legal proceeding.

J. For every meeting closed pursuant to this provision, the Interstate Commission's legal counsel shall publicly certify that, in the legal counsel's opinion, the meeting may be closed to the public, and shall reference each relevant exemptive provision. The Interstate Commission shall keep minutes which shall

fully and clearly describe all matters discussed in any meeting and shall provide a full and accurate summary of any actions taken, and the reasons therefore, including a description of each of the views expressed on any item and the record of any roll call vote (reflected in the vote of each member on the question). All documents considered in connection with any action shall be identified in such minutes.

K. The Interstate Commission shall collect standardized data concerning the interstate movement of juveniles as directed through its rules which shall specify the data to be collected, the means of collection and data exchange and reporting requirements. Such methods of data collection, exchange and reporting shall insofar as is reasonably possible conform to up-to-date technology and coordinate its information functions with the appropriate repository of records.

ARTICLE IV POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The commission shall have the following powers and duties:

1. To provide for dispute resolution among compacting states.

2. To promulgate rules to effect the purposes and obligations as enumerated in this compact, which shall have the force and effect of statutory law and shall be binding in the compacting states to the extent and in the manner provided in this compact.

3. To oversee, supervise and coordinate the interstate movement of juveniles subject to the terms of this compact and any bylaws adopted and rules promulgated by the Interstate Commission.

4. To enforce compliance with the compact provisions, the rules promulgated by the Interstate Commission, and the bylaws, using all necessary and proper means, including but

not limited to the use of judicial process.

5. To establish and maintain offices which shall be located within one or more of the compacting states.

6. To purchase and maintain insurance and bonds.

7. To borrow, accept, hire or contract for services of personnel.

8. To establish and appoint committees and hire staff which it deems necessary for the carrying out of its functions including, but not limited to, an executive committee as required by Article III which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder.

9. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties and determine their qualifications; and to establish the Interstate Commission's personnel policies and programs relating to, inter alia, conflicts of interest, rates of compensation, and qualifications of personnel.

10. To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of it.

11. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any property, real, personal, or mixed.

12. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal or mixed.

13. To establish a budget and make expenditures and levy dues as provided in Article VIII of this compact.

14. To sue and be sued.

15. To adopt a seal and bylaws governing the management and operation of the Interstate

Commission.

16. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.

17. To report annually to the legislatures, governors, judiciary, and state councils of the compacting states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission.

18. To coordinate education, training and public awareness regarding the interstate movement of juveniles for officials involved in such activity.

19. To establish uniform standards of the reporting, collecting and exchanging of data.

20. The Interstate Commission shall maintain its corporate books and records in accordance with the bylaws.

ARTICLE V ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

Section A. Bylaws

1. The Interstate Commission shall, by a majority of the members present and voting, within twelve months after the first Interstate Commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but not limited to:

a. Establishing the fiscal year of the Interstate Commission;

b. Establishing an executive committee and such other committees as may be necessary;

c. Provide for the establishment of committees governing any general or specific delegation of any authority or function of the Interstate Commission;

d. Providing reasonable procedures for

calling and conducting meetings of the Interstate Commission, and ensuring reasonable notice of each such meeting;

e. Establishing the titles and responsibilities of the officers of the Interstate Commission;

f. Providing a mechanism for concluding the operations of the Interstate Commission and the return of any surplus funds that may exist upon the termination of the Compact after the payment and/or reserving of all of its debts and obligations;

g. Providing “start-up” rules for initial administration of the compact; and

h. Establishing standards and procedures for compliance and technical assistance in carrying out the compact.

Section B. Officers and Staff

1. The Interstate Commission shall, by a majority of the members, elect annually from among its members a chairperson and a vice chairperson, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice-chairperson shall preside at all meetings of the Interstate Commission. The officers so elected shall serve without compensation or remuneration from the Interstate Commission; provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for any ordinary and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the Interstate Commission.

2. The Interstate Commission shall, through its executive committee, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation as the Interstate Commission may deem appropriate. The executive director shall serve as secretary to the Interstate Commission, but shall not be a Member and

shall hire and supervise such other staff as may be authorized by the Interstate Commission.

Section C. Qualified Immunity, Defense and Indemnification

1. The commission's executive director and employees shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to any actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided, that any such person shall not be protected from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.

2. The liability of any commissioner, or the employee or agent of a commissioner, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state may not exceed the limits of liability set forth under the Constitution and laws of that state for state officials, employees, and agents. Nothing in this subsection shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.

3. The Interstate Commission shall defend the executive director or the employees or representatives of the Interstate Commission and, subject to the approval of the Attorney General of the state represented by any commissioner of a compacting state, shall defend such commissioner or the commissioner's representatives or employees in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of

Interstate Commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

4. The Interstate Commission shall indemnify and hold the commissioner of a compacting state, or the commissioner's representatives or employees, or the Interstate Commission's representatives or employees, harmless in the amount of any settlement or judgment obtained against such persons arising out of any actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

ARTICLE VI RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

A. The Interstate Commission shall promulgate and publish rules in order to effectively and efficiently achieve the purposes of the compact.

B. Rulemaking shall occur pursuant to the criteria set forth in this article and the bylaws and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles of the "Model State Administrative Procedures Act," 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000), or such other administrative procedures act, as the Interstate Commission deems appropriate consistent with

due process requirements under the U.S. Constitution as now or hereafter interpreted by the U.S. Supreme Court. All rules and amendments shall become binding as of the date specified, as published with the final version of the rule as approved by the commission.

C. When promulgating a rule, the Interstate Commission shall, at a minimum:

1. publish the proposed rule's entire text stating the reason(s) for that proposed rule;

2. allow and invite any and all persons to submit written data, facts, opinions and arguments, which information shall be added to the record, and be made publicly available;

3. provide an opportunity for an informal hearing if petitioned by ten (10) or more persons; and

4. promulgate a final rule and its effective date, if appropriate, based on input from state or local officials, or interested parties.

D. Allow, not later than sixty days after a rule is promulgated, any interested person to file a petition in the United States District Court for the District of Columbia or in the Federal District Court where the Interstate Commission's principal office is located for judicial review of such rule. If the court finds that the Interstate Commission's action is not supported by substantial evidence in the rulemaking record, the court shall hold the rule unlawful and set it aside. For purposes of this subsection, evidence is substantial if it would be considered substantial evidence under the Model State Administrative Procedures Act.

E. If a majority of the legislatures of the compacting states rejects a rule, those states may, by enactment of a statute or resolution in the same manner used to adopt the compact, cause that such rule shall have no further force and effect in any compacting state.

F. The existing rules governing the

operation of the Interstate Compact on Juveniles superseded by this act shall be null and void twelve (12) months after the first meeting of the Interstate Commission created hereunder.

G. Upon determination by the Interstate Commission that a state-of-emergency exists, it may promulgate an emergency rule which shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided hereunder shall be retroactively applied to said rule as soon as reasonably possible, but no later than ninety (90) days after the effective date of the emergency rule.

ARTICLE VII OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION BY THE INTERSTATE COMMISSION

Section A. Oversight

1. The Interstate Commission shall oversee the administration and operations of the interstate movement of juveniles subject to this compact in the compacting states and shall monitor such activities being administered in non-compacting states which may significantly affect compacting states.

2. The courts and executive agencies in each compacting state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall be received by all the judges, public officers, commissions, and departments of the state government as evidence of the authorized statute and administrative rules. All courts shall take judicial notice of the compact and the rules. In any judicial or administrative proceeding in a compacting state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the Interstate Commission, it shall be entitled to

receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes.

Section B. Dispute Resolution

1. The compacting states shall report to the Interstate Commission on all issues and activities necessary for the administration of the compact as well as issues and activities pertaining to compliance with the provisions of the compact and its bylaws and rules.

2. The Interstate Commission shall attempt, upon the request of a compacting state, to resolve any disputes or other issues which are subject to the compact and which may arise among compacting states and between compacting and non-compacting states. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes among the compacting states.

3. The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact using any or all means set forth in Article XI of this compact.

ARTICLE VIII FINANCE

A. The Interstate Commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

B. The Interstate Commission shall levy on and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, taking into

consideration the population of each compacting state and the volume of interstate movement of juveniles in each compacting state and shall promulgate a rule binding upon all compacting states which governs said assessment.

C. The Interstate Commission shall not incur any obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.

D. The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

ARTICLE IX THE STATE COUNCIL

Each member state shall create a State Council for Interstate Juvenile Supervision. While each state may determine the membership of its own state council, its membership must include at least one representative from the legislative, judicial, and executive branches of government, victims groups, and the compact administrator, deputy compact administrator or designee. Each compacting state retains the right to determine the qualifications of the compact administrator or deputy compact administrator. Each state council will advise and may exercise oversight and advocacy concerning that state's participation in Interstate Commission activities and other duties as may be determined by that state, including but not limited to, development

of policy concerning operations and procedures of the compact within that state.

ARTICLE X COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT

A. Any state, the District of Columbia (or its designee), the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Northern Marianas Islands as defined in Article II of this compact is eligible to become a compacting state.

B. The compact shall become effective and binding upon legislative enactment of the compact into law by no less than 35 of the states. The initial effective date shall be the later of July 1, 2004, or upon enactment into law by the 35th jurisdiction. Thereafter, it shall become effective and binding as to any other compacting state upon enactment of the compact into law by that state. The governors of non-member states or their designees shall be invited to participate in the activities of the Interstate Commission on a non-voting basis prior to adoption of the compact by all states and territories of the United States.

C. The Interstate Commission may propose amendments to the compact for enactment by the compacting states. No amendment shall become effective and binding upon the Interstate Commission and the compacting states unless and until it is enacted into law by unanimous consent of the compacting states.

ARTICLE XI WITHDRAWAL, DEFAULT, TERMINATION AND JUDICIAL ENFORCEMENT

Section A. Withdrawal

1. Once effective, the compact shall continue in force and remain binding upon each and every compacting state; provided that a compacting state may withdraw from the compact by specifically repealing the statute

which enacted the compact into law.

2. The effective date of withdrawal is the effective date of the repeal.

3. The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate Commission shall notify the other compacting states of the withdrawing state's intent to withdraw within sixty days of its receipt thereof.

4. The withdrawing state is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal.

5. Reinstatement following withdrawal of any compacting state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the Interstate Commission.

Section B. Technical Assistance, Fines, Suspension, Termination and Default

1. If the Interstate Commission determines that any compacting state has at any time defaulted in the performance of any of its obligations or responsibilities under this compact, or the bylaws or duly promulgated rules, the Interstate Commission may impose any or all of the following penalties:

a. Remedial training and technical assistance as directed by the Interstate Commission;

b. Alternative Dispute Resolution;

c. Fines, fees, and costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission; and

d. Suspension or termination of membership in the compact, which shall be

imposed only after all other reasonable means of securing compliance under the bylaws and rules have been exhausted and the Interstate Commission has therefore determined that the offending state is in default. Immediate notice of suspension shall be given by the Interstate Commission to the Governor, the Chief Justice or the Chief Judicial Officer of the state, the Majority and Minority leaders of the defaulting state's legislature, and the state council. The grounds for default include, but are not limited to, failure of a compacting state to perform such obligations or responsibilities imposed upon it by this compact, the bylaws, or duly promulgated rules and any other grounds designated in commission bylaws and rules. The Interstate Commission shall immediately notify the defaulting state in writing of the penalty imposed by the Interstate Commission and of the default pending a cure of the default. The commission shall stipulate the conditions and the time period within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the time period specified by the commission, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the compacting states and all rights, privileges and benefits conferred by this compact shall be terminated from the effective date of termination.

2. Within sixty days of the effective date of termination of a defaulting state, the commission shall notify the Governor, the Chief Justice or Chief Judicial Officer, the Majority and Minority Leaders of the defaulting state's legislature, and the state council of such termination.

3. The defaulting state is responsible for all assessments, obligations and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of

termination.

4. The Interstate Commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state.

5. Reinstatement following termination of any compacting state requires both a reenactment of the compact by the defaulting state and the approval of the Interstate Commission pursuant to the rules.

Section C. Judicial Enforcement

The Interstate Commission may, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its offices, to enforce compliance with the provisions of the compact, its duly promulgated rules and bylaws, against any compacting state in default. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorneys fees.

Section D. Dissolution of Compact

1. The compact dissolves effective upon the date of the withdrawal or default of the compacting state, which reduces membership in the compact to one compacting state.

2. Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded and any surplus funds shall be distributed in accordance with the bylaws.

ARTICLE XII

SEVERABILITY AND CONSTRUCTION

A. The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the

remaining provisions of the compact shall be enforceable.

B. The provisions of this compact shall be liberally construed to effectuate its purposes.

ARTICLE XIII

BINDING EFFECT OF COMPACT AND OTHER LAWS

Section A. Other Laws

1. Nothing herein prevents the enforcement of any other law of a compacting state that is not inconsistent with this compact.

2. All compacting states' laws other than state Constitutions and other interstate compacts conflicting with this compact are superseded to the extent of the conflict.

Section B. Binding Effect of the Compact

1. All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the compacting states.

2. All agreements between the Interstate Commission and the compacting states are binding in accordance with their terms.

3. Upon the request of a party to a conflict over meaning or interpretation of Interstate Commission actions, and upon a majority vote of the compacting states, the Interstate Commission may issue advisory opinions regarding such meaning or interpretation.

4. In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any compacting state, the obligations, duties, powers or jurisdiction sought to be conferred by such provision upon the Interstate Commission shall be ineffective and such obligations, duties, powers or jurisdiction shall remain in the compacting state and shall be exercised by the agency thereof to which such obligations, duties, powers or jurisdiction are delegated by law in

effect at the time this compact becomes effective.

210.580. The compact shall become binding upon the state of Missouri [when signed by the commissioners as herein provided and by the proper authorities of any other state entering into the compact] **upon legislative enactment of the compact into law by no less than thirty-five of the states. The initial effective date shall be the later of August 28, 2007, or upon enactment into law by the thirty-fifth jurisdiction. Thereafter it shall become effective and binding as to any other compacting state upon enactment of the compact into law by that state.”; and**

Further amend said bill, Page 35, Section 453.011, Line 25, by inserting after all of said line the following:

“[210.570. Within sixty days after sections 210.570 to 210.600 become effective, the governor, by and with the advice and consent of the senate, shall appoint three commissioners to enter into a compact on behalf of the state of Missouri with other states. If the senate is not in session at the time for making such appointments, the governor shall make temporary appointments as in the case of a vacancy. Any two of the commissioners so appointed together with the attorney general of the state of Missouri may act to enter into the following compact:

INTERSTATE COMPACT ON JUVENILES

The contracting states solemnly agree:

ARTICLE I

That juveniles who are not under proper supervision and control, or who have absconded, escaped or run away, are likely to endanger their own health, morals and welfare, and the health, morals and welfare of others. The cooperation of the states party to this compact is therefore necessary to provide

for the welfare and protection of juveniles and of the public with respect to (1) cooperative supervision of delinquent juveniles on probation or parole; (2) the return, from one state to another, of delinquent juveniles who have escaped or absconded; (3) the return, from one state to another, of nondelinquent juveniles who have run away from home; and (4) additional measures for the protection of juveniles and of the public, which any two or more of the party states may find desirable to undertake cooperatively. In carrying out the provisions of this compact the party states shall be guided by the noncriminal, reformatory and protective policies which guide their laws concerning delinquent, neglected or dependent juveniles generally. It shall be the policy of the states party to this compact to cooperate and observe their respective responsibilities for the prompt return and acceptance of juveniles and delinquent juveniles who become subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the foregoing purposes.

ARTICLE II

That all remedies and procedures provided by this compact shall be in addition to and not in substitution for other rights, remedies and procedures, and shall not be in derogation of parental rights and responsibilities.

ARTICLE III

That, for the purposes of this compact, “delinquent juvenile” means any juvenile who has been adjudged delinquent and who, at the time the provisions of this compact are invoked, is still subject to the jurisdiction of the

court that has made such adjudication or to the jurisdiction or supervision of an agency or institution pursuant to an order of such court; "probation or parole" means any kind of conditional release of juveniles authorized under the laws of the states party hereto; "court" means any court having jurisdiction over delinquent, neglected or dependent children; "state" means any state, territory or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico; and "residence" or any variant thereof means a place at which a home or regular place of abode is maintained.

ARTICLE IV

(a) That the parent, guardian, person or agency entitled to legal custody of a juvenile who has not been adjudged delinquent but who has run away without the consent of such parent, guardian, person or agency may petition the appropriate court in the demanding state for the issuance of a requisition for his return. The petition shall state the name and age of the juvenile, the name of the petitioner and the basis of entitlement to the juvenile's custody, the circumstances of his running away, his location if known at the time application is made, and such other facts as may tend to show that the juvenile who has run away is endangering his own welfare or the welfare of others and is not an emancipated minor. The petition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the document or documents on which the petitioner's entitlement to the juvenile's custody is based, such as birth certificates, letters of guardianship, or custody decrees. Such

further affidavits and other documents as may be deemed proper may be submitted with such petition. The judge of the court to which this application is made may hold a hearing thereon to determine whether for the purposes of this compact the petitioner is entitled to the legal custody of the juvenile, whether or not it appears that the juvenile has in fact run away without consent, whether or not he is an emancipated minor, and whether or not it is in the best interest of the juvenile to compel his return to the state. If the judge determines, either with or without a hearing, that the juvenile should be returned, he shall present to the appropriate court or to the executive authority of the state where the juvenile is alleged to be located a written requisition for the return of such juvenile. Such requisition shall set forth the name and age of the juvenile, the determination of the court that the juvenile has run away without the consent of a parent, guardian, person or agency entitled to his legal custody, and that it is in the best interest and for the protection of such juvenile that he be returned. In the event that a proceeding for the adjudication of the juvenile as a delinquent, neglected or dependent juvenile is pending in the court at the time when such juvenile runs away, the court may issue a requisition for the return of such juvenile upon its own motion, regardless of the consent of the parent, guardian, person or agency entitled to legal custody, reciting therein the nature and circumstances of the pending proceeding. The requisition shall in every case be executed in duplicate and shall be signed by the judge. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file

subject to the provisions of law governing records of such court. Upon the receipt of a requisition demanding the return of a juvenile who has run away, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No juvenile detained upon such order shall be delivered over to the officer whom the court demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of a court in the state, who shall inform him of the demand made for his return, and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such juvenile over to the officer whom the court demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Upon reasonable information that a person is a juvenile who has run away from another state party to this compact without the consent of a parent, guardian, person or agency entitled to his legal custody, such juvenile may be taken into custody without a requisition and brought forthwith before a judge of the appropriate court who may appoint counsel or guardian ad litem for such juvenile and who shall determine after a hearing whether sufficient cause exists to hold the person, subject to the order of the court, for his own protection and welfare, for such a time not exceeding ninety days as will enable his return to

another state party to this compact pursuant to a requisition for his return from a court of that state. If, at the time when a state seeks the return of a juvenile who has run away, there is pending in the state wherein he is found any criminal charge, or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he ran away, the juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

(b) That the state to which a juvenile is returned under this Article shall be responsible for payment of the transportation costs of such return.

(c) That “juvenile” as used in this Article means any person who is a minor under the law of the state of residence of the parent, guardian, person or agency entitled to the legal custody of such minor.

ARTICLE V

(a) That the appropriate person or authority from whose probation or parole supervision a delinquent juvenile has absconded or from whose institutional

custody he has escaped shall present to the appropriate court or to the executive authority of the state where the delinquent juvenile is alleged to be located a written requisition for the return of such delinquent juvenile. Such requisition shall state the name and age of the delinquent juvenile, the particulars of his adjudication as a delinquent juvenile, the circumstances of the breach of the terms of his probation or parole or of his escape from an institution or agency vested with his legal custody or supervision, and the location of such delinquent juvenile, if known, at the time the requisition is made. The requisition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the judgment, formal adjudication, or order of commitment which subjects such delinquent juvenile to probation or parole or to the legal custody of the institution or agency concerned. Such further affidavits and other documents as may be deemed proper may be submitted with such requisition. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of the appropriate court. Upon the receipt of a requisition demanding the return of a delinquent juvenile who has absconded or escaped, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such delinquent juvenile. Such detention order must substantially recite the facts necessary to the validity of the issuance hereunder. No delinquent juvenile detained upon such order shall

be delivered over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of an appropriate court in the state, who shall inform him of the demand made for his return and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such delinquent juvenile over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Upon reasonable information that a person is a delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, such person may be taken into custody in any other state party to this compact without a requisition. But in such event, he must be taken forthwith before a judge of the appropriate court, who may appoint counsel or guardian ad litem for such person and who shall determine, after a hearing, whether sufficient cause exists to hold the person subject to the order of the court for such a time, not exceeding ninety days, as will enable his detention under a detention order issued on a requisition pursuant to this Article. If, at the time when a state seeks the return of a delinquent juvenile who has either absconded while on probation or parole or escaped from an institution or agency vested with his legal custody or supervision, there is pending in the state wherein he is detained any

criminal charge or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the delinquent juvenile being returned, shall be permitted to transport such delinquent juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he escaped or absconded, the delinquent juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

(b) That the state to which a delinquent juvenile is returned under this Article shall be responsible for payment of the transportation costs of such return.

ARTICLE VI

That any delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, and any juvenile who has run away from any state party to this compact, who is taken into custody without a requisition in another state party to this compact under the provisions of Article IV(a) or of Article V(a), may consent to his immediate return to the state from which he absconded, escaped or ran away. Such

consent shall be given by the juvenile or delinquent juvenile and his counsel or guardian ad litem if any, by executing or subscribing a writing, in the presence of a judge of the appropriate court, which states that the juvenile or delinquent juvenile and his counsel or guardian ad litem, if any, consent to his return to the demanding state. Before such consent shall be executed or subscribed, however, the judge, in the presence of counsel or guardian ad litem, if any, shall inform the juvenile or delinquent juvenile of his rights under this compact. When the consent has been duly executed, it shall be forwarded to and filed with the compact administrator of the state in which the court is located and the judge shall direct the officer having the juvenile or delinquent juvenile in custody to deliver him to the duly accredited officer or officers of the state demanding his return, and shall cause to be delivered to such officer or officers a copy of the consent. The court may, however, upon the request of the state to which the juvenile or delinquent juvenile is being returned, order him to return unaccompanied to such state and shall provide him with a copy of such court order; in such event a copy of the consent shall be forwarded to the compact administrator of the state to which said juvenile or delinquent juvenile is ordered to return.

ARTICLE VII

(a) That the duly constituted judicial and administrative authorities of a state party to this compact (herein called "sending state") may permit any delinquent juvenile within such state, placed on probation or parole, to reside in any other state party to this compact

(herein called “receiving state”) while on probation or parole, and the receiving state shall accept such delinquent juvenile, if the parent, guardian or person entitled to the legal custody of such delinquent juvenile is residing or undertakes to reside within the receiving state. Before granting such permission, opportunity shall be given to the receiving state to make such investigations as it deems necessary. The authorities of the sending state shall send to the authorities of the receiving state copies of pertinent court orders, social case studies and all other available information which may be of value to and assist the receiving state in supervising a probationer or parolee under this compact. A receiving state, in its discretion, may agree to accept supervision of a probationer or parolee in cases where the parent, guardian or person entitled to the legal custody of the delinquent juvenile is not a resident of the receiving state, and if so accepted the sending state may transfer supervision accordingly.

(b) That each receiving state will assume the duties of visitation and of supervision over any such delinquent juvenile and in the exercise of those duties will be governed by the same standards of visitation and supervision that prevail for its own delinquent juveniles released on probation or parole.

(c) That, after consultation between the appropriate authorities of the sending state and of the receiving state as to the desirability and necessity of returning such a delinquent juvenile, the duly accredited officers of a sending state may enter a receiving state and there apprehend and retake any such

delinquent juvenile on probation or parole. For that purpose, no formalities will be required, other than establishing the authority of the officer and the identity of the delinquent juvenile to be retaken and returned. The decision of the sending state to retake a delinquent juvenile on probation or parole shall be conclusive upon and not reviewable within the receiving state, but if, at the time the sending state seeks to retake a delinquent juvenile on probation or parole, there is pending against him within the receiving state any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for any act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of the sending state shall be permitted to transport delinquent juveniles being so returned through any and all states party to this compact, without interference.

(d) That the sending state shall be responsible under this Article for paying the costs of transporting any delinquent juvenile to the receiving state or of returning any delinquent juvenile to the sending state.

ARTICLE VIII

(a) That the provisions of Articles IV(b), V(b) and VII(d) of this compact shall not be construed to alter or affect any internal relationship among the departments, agencies and officers of and in the government of a party state, or

between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

(b) That nothing in this compact shall be construed to prevent any party state or subdivision thereof from asserting any right against any person, agency or other entity in regard to costs for which such party state or subdivision thereof may be responsible pursuant to Articles IV(b), V(b) or VII(d) of this compact.

ARTICLE IX

That, to every extent possible, it shall be the policy of states party to this compact that no juvenile or delinquent juvenile shall be placed or detained in any prison, jail or lockup nor be detained or transported in association with criminal, vicious or dissolute persons.

ARTICLE X

That the duly constituted administrative authorities of a state party to this compact may enter into supplementary agreements with any other state or states party hereto for the cooperative care, treatment and rehabilitation of delinquent juveniles whenever they shall find that such agreements will improve the facilities or programs available for such care, treatment and rehabilitation. Such care, treatment and rehabilitation may be provided in an institution located within any state entering into such supplementary agreement. Such supplementary agreements shall (1) provide the rates to be paid for the care, treatment and custody of such delinquent juveniles, taking into consideration the character of facilities, services and subsistence furnished; (2) provide that

the delinquent juvenile shall be given a court hearing prior to his being sent to another state for care, treatment and custody; (3) provide that the state receiving such a delinquent juvenile in one of its institutions shall act solely as agent for the state sending such delinquent juvenile; (4) provide that the sending state shall at all times retain jurisdiction over delinquent juveniles sent to an institution in another state; (5) provide for reasonable inspection of such institutions by the sending state; (6) provide that the consent of the parent, guardian, person or agency entitled to the legal custody of said delinquent juvenile shall be secured prior to his being sent to another state; and (7) make provision for such other matters and details as shall be necessary to protect the rights and equities of such delinquent juveniles and of the cooperating states.

ARTICLE XI

That any state party to this compact may accept any and all donations, gifts and grants of money, equipment and services from the federal or any local government, or any agency thereof and from any person, firm or corporation, for any of the purposes and functions of this compact, and may receive and utilize the same subject to the terms, conditions and regulations governing such donations, gifts and grants.

ARTICLE XII

That the governor of each state party to this compact shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

ARTICLE XIII

That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.

ARTICLE XIV

That this compact shall continue in force and remain binding upon each executing state until renounced by it. Renunciation of this compact shall be by the same authority which executed it, by sending six months' notice in writing of its intention to withdraw from the compact to the other states party hereto. The duties and obligations of a renouncing state under Article VII hereof shall continue as to parolees and probationers residing therein at the time of withdrawal until retaken or finally discharged. Supplementary agreements entered into under Article X hereof shall be subject to renunciation as provided by such supplementary agreements, and shall not be subject to the six months' renunciation notice of the present Article.

ARTICLE XV

That the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected

thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.]

[210.595. The term "delinquent juvenile" as used in the interstate compact on juveniles includes those persons subject to the jurisdiction of the juvenile court within the meaning of subdivisions (1) and (2) of section 211.031, RSMo.]

[210.600. The commission shall have power to apply to the Congress of the United States for its consent and approval of the compact; but in the absence of such consent of Congress and until the same shall have been secured, the compact shall be binding upon the state of Missouri in all respects permitted by law for the signatory states without the consent of Congress to cooperate, for the purposes enumerated in the compact, and in the manner provided therein.]

[210.610. 1. This section shall provide remedies, and shall be binding only as among and between those party states which specifically adopt a similar section.

2. All provisions and procedures of article V and article VI of section 210.570 shall be construed to apply to any juvenile charged with being a delinquent by reason of violating any criminal law which constitutes a felony. Any juvenile charged with being a delinquent by reason of violating any criminal law which constitutes a felony shall be returned to the requesting state upon a requisition to the state where the juvenile may be found. A petition in such

case shall be filed in a court of competent jurisdiction in the requesting state where the violation of criminal law is alleged to have been committed. The petition may be filed regardless of whether the juvenile has left the requesting state before or after the filing of the petition. The requisition described in article V of section 210.570 shall be forwarded by the judge of the court in which the petition has been filed.]”]; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 84, Section 210.762, Page 27, by inserting after all of said section the following:

“210.1012. 1. There is hereby created a statewide program called the “Amber Alert System” referred to in this section as the “system” to aid in the identification and location of **an** abducted [persons] **child**.

2. For the purposes of this section, “abducted [person] **child**” means a [person] **child** whose whereabouts are unknown and who is:

(1) **Less than eighteen years of age and** reasonably believed to be the victim of the crime of kidnapping as defined by section 565.110, RSMo, as determined by local law enforcement;

(2) **Reasonably believed to be the victim of the crime of child kidnapping as defined by section 565.115, RSMo, as determined by local law enforcement; or**

(3) **Less than eighteen years of age and at least fourteen years of age and who, if under the age of fourteen, would otherwise be reasonably believed to be a victim of child kidnapping as defined by section 565.115, RSMo, as determined by local law enforcement.**

3. The department of public safety shall develop regions to provide the system. The department of public safety shall coordinate local law enforcement agencies and public commercial television and radio broadcasters to provide an effective system. In the event that a local law enforcement agency opts not to set up a system and an abduction occurs within the jurisdiction, it shall notify the department of public safety who will notify local media in the region.

4. The Amber alert system shall include all state agencies capable of providing urgent and timely information to the public together with broadcasters and other private entities that volunteer to participate in the dissemination of urgent public information. At a minimum, the Amber alert system shall include the department of public safety, highway patrol, department of transportation, department of health and senior services, and Missouri lottery.

5. The department of public safety shall have the authority to notify other regions upon verification that the criteria established by the oversight committee has been met.

6. Participation in an Amber alert system is entirely at the option of local law enforcement agencies and federally licensed radio and television broadcasters.

7. Any person who knowingly makes a false report that triggers an alert pursuant to this section is guilty of a class A misdemeanor.

650.025. 1. There is hereby created an advisory system, referred to in this section as the “system”, to aid in the identification and location of missing endangered persons.

2. For the purposes of this section, “missing endangered person” means a person whose whereabouts are unknown and who is:

(1) Physically or mentally disabled to the degree that the person is dependent upon an agency or another individual;

(2) **Missing under circumstances indicating that the missing person's safety may be in danger; or**

(3) **Missing under involuntary or unknown circumstances.**

3. The department of public safety has the authority to promulgate rules establishing recommended procedures for issuing missing endangered person advisories. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 3

Amend House Amendment No. 3 to House Committee Substitute for Senate Bill No. 84, Page 3, Section 43.090, Line 11, by inserting after the word “force” the following:

“communication, telephone”

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 84, Section A, Page 1, by inserting immediately after said Section the following:

“43.010. As used in this chapter, the following terms shall have the meanings indicated:

(1) [“Commission”, the Missouri state highways and transportation commission;

(2)] “Members of the patrol”, the superintendent, lieutenant colonel, majors, captains, director of radio, lieutenants, sergeants, corporals, and patrolmen of the Missouri state highway patrol;

[(3)] (2) “MULES”, Missouri uniform law enforcement system, a statewide-computerized communications system provided by the patrol designed to provide services, information, and capabilities to the law enforcement and criminal justice community in the state of Missouri;

[(4)] (3) “Patrol”, the Missouri state highway patrol;

[(5)] (4) “Peace officers”, sheriffs, police officers and other peace officers of this state;

[(6)] (5) “Radio personnel”, those employees of the patrol engaged in the construction, operation, and maintenance of the patrol radio system.

43.030. 1. The superintendent of the Missouri state highway patrol shall be appointed **from the uniformed membership or a retired member of the patrol** by the governor by and with the advice and consent of the senate. The superintendent shall hold office at the pleasure of the governor. The superintendent shall be a citizen of the United States and a resident taxpaying citizen of this state for a period of three years previous to being appointed as superintendent and shall be at least thirty years of age. The superintendent shall maintain an office [and reside] in Jefferson City.

2. The superintendent of the Missouri state highway patrol shall:

(1) Have command of the patrol and perform all duties imposed on the superintendent and exercise all of the powers and authority conferred upon the superintendent by the provisions of this chapter and the requirements of chapter 650, RSMo;

(2) Within available appropriations, establish an equitable pay plan for the members of the highway patrol and radio personnel taking into consideration ranks and length of service.

43.050. 1. The superintendent may appoint not more than twenty-five captains and one director of radio, each of whom shall have the same qualifications as the superintendent, nor more than sixty lieutenants, and such additional force of sergeants, corporals and patrolmen, so that the total number of members of the patrol shall not exceed nine hundred sixty-five officers and patrolmen and such numbers of radio personnel as the superintendent deems necessary.

2. In case of a national emergency the superintendent may name additional patrolmen and radio personnel in a number sufficient to replace, temporarily, patrolmen and radio personnel called into military services.

3. **The superintendent may enter into an agreement with the Missouri gaming commission to enforce any law, rule, or regulation, conduct background investigations authorized under the laws of this state, and enforce the regulations of licensed gaming activities governed by chapter 313, RSMo. A notice of either party to terminate or modify the provisions of such agreement shall be in writing and executed not less than one year from the effective date of the termination or modification, unless mutually agreed upon by the superintendent and the Missouri gaming commission.** Members of the patrol hired in conjunction with any agreement with the Missouri gaming commission shall not be subject to the personnel cap referenced in subsection 1 of this section. If such agreement is subsequently terminated or modified to reduce the number of personnel used in such agreement, those members affected by such termination or modification shall not be subject to the personnel cap referenced in subsection 1 of this section for a period of [three] **five** years.

4. [Members] **Member positions** of the patrol [hired] **originally acquired** in conjunction with the community-oriented policing services federal grant or members assigned to fulfill the duties established in sections 43.350 to 43.380 shall not be subject to the personnel cap referenced in subsection 1 of this section.

5. Applicants shall not be discriminated against because of race, creed, color, national origin or sex.

43.090. [The board of public buildings shall provide suitable offices for general headquarters at Jefferson City, Missouri, which shall at all times be open and in charge of the superintendent, or some member of the patrol designated by him.] The superintendent[, with the consent and approval of the commission,] shall employ such clerical force, radio operators, and other subordinates, and shall provide such office equipment, stationery, postage supplies, [telegraph] **communication** and telephone facilities as he **or she** shall deem necessary **for general headquarters at Jefferson City, Missouri**, and shall also provide offices, equipment, stationery, postage, clerical force, and other subordinates for the headquarters of each [district] **troop or division** of the patrol. The state highway patrol [radio network] **communications division** shall be under the control of and at the service of the superintendent for such regular and emergency [bulletins] **communications**, and service as the superintendent may require [from time to time].

43.120. 1. The superintendent shall prescribe rules for instruction and discipline and make all administrative rules and regulations and fix the hours of duty for the members of the patrol. The superintendent shall divide the state into [districts] **troops** and assign members of the patrol to such [districts] **troops** in the manner as deemed proper to carry out the purposes of this chapter. The superintendent may call members of the patrol from one [district] **troop** to another.

2. The superintendent shall appoint the

lieutenant colonel and five majors from within the membership. Such individuals shall serve at the superintendent's pleasure and shall return to their previously held rank after being relieved of their position duties by the present or incoming superintendent. The superintendent shall classify and rank through promotions the majors, the director of radio, captains, lieutenants, sergeants, corporals, patrolmen, and radio personnel from the next lower grade after not less than one year of service satisfactorily performed therein.

3. In case of the absence of the superintendent, or at the time the superintendent designates, the lieutenant colonel shall assume the duties of the superintendent. In the absence of both the superintendent and the lieutenant colonel, a major shall be designated by the superintendent or by the lieutenant colonel. In case of the disability of the superintendent and the lieutenant colonel, the governor may designate a major as acting superintendent and when so designated, the acting superintendent shall have all the powers and duties of the superintendent.

4. The superintendent shall collect, compile and keep available for the use of peace officers of the state the information as is deemed necessary for the detection of crime and identification of criminals. **The superintendent shall have the authority to direct members and other employees of the patrol to carry out any public safety duty or service authorized or appropriated by the general assembly.**

5. The superintendent is responsible for establishing policy, procedures, and regulations in cooperation with the law enforcement and criminal justice community in protecting the integrity of the MULES system. The superintendent shall be responsible for the administration and enforcement of all MULES policies and regulations consistent with state and federal rules, policy, and law by which the MULES system operates.

[6. Within ninety days after the close of each fiscal year, the superintendent shall make to the

governor and the commission a report of the activities of the patrol and the cost thereof for the fiscal period.]

43.220. Neither the governor[, the commission,] nor the superintendent shall have any power, right or authority to command, order or direct any member of the patrol to perform any duty or service not authorized [by this chapter] **under state statute.**

43.530. **1.** For each request requiring the payment of a fee received by the central repository, the requesting entity shall pay a fee of not more than [five] **nine** dollars per request for criminal history record information not based on a fingerprint search [when the requesting entity is required to obtain such information by any provision of state or federal law and pay a fee of not more than fourteen dollars per request for criminal history record information based on a fingerprint search when the requesting entity is required to obtain such information by any provision of state or federal law; provided that, when the requesting entity is not required to obtain such information by law, the requesting entity shall pay a fee of not more than ten dollars per request for criminal history record information not based on a fingerprint search and] . **In each year beginning on or after January 1, 2010, the superintendent may increase the fee paid by requesting entities by an amount not to exceed one dollar per year, however, under no circumstance shall the fee paid by requesting entities exceed fifteen dollars per request.**

2. For each request requiring the payment of a fee received by the central repository, the requesting entity shall pay a fee of not more than twenty dollars per request for criminal history record information based on a fingerprint search[. Each such] , **unless the request is required under the provisions of subdivision (6) of section 210.481, RSMo, section 210.487, RSMo, or section 571.101, RSMo, in which case, the fee shall be fourteen dollars.**

3. A request made under subsections 1 and 2 of this section shall be limited to check and search on one individual. Each request shall be accompanied by a check, warrant, voucher, money order, or electronic payment payable to the state of Missouri-criminal record system or payment shall be made in a manner approved by the highway patrol. The highway patrol may establish procedures for receiving requests for criminal history record information for classification and search for fingerprints, from courts and other entities, and for the payment of such requests. There is hereby established by the treasurer of the state of Missouri a fund to be entitled as the "Criminal Record System Fund". Notwithstanding the provisions of section 33.080, RSMo, to the contrary, if the moneys collected and deposited into this fund are not totally expended annually for the purposes set forth in sections 43.500 to 43.543, the unexpended moneys in such fund shall remain in the fund and the balance shall be kept in the fund to accumulate from year to year.

43.546. 1. Any state agency, board, or commission may require the fingerprinting of applicants in specified occupations or appointments within the state agency, board, or commission for the purpose of positive identification and receiving criminal history record information when determining an applicant's ability or fitness to serve in such occupation or appointment.

2. In order to facilitate the criminal background check under subsection 1 of this section on any person employed or appointed by a state agency, board, or commission, and in accordance with section 43.543, the applicant or employee shall submit a set of fingerprints collected under the standards determined by the Missouri highway patrol. The fingerprints and accompanying fees, unless otherwise arranged, shall be forwarded to the highway patrol to be used to search the state criminal history repository and the fingerprints shall be

forwarded to the Federal Bureau of Investigation for a national criminal background check. Notwithstanding the provisions of section 610.120, RSMo, all records related to any criminal history information discovered shall be accessible and available to the state agency making the request.

43.547. 1. The Missouri state highway patrol, at the direction of the governor, shall conduct name or fingerprint background investigations of gubernatorial appointees. The governor's directive shall state whether the background investigation shall be a name background investigation or a fingerprint background investigation. In addition, the patrol may, at the governor's direction, conduct other appropriate investigations to determine if an applicant or appointee is in compliance with section 105.262, RSMo, and other necessary inquiries to determine the person's suitability for positions of public trust.

2. In order to facilitate the fingerprint background investigation under subsection 1 of this section, and in accordance with the provisions of section 43.543, the appointee shall submit a set of fingerprints collected under the standards determined by the Missouri highway patrol. The fingerprints and accompanying fees, unless otherwise arranged, shall be forwarded to the highway patrol to be used to search the state criminal history repository and the fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal background check. Any background investigation conducted at the direction of the governor under subsection 1 of this section may include criminal history record information and other source information obtained by the highway patrol."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 84, Page 27, Section 210.762, Line 28, by adding after all of said line the following:

“210.1050. 1. The educational needs of each child under the jurisdiction of the juvenile court or family court under subdivisions (1), (2), or (5) of subsection 1 of section 211.031, RSMo, shall be considered as part of the function of the child's family support team pursuant to policy of the department of social services. Such needs shall include, but not be limited to, the assumption that regular full school days of education are warranted. For the purposes of this section, “full school day” shall mean six hours in which the child is under the guidance and direction of teachers in the education process. The local school district shall be invited to have representation on the child's family support team. If the school district designates a representative, the representative shall be a full participant in the family support team.

2. Nothing in this section shall be construed to infringe upon the rights or due process provisions of the federal Individuals with Disabilities Education Act. Nothing in this section shall be construed to impede the ability of the family support team or the facility staff from making a referral for special education services, if appropriate, when a child is placed in a facility described in this section without an individualized education program or without a pending referral for such services. If a child is referred for such services, the provisions of the Individuals with Disabilities Education Act shall apply and control while the referral is pending and through the evaluation process, including provisions for educational decision-makers and educational surrogates. Nothing in this section shall be construed to deny any child domiciled in Missouri appropriate and necessary free public education services.

3. When the department of social services by contract places a child for treatment in a licensed residential care facility setting for children as defined in section 210.481, such facility shall be responsible for the educational needs of the child if the child at the time of placement does not have an individualized education program or a pending referral for special education services under sections 162.670 to 162.999, RSMo.

(1) Such facilities operating an on-site school for which they hire their own education staff shall:

(a) Provide, on site at such facility , a full school day of education for each child placed in such facility by the department of social services unless the child's plan of treatment and care supports his or her ability to attend public school; and

(b) Be reimbursed by the local school district for the cost of education services provided to children placed in their care by the department of social services, as approved by the department of elementary and secondary education, when the facility provides education services. The local school district shall be compensated under section 167.126, RSMo, for such education services.

No child placed in the facilities for treatment described in this subdivision shall be considered by the local school district as homebound for purposes of education unless the family support team under subsection 1 of this section has approved homebound instruction. A full school day of education shall be provided unless fewer hours of instruction per day are approved by the family support team under subsection 1 of this section. Nothing in this subsection shall create an obligation for a licensed residential care facility to have on-site classrooms, to operate an on-site school, or to hire its own education staff.

(2) When such facilities have on-site classrooms but do not hire their own education staff, the local school district:

(a) Shall provide, on site at such facility or at an alternative location agreed upon pursuant to subsection 6 of this section, a full school day of education for each child placed in such facility for care by the department of social services unless the child's plan of treatment and care supports his or her ability to attend public school;

(b) Shall be compensated under section 167.126, RSMo, for such education services as approved by the department of elementary and secondary education; and

(c) May consider such education services as homebound instruction but shall provide each homebound child with a full school day of education unless fewer hours of instruction per day are approved by the family support team under subsection 1 of this section.

Nothing in this subdivision shall create an obligation for a licensed residential care facility to have on-site classrooms, to operate an on-site school, or to hire its own education staff.

(3) When such facilities do not operate an on-site school or have on-site classrooms, the local school district shall:

(a) Provide a full school day of education for each child placed in such facility for care by the department of social services; and

(b) Be compensated for such education services under section 167.126, RSMo, as approved by the department of elementary and secondary education.

If the child's behavior or plan of treatment and care does not support the child's being educated in a regular education class, education services shall be provided in an alternative setting approved by the family support team under subsection 1 of this section. A full school day of

education shall be provided unless fewer hours of instruction per day are approved by the family support team under subsection 1 of this section. Nothing in this subdivision shall create an obligation for a licensed residential care facility to have on-site classrooms, to operate an on-site school, or to hire its own education staff.

4. Notwithstanding any other provision of law, a child placed for treatment by the department of social services in a licensed residential care facility setting for children as defined in section 210.481, RSMo, who does not have an individualized education program for special education services or a pending referral for such services under sections 162.670 to 162.999, RSMo, whose plan of treatment and care supports his or her ability to attend public school but who is then suspended or otherwise demonstrates school failure based on behavior or academic performance shall then be provided a full school day of education according to subsection 3 of this section.

5. Nothing in this section shall prevent a licensed residential care facility setting for children as defined in section 210.481 from contracting with school districts for education services. Nothing in this section shall prevent a school district from contracting with a licensed residential care facility setting for children as defined in section 210.481 for education services.

6. (1) Any residential treatment facility public school district shall work with the district and develop an educational plan that describes in general how and where educational services will be provided to school-aged residents of the treatment facility under a variety of possible circumstances. The educational plan shall be developed jointly by the appropriate staff of both the treatment facility and the public school district, and the plan shall be signed annually by the administration of both parties verifying their

support for the plan.

(2) It is the intent that the educational plan follow the provisions of this section, but treatment facilities and school districts may develop provisions for educational services not included in this section if both parties agree on the provisions and if the provisions offer a full-day educational program for the students involved.

(3) It is understood as a condition of the plan that both the treatment facility and school district shall be fully reimbursed, as allowed by law in accordance with the availability of funds, for their portions of the cost of providing educational services through such sources as basic state aid, local district bill-back, and excess cost reimbursement, as well as other possible sources and that a school district shall not be required to provide more total reimbursement to a treatment facility than it receives from all such sources. The local school district shall make all needed requests and applications for such reimbursement.

(4) Each treatment facility and school district shall furnish a signed copy of their educational plan to the department of elementary and secondary education and to the department of social services no later than June 1 of each year.

(5) If the treatment facility and the school district cannot reach an agreement on the education plan under this subsection, the differences shall be resolved by an arbitration panel made up of one representative from the department of elementary and secondary education, one representative from the children's division of the department of social services, and one person appointed by the governor every three years, with the advice and consent of the senate, serving at the pleasure of the governor. A final decision shall be made by August 15. Costs for the arbitration panel shall be shared equally by the treatment facility and

the school district.” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** to **HB 740** and has taken up and passed **SS** for **SCS** for **HB 740**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** to **HCS** for **HB 426** and has taken up and passed **SCS** for **HCS** for **HB 426**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS**, as amended to **HB 205** and has taken up and passed **SS** for **HB 205**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCS** for **SCR 5**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 18**.

Senator Shields announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 9**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 20**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HCS** for **HB 1055**, with **SCA 1**; **HB 488**; and **HB 134**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Tameka L. Randle, Democrat, as a member of the Missouri Community Service Commission;

Also,

Mark H. Kinder, as a member of the State Committee of Psychologists;

Also,

Patricia A. Soltys, as a member of the Missouri State Board of Accountancy;

Also,

Jennifer L. Passanise, as a member of the

Drug Utilization Review Board;

Also,

Daniel R. Mandell and Mamie C. Hughes, as members of the Holocaust Education and Awareness Commission;

Also,

Michael C. Freeman, as a member of the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects;

Also,

Charles G. Misko, as a member of the Missouri Real Estate Commission;

Also,

Curtis D. Mather, D.O., Republican, as a member of the State Board of Registration for the Healing Arts;

Also,

Jeffrey D. Cawlfeld, Democrat, as a member of the Dam and Reservoir Safety Council;

Also,

DuBart J. Neidert, as a member of the Citizens' Advisory Commission for Marketing Missouri Agricultural Products;

Also,

Mark J. Garnett, Democrat, as a member of the Air Conservation Commission;

Also,

Patrick M. Gleason, Republican, as a member of the Hazardous Waste Management Commission.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and

reappointments, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 527**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS for HB 329**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Champion, Chairman of the Committee on Seniors, Families and Public Health, submitted the following reports:

Mr. President: Your Committee on Seniors, Families and Public Health, to which was referred **HCS for HB 827**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Seniors, Families and Public Health, to which was referred **HCS for HB 948**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Seniors, Families and Public Health, to which was referred **HCS for HB 98**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Bartle, Chairman of the

Committee on the Judiciary and Civil and Criminal Jurisprudence, Senator Shields submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 482**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS for HB 583**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS for HB 431**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

HOUSE BILLS ON THIRD READING

Senator Vogel moved that **HB 255**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HB 255**, as amended, was again taken up.

Senator Green offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 255, Page 53, Section 261.010, Line 24, of said page, by inserting after all of said line the following:

“285.025. 1. The state of Missouri hereby proclaims that no employer who employs illegal aliens shall be eligible for any state-administered

or subsidized tax credit, tax abatement or loan from this state, **and that no one shall employ or subcontract with any illegal alien on any publicly financed project.** The director of each agency administering or subsidizing a tax credit, tax abatement or loan pursuant to chapter 32, 100, 135, 253, 447 or 620, RSMo, shall place in such agency's criteria for eligibility for such credit, abatement, exemption or loan a signed statement of affirmation by the applicant that such applicant employs no illegal aliens. Any individual, individual proprietorship, corporation, partnership, firm or association that is found by the director of the agency administering the program to have negligently employed an illegal alien in this state shall be ineligible for any state-administered or subsidized tax credit, tax abatement or loan pursuant to chapter 32, 100, 135, 253, 447 or 620, RSMo, for five years following such determination; provided, however, that the director of the agency administering such credit, abatement, exemption or loan may, in the director's discretion, elect not to apply such administrative action for a first-time occurrence. Any person, corporation, partnership or other legal entity that is found to be ineligible for a state-administered or subsidized tax credit, tax abatement, or loan pursuant to this subsection may make an appeal with the administrative hearing commission pursuant to the provisions of chapter 621, RSMo. "Negligent", for the purposes of this subsection means that a person has failed to take the steps necessary to comply with the requirements of 8 U.S.C. 1324a with respect to the examination of an appropriate document or documents to verify whether the individual is an unauthorized alien.

2. Beginning August 28, 1999, any individual, individual proprietorship, corporation, partnership, firm or association that knowingly accepts any state-administered or subsidized tax credit, tax abatement or loan in violation of subsection 1 of this section shall upon conviction be guilty of a class A misdemeanor, and such action may be brought by the attorney general in Cole County

circuit court. **Beginning August 28, 2007, in addition to all other penalties in this section, violators of this section shall be fined ten dollars per individual illegal alien per day during which each individual illegal alien was employed or subcontracted with, and the violator shall not be eligible to bid on any publicly financed project submitted for bids for the five years immediately following the last violation.**"; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Kennedy offered **SA 3:**

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 255, Page 55, Section 630.525, Line 18 of said page, by inserting after all of said line the following:

"Section 1. There is hereby established in the state treasury the "Pharmacy Rebate Fund", and the "MoRx Pharmacy Rebate Fund". Any revenues received by the state, either directly or indirectly, from pharmaceutical manufacturer rebates as required by federal law or state supplemental rebates as defined in state plan amendments shall be deposited in the pharmacy rebate fund and shall be used only in the Medicaid pharmacy program or its successor programs authorized by Title XIX, Public Law 89-87, 1965 amendments to the federal Social Security Act, 42 U.S.C. Section 301, et seq. Any state rebates obtained in conjunction with the MoRx program shall be deposited in the MoRx pharmacy rebate fund and shall only be used for the MoRx pharmacy program."; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted, which motion prevailed.

Senator Shoemyer offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 255, Page 55, Section 630.525, Line 7, by inserting immediately before said section:

“414.410. 1. The director shall develop a motor vehicle alternative fuel use plan. The director shall cooperate with state agency fleet operators, vehicle manufacturers and converters, fuel distributors and others to identify the types of vehicles which could be converted to **use** alternative fuels. The director shall consider range, specialty uses, fuel availability, vehicle cost, vehicle manufacturing and conversion capability, safety, resale values, and other relevant factors.

2. The department shall recommend alternative fuels which state agencies and state universities may consider when purchasing vehicles. The department shall consider the content of vehicle exhaust emissions, the relative efficiency of the fuel, the relative efficiency of the processes required to produce the fuel and the characteristics of air emissions associated with the production of that fuel. It shall recommend for state use those alternative fuels which best satisfy the goals of energy conservation and emissions reduction.

3. **At least seventy percent of vehicle fleet acquisitions by** any state agency which operates a fleet of more than fifteen motor vehicles shall **be** [acquire vehicles] capable of using alternative fuels [as follows:

(1) At least ten percent of the agency's fleet vehicles acquired between July 1, 1994, and July 1, 1996;

(2) At least thirty percent of the agency's fleet vehicles acquired between July 1, 1996, and July 1, 1998; and

(3) At least fifty percent of the agency's fleet vehicles acquired between July 1, 1998, and July 1,

2000, and each biennial period thereafter.

If a state agency exceeds any such biennial acquisition goal, or has purchased vehicles capable of using alternative fuels before July 1, 1994, such purchases may be credited to any future biennial acquisition goal.] If a state agency has purchased vehicles capable of using alternative fuels but not included in their vehicle fleet as defined in subsection 1 of section 414.400, such purchases may be credited toward any [biennial] acquisition goal. If a state agency fails to meet **its** [a biennial] acquisition goal, the commissioner of administration shall not authorize for such agency the purchase of any vehicle not capable of using alternative fuels until such acquisition goal is met, unless the director has reduced or waived the acquisition goal pursuant to subsection 1 of section 414.412.”

And further amend the title and enacting clause accordingly.

Senator Shoemyer moved that the above amendment be adopted, which motion prevailed.

Senator Vogel moved that **SS** for **SCS** for **HB 255**, as amended, be adopted, which motion prevailed.

Senator Vogel moved that **SS** for **SCS** for **HB 255**, as amended, be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Gibbons referred **SS** for **SCS** for **HB 255**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

Senator Shields announced that photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

Senator Stouffer moved that **HB 744**, with **SS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **HB 744**, as amended, was again taken up.

Senator Green offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for House Bill No. 744, Page 275, Section 577.039, Line 15 of said page, by inserting after all of said line the following:

“650.340. 1. The provisions of this section may be cited and shall be known as the “911 Training and Standards Act”.

2. Initial training requirements for telecommunicators who answer 911 calls that come to public safety answering points shall be as follows:

- (1) Police telecommunicator. 16 hours;
- (2) Fire telecommunicator. 16 hours;
- (3) Emergency medical services telecommunicator. 16 hours;
- (4) Joint communication center telecommunicator. 40 hours.

3. All persons employed as a telecommunicator in this state shall be required to complete ongoing training so long as such person engages in the occupation as a telecommunicator. Such persons shall complete at least [sixteen] **twenty-four** hours of ongoing training every [two] **three** years by such persons or organizations as provided in subsection 6 of this section. **The reporting period for the ongoing training under this subsection shall run concurrent with the existing continuing education reporting periods for Missouri peace officers pursuant to chapter 590, RSMo.**

4. Any person employed as a telecommunicator on August 28, 1999, shall not be required to complete the training requirement as provided in subsection 2 of this section. Any person hired as a telecommunicator after August 28, 1999, shall complete the training requirements as provided in subsection 2 of this section within twelve months of the date such person is employed

as a telecommunicator.

5. The training requirements as provided in subsection 2 of this section shall be waived for any person who furnishes proof to the committee that such person has completed training in another state which are at least as stringent as the training requirements of subsection 2 of this section.

6. The department of public safety shall determine by administrative rule the persons or organizations authorized to conduct the training as required by subsection 2 of this section.

7. This section shall not apply to an emergency medical dispatcher or agency as defined in section 190.100, RSMo, or a person trained by an entity accredited or certified under section 190.131, RSMo, or a person who provides prearrival medical instructions who works for an agency which meets the requirements set forth in section 190.134, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for House Bill No. 744, Page 275, Section 1, Line 23, by inserting immediately after said line the following:

Section 2. 1. An out-of-state show promoter of recreational vehicles, as that term is defined in section 700.010, RSMo, may hold recreational vehicle shows or exhibits with recreational vehicles within this state if the following conditions exist:

(1) The show or exhibition has a minimum of ten recreational vehicle dealers licensed as motor vehicle dealers in this state; and

(2) More than fifty percent of the participating recreational vehicle dealers are licensed motor vehicle dealers in this state.

2. A violation of subsection 1 of this section shall result in a five thousand dollar fine.”; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Coleman offered **SA 13:**

SENATE AMENDMENT NO. 13

Amend Senate Substitute for House Bill No. 744, Page 13, Section 43.547, Line 7, by inserting immediately after said line the following:

“94.660. 1. The governing body of any city not within a county and any county of the first classification having a charter form of government with a population of over nine hundred thousand inhabitants may propose, by ordinance or order, a transportation sales tax of up to one percent for submission to the voters of that city or county at an authorized election date selected by the governing body.

2. Any sales tax approved under this section shall be imposed on the receipts from the sale at retail of all tangible personal property or taxable services within the city or county adopting the tax, if such property and services are subject to taxation by the state of Missouri under sections 144.010 to 144.525, RSMo.

3. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the county/city of (county's or city's name) impose a county/city-wide sales tax of percent for the purpose of providing a source of funds for public transportation purposes?

~ YES

~ NO

Except as provided in subsection 4 of this section, if a majority of the votes cast in that county or city not within a county on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall go into effect on the first day of the next calendar quarter beginning

after its adoption and notice to the director of revenue, but no sooner than thirty days after such adoption and notice. If a majority of the votes cast in that county or city not within a county by the qualified voters voting are opposed to the proposal, then the additional sales tax shall not be imposed in that county or city not within a county unless and until the governing body of that county or city not within a county shall have submitted another proposal to authorize the local option transportation sales tax authorized in this section, and such proposal is approved by a majority of the qualified voters voting on it. In no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal.

4. No tax shall go into effect under this section in any city not within a county or any county of the first classification having a charter form of government with a population over nine hundred thousand inhabitants unless and until both such city and such county approve the tax.

5. The provisions of subsection 4 of this section requiring both the city and county to approve a transportation sales tax before a transportation sales tax may go into effect in either jurisdiction shall not apply to any transportation sales tax submitted to and approved by the voters in such city or such county on or after August 28, 2007.

[5.] 6. All sales taxes collected by the director of revenue under this section on behalf of any city or county, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds, shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the “County Public Transit Sales Tax Trust Fund”. The sales taxes shall be collected as provided in section 32.087, RSMo. The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate

records of the amount of money in the trust fund which was collected in each city or county approving a sales tax under this section, and the records shall be open to inspection by officers of the city or county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city or county which levied the tax, and such funds shall be deposited with the treasurer of each such city or county and all expenditures of funds arising from the county public transit sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county or city not within a county.

[6.] 7. The revenues derived from any transportation sales tax under this section shall be used only for the planning, development, acquisition, construction, maintenance and operation of public transit facilities and systems other than highways.

[7.] 8. The director of revenue may authorize the state treasurer to make refunds from the amount in the trust fund and credited to any city or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities or counties. If any city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city or county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the city or county and close the account of that city or county. The director of revenue shall notify each city or county

of each instance of any amount refunded or any check redeemed from receipts due the city or county.”; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Callahan, Days, Green and Kennedy.

Senator Shields assumed the Chair.

SA 13 was adopted by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion
Clemens	Coleman	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Justus	Kennedy
Mayer	McKenna	Nodler	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—25			

NAYS—Senators

Crowell	Koster	Lager	Loudon
Purgason	Ridgeway	Scott—7	

Absent—Senators—None

Absent with leave—Senators

Bartle	Rupp—2
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Vacancies—None

Senator Griesheimer offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for House Bill No. 744, Page 53, Section 301.010, Line 22 of said page, by striking said line and inserting in lieu thereof the following:

“(a) [Has been] **Was damaged during a year that is no more than three years after the manufacturer's model year designation for such vehicle** to the extent that the total cost of”; and further amend line 25 of said page, by striking

“seventy-five” and inserting in lieu thereof the following: “**eighty**”; and

Further amend said bill and section, Page 54, Line 5 of said page, by striking the following: “for loss due to damage or theft”; and further amend line 11 of said page, by inserting after “replacing,” the following: “**or damage as a result of hail,**”.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for House Bill No. 744, Page 270, Section 390.372, Line 25 of said page, by inserting immediately after said line the following:

“407.730. As used in sections 407.730 to 407.748, the following terms mean:

(1) “Advertisement”, oral, written, graphic or pictorial statements made in the course of solicitation of business including, without limitation, any statement or representation made in a newspaper, magazine, the car rental company's proprietary web site, or other publication, or contained in any notice, sign, poster, display, circular, pamphlet, or letter which may collectively be called “print advertisements”, or on radio or television, which may be referred to as “broadcast commercials”;

(2) “Authorized driver”:

(a) The renter;

(b) The renter's spouse if the spouse is a licensed driver and satisfies the car rental company's minimum age requirement;

(c) The renter's employee or co-worker if they are engaged in business activity with the person to whom the vehicle is rented, are licensed drivers, and satisfy the rental company's minimum age requirements;

(d) Any person who operates the vehicle during an emergency situation; and

(e) Any person expressly listed by the car rental company on the renter's contract as an authorized driver;

(3) “Blackout date”, any date on which an advertised price is totally unavailable to the public;

(4) “Car rental company”, any person or entity in the business of renting private passenger vehicles to the public;

(5) “Car rental insurance”, products and services that are offered in connection with and incidental to the rental of a motor vehicle under subdivision (10) of subsection 1 of section 375.786, RSMo. This definition of optional car rental insurance or any other definition of insurance shall not include collision damage waiver;

(6) “Clear and conspicuous”, that the statement, representation or term being disclosed is of such size, color contrast, and audibility and is so presented as to be readily noticed and understood by the person to whom it is being disclosed. All language and terms should be used in accordance with their common or ordinary usage and meaning;

(7) “Collision damage waiver”, any product a consumer purchases from a car rental company in order to waive all or part of his responsibility for damages, or loss of, a rental vehicle;

(8) “Limited time availability”, that the advertised rental price is only available for a specific period of time or that the price is not available during certain blackout periods;

(9) “Mandatory charge”, any charge, fee, or surcharge consumers must generally pay in order to obtain or operate a rental vehicle;

(10) “Master rental agreement”, those documents used by a car rental company for expedited service to members in a program sponsored by the car rental company in which renters establish a profile and select preferences for rental needs which establish the terms and

conditions governing the use of a rental car rented by a car rental company by a participant in a master rental agreement;

(11) “Material restriction”, a restriction, limitation or other requirement which significantly affects the price of, use of, or a consumer's financial responsibility for a rental car;

(12) “Rental agreement”, any document or combination of documents, which, when read together and incorporated by reference to each other, relate to and establish the terms and conditions of the rental of a motor vehicle by an individual; or when such a combination of documents is entered into as part of any written master, corporate, group or individual agreement setting forth the terms and conditions governing the use of a rental car rented by a car rental company.

(13) “Vehicle license fees”, charges that may be imposed upon any transaction originating in the State of Missouri to recoup costs incurred by a car rental company to license, title, inspect, register, plate, and pay personal property taxes on rental vehicles.

407.732. 1. Any advertisement shall be nondeceptive and in plain language. Deception may result not only from a direct statement in the advertisement and from reasonable inferences therefrom, but also from omitting or obscuring a material restriction or fact.

2. Print advertisements that include prices for car rentals shall make clear and conspicuous disclosure of the following applicable restrictions:

(1) The expiration date of the price offered if it is available for less than thirty days after the last date of publication of the advertisement;

(2) The existence of any geographical limitations on use;

(3) The extent of any advance reservation or advance payment requirements;

(4) Airport access fee disclosure;

(5) The existence of any penalties or higher rates that may apply for early or late returns for weekly or weekend rentals;

(6) Existence of additional driver fee;

(7) The existence of blackout dates or specific blackout dates for location specific advertisements;

(8) Nonavailability of offer at all locations;

(9) Disclosure of mileage caps and charges;

(10) Disclosure of collision damage waiver costs.

Print advertisements that include prices for car rentals, where mileage fees apply to the advertised price, shall prominently disclose this extraordinary material restriction. Print advertisements that include prices for car rentals, where a company sells collision damage waiver to the public and does not include this cost in the advertised rate, shall prominently disclose the price for collision damage waiver.

3. Broadcast commercials that include prices shall indicate whether substantial restrictions apply and shall include:

(1) The expiration date of the price offered if the advertised price is available for less than thirty days;

(2) Nonavailability of the advertised price in certain locations if that is the case;

(3) Mileage limitations and charges, if any;

(4) Price or price range for collision damage waiver.

4. Any advertised price shall be available in sufficient quantity to meet reasonably expected public demand for the rental cars advertised for the entire advertised period, beginning on the day on which the advertisement appears and continuing at least thirty days thereafter, unless the advertisement clearly and conspicuously discloses a shorter or longer expiration date for the offer, and in that event, through the expiration date. Prices

may be advertised although less cars are available than would be required to meet the expected demand, as long as this limitation is clearly and conspicuously set forth in the advertisement and a reasonable number of cars are made available at the advertised price.

5. [Any surcharge or fee, including, but not limited to, fuel surcharges, airport access fees, and surcharges in lieu of sales tax that consumers must generally pay at any location in order to obtain or operate a rental vehicle shall be clearly and conspicuously disclosed when a price is advertised.] **The existence of each additional fee, charge, or surcharge that a consumer must pay and which may be imposed as a separately stated charge on a rental transaction including, but in no way to be construed as limited to, airport fees and vehicle license fees shall be disclosed any time a price is advertised and each fee, charge, or surcharge shall be clearly and conspicuously disclosed on the rental agreement.**

6. A photograph of a rental car shall not be used in a price advertisement unless the advertisement clearly and conspicuously discloses, in immediate proximity to the photograph, the cost to rent the car depicted. A photograph of a rental car shall not be used in an advertisement if the advertisement states directly or by implication that the automobile depicted may be rented under certain conditions and that is not the case.

7. Any price advertised as a “daily price” or “price per day” shall be available for rentals of a single day or more, and any price advertised as a “weekly” rate shall be available for the first week and for subsequent weeks of the same rental. A rental company shall not charge more than a weekly price which was advertised if a customer on a weekly rental returns the car earlier than seven days. A price advertised as a “weekend rate” shall be available on both Saturday and Sunday.

8. Any car rental advertising promotion which extends a free offer or promises a gift or other

incentive shall clearly and conspicuously disclose all the terms and conditions for receiving the offer, gift or incentive. A gift, incentive, or other merchandise or service shall not be advertised as free, if the cost of the item, in whole or in part, is included in the advertised rental rate. If the gift or offer is provided by a third party, the car rental company shall be fully responsible for providing the gift or offer under the terms and conditions disclosed.

9. A rental car shall not be advertised using the words “unlimited mileage” or other terms that suggest there are absolutely no mileage restrictions on the use of the rental vehicle only unless there are no geographical restrictions on the use of the vehicle.

10. At the time of the car rental transaction, the car rental company shall disclose the following:

- (1) The total cost, including any airport access fees;
- (2) Geographical limitations;
- (3) Advance reservation or payment requirements;
- (4) Penalties or higher rates that may apply for early or late returns for weekly or weekend rentals;
- (5) Cost of additional driver fee;
- (6) Blackout dates.”; and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for House Bill No. 744, Page 260, Section 387.075, Line 26, by inserting after all of said line the following:

“389.1100. 1. Sections 389.1100 to 389.1109 shall be known and may be cited as the “Local

Community Rail Security Act of 2007”.

2. By February 8, 2008, every operator of rail facilities in this state shall provide to the Missouri state emergency management agency, the Missouri office of homeland security, and the Missouri department of transportation multimodal operations a risk assessment of all rail facilities in this state. The risk assessment shall describe the following:

(1) All facilities and their functions;

(2) The types of cargo that move through such facilities within the preceding twelve months, including the approximate quantities of hazardous materials and oil subject to Chapter 1 of Title 49 of the Code of Federal Regulations;

(3) The extent to which hazardous materials or oil are stored in rail facilities, including the location of such facilities and the approximate quantities of hazardous materials or oil stored;

(4) The location of any rail facility through which hazardous materials or oil is transported or at which such cargo is stored that lies within a fifteen mile radius of a school, hospital, nursing home, public utility, or public safety facility; and

(5) The railroad's current security plan, which shall include:

(a) A description of the practices of the railroad designed to prevent acts of sabotage, terrorism, or other crimes on rail facilities;

(b) The training program the railroad provides to its employees;

(c) The emergency response procedures of the railroad in dealing with acts of sabotage, terrorism, or other crimes; and

(d) The procedures of the railroad in communicating with local and state law enforcement personnel, emergency personnel, transportation officials, and other first

responders in the event of acts of sabotage, terrorism, or other crimes.

389.1103. 1. By September 1, 2010, all rail operators shall have in place a “Community Protection Plan” to protect rail infrastructure in this state from acts of sabotage, terrorism, or other crimes.

2. The community protection plan shall specifically provide for the security of critical infrastructure, which includes all points of vulnerability of the rail system that handle hazardous cargo or oil, including rights of way, yards, bridges, tunnels, and signal systems.

3. With respect to rail infrastructure, the community protection plan shall:

(1) Describe the railroad's methods for protecting critical infrastructure from acts of sabotage, terrorism, or other crimes;

(2) Describe the manner and substance of initial and recurrent training provided by the railroad to its employees to enable them to identify security threats and respond appropriately to acts of sabotage, terrorism, or other crimes;

(3) The emergency response procedures of the railroad in dealing with acts of sabotage, terrorism, or other crimes; and

(4) The procedures of the railroad in communicating with local and state law enforcement personnel, emergency personnel, transportation officials, and other first responders in the event of acts of sabotage, terrorism, or other crimes.

4. With respect to any rail facility through which hazardous materials or oil is transported or at which such cargo is stored that lies within a fifteen mile radius of a school, hospital, nursing home, public utility, or public safety facility, the community protection plan shall also provide for:

(1) Inspection on a regular basis by

personnel trained to determine the condition of the facility and its vulnerability to acts of sabotage, terrorism, of other crimes;

(2) Storage of hazardous materials or oil only in secure facilities designed for such storage, which shall not include rights of way;

(3) Procedures to prevent leaving locomotive equipment running while unattended, and leaving unattended locomotive equipment unlocked;

(4) Methods by which the cabs of occupied locomotives may be secured against unauthorized entry; and

(5) Security for all remote control devices to prevent access to such devices by unauthorized personnel.

5. Each rail operator in the state shall provide a copy of its community protection plan to the state emergency management agency, the office of homeland security, and the department of transportation multimodal operations.

6. The department of transportation multimodal operations shall review the community protection plan and shall have the authority to order a railroad to improve, modify, or change its plan to comply with the requirements of sections 389.1100 to 389.1109. The department shall have the authority to fine a railroad fifty thousand dollars per day for failure to comply with its orders or sections 389.1100 to 389.1109.

7. The community protection plan shall be updated by the rail operator at least once every year, and the updated plan shall be submitted to the state emergency management agency, the office of homeland security, and the department of transportation multimodal operations.

389.1106. No railroad or any other person covered by sections 389.1100 to 389.1109 may discharge or in any way discriminate against an employee who reports a violation of sections

389.1100 to 389.1109. An employee who alleges a violation of these sections may seek punitive damages of up to one million dollars for said violation, in addition to whatever other remedies may be available.

389.1109. 1. Sections 389.1100 to 389.1109 shall apply to railroads, contractors, or subcontractors working on the facilities of a railroad, and any other individual or corporation performing work on rail facilities in the state.

2. All employees of railroads, contractors, or subcontractors, and other individuals or corporations performing work on rail facilities in the state, shall receive training in section 389.1103. In addition, employees of rail contractors or subcontractors, and other individuals or corporations performing work on rail facilities in the state, shall be required to undergo the same background, skills, and fitness for duty checks as employees of the railroad.

3. Unless opened by the agency it is submitted to, information submitted under sections 389.1100 to 389.1109 is a closed record.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Days, Graham, Kennedy and Wilson.

SA 16 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Coleman	Days
Graham	Green	Justus	Kennedy
Shoemyer	Smith	Wilson—11	

NAYS—Senators

Callahan	Champion	Clemens	Crowell
Engler	Gibbons	Goodman	Griesheimer

Gross	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Vogel—20

Absent—Senator Koster—1

Absent with leave—Senators

Bartle Rupp—2

Vacancies—None

Senator Koster assumed the Chair.

Senator Engler assumed the Chair.

Senator Stouffer moved that **SS** for **HB 744**, as amended, be adopted, which motion prevailed.

Senator Stouffer moved that **SS** for **HB 744**, as amended, be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Gibbons referred **SS** for **HB 744**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

HCS for **HB 184** was placed on the Informal Calendar.

HCS for **HB 741** was placed on the Informal Calendar.

HCS for **HB 182** was placed on the Informal Calendar.

HB 686 was placed on the Informal Calendar.

HB 488, introduced by Representative Wasson, entitled:

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for the use of idle reduction technology.

Was taken up by Senator Stouffer.

At the request of Senator Stouffer, **HB 488** was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from

the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SB 25**, as amended. Representatives: Franz, Baker (123), Ervin, Donnelly and Mott-Oxford.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 198**. Representatives: Pollock, Day, Sutherland, Hughes and Walsh.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SB 81**, as amended. Representatives: Schlottach, Smith (150), Threlkeld, Skaggs and Zimmerman.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 64**, as amended. Representatives: Wallace, Cunningham (86), Muschany, Aull and Lampe.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 82**, entitled:

An Act to repeal sections 301.010, 301.020, 301.130, 301.140, 301.144, 301.170, 301.177,

301.196, 301.200, 301.218, 301.221, 301.225, 301.227, 301.229, 301.280, 301.550, 301.560, 301.567, 301.570, 301.640, 304.022, 304.170, 407.815, RSMo, section 301.190 as enacted by house committee substitute for senate substitute no. 2 for senate committee substitute for senate bill no. 583, ninety-third general assembly, second regular session, section 301.190 as enacted by senate substitute for senate committee substitute for house bill no. 487 merged with senate bill no. 488, ninety-third general assembly, first regular session, section 301.566 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1288, ninety-second general assembly, second regular session, and section 301.566 as enacted by house substitute for senate substitute for senate committee substitute for senate bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular session, and to enact in lieu thereof twenty-three new sections relating to motor vehicles, with penalty provisions and an effective date for certain sections.

With House Amendment Nos. 1, 2, 3, 4, 5, 6, 9, 10, 11, House Amendment No. 1 to House Amendment No. 12, House Amendment No. 12, as amended, House Amendment Nos. 15, 16, 17, 19, 20, 21 and 22.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 82, Page 35, Section 301.550, Line 1, by inserting immediately preceding all of said Line the following:

“301.444. 1. [Any person, as defined in subsection 3 of this section, may apply for special license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. The firefighter memorial foundation of Missouri hereby authorizes the use

of its official emblem to be affixed on multiyear personalized license plates as provided in this section.

2. Upon application and payment of a one-time twenty-five dollar emblem-use contribution to the firefighter memorial foundation of Missouri, the foundation shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented to the department of revenue at the time of registration of a motor vehicle.

3. As used in this section, the term “person” shall mean:

(1) A director of a fire protection district;

(2) Persons compensated, partially compensated, or volunteer members of any fire department, fire protection district, or voluntary fire protection association of this state;

(3) A person wounded in the line of duty as a firefighter; or

(4) A surviving spouse, parent, brother, sister, or adult child, including an adopted child or stepchild, of a person killed in the line of duty as a firefighter.

4. Upon presentation of the emblem-use authorization statement and payment of a fifteen dollar fee in addition to the regular registration fees and presentation of other documents which may be required by law, the department of revenue shall issue a personalized license plate to the vehicle owner, which shall bear the emblem of the firefighter memorial foundation of Missouri and the word “FIREFIGHTER” in place of the words “SHOW-ME STATE”. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.

5. The director of revenue may promulgate rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.] **Owners or a joint owner of motor vehicles who are residents of the state of Missouri, and who are directors of a fire protection district or who are compensated, partially compensated, or volunteer members of any fire department, fire protection district, or voluntary fire protection association in this state, upon application accompanied by affidavit as prescribed in this section, complying with the state motor vehicle laws relating to registration and licensing of motor vehicles, and upon payment of a fee as prescribed in this section, shall be issued a set of license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. The license plates shall be inscribed with a variation of the Maltese cross that signifies the universally recognized symbol for firefighters. In addition, upon such set of license plates shall be inscribed, in lieu of the words "Show-me State", the word "FIREFIGHTER". Such license plates shall be made with fully reflective material, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.**

2. Applications for license plates issued

under this section shall be made to the director of revenue and shall be accompanied by an affidavit stating that the applicant is a person described in subsection 1 of this section. Any person who is lawfully in possession of such plates who resigns, is removed, or otherwise terminates or is terminated from his association with such fire department, fire protection district, or voluntary fire protection association shall return such special plates to the director within fifteen days.

3. An additional annual fee equal to that charged for personalized license plates in section 301.144 shall be paid to the director of revenue for the issuance of the license plates provided for in this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 82, Page 43, Section 301.560, Lines 158 to 161, by deleting all of said lines and inserting in lieu thereof the following: “shall [also] issue one number plate bearing the distinctive dealer license number **and may issue two additional number plates** to the applicant upon payment by the manufacturer or dealer of a fifty dollar fee **for the number plate bearing the distinctive dealer license number and ten dollars and fifty cents for each additional number plate.** Such license plates shall be made with fully”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 82, Pages 29-30, Section 301.218, Lines 1-30, by deleting all of said Lines and inserting in lieu thereof the following:

“301.218. 1. No person shall, except as an incident to the sale, repair, rebuilding or servicing of vehicles by a licensed franchised motor vehicle dealer carry on or conduct the following business unless licensed to do so by the department of revenue under sections 301.217 to 301.229:

(1) Selling used parts of or used accessories for vehicles as a used parts dealer, as defined in section 301.010;

(2) Salvaging, wrecking or dismantling vehicles for resale of the parts thereof as a salvage dealer or dismantler, as defined in section 301.010;

(3) Rebuilding and repairing four or more wrecked or dismantled vehicles in a calendar year as a rebuilder or body shop, as defined in section 301.010;

(4) Processing scrapped vehicles or vehicle parts as a mobile scrap processor, as defined in section 301.010.

2. Sales at a salvage pool or a salvage disposal sale shall be open only to and made to persons **actually engaged in and** holding a current license under sections 301.217 to 301.221 [as a salvage dealer and dismantler and actually engaged in that business. Such persons must have and present a separate buyer's identification card issued by the department of revenue to buy at a salvage pool or salvage disposal sale. If the prospective purchasers are not engaged in such business in Missouri but are in some other state, then they shall submit a fee of twenty-five dollars and must furnish proof of licensure or nonrequirement therefor from their state to the director of revenue who shall issue a buyer's identification card after verifying that the prospective purchaser is entitled to have the same in order to buy salvage vehicles. The director of revenue shall adopt rules for criteria and requirements for out of state, prospective purchasers to meet in order to be issued a buyer's identification card.] **and 301.550 to 301.573 or any person from another state or jurisdiction who is legally allowed in his or her state of**

domicile to purchase for resale, rebuild, dismantle, crush, or scrap either motor vehicles or salvage vehicles, and to persons who reside in a foreign country that are purchasing salvage vehicles for export outside of the United States. Operators of salvage pools or salvage disposal sales shall keep a record, for three years, of sales of salvage vehicles with the purchasers' name and address, and the year, make, and vehicle identification number for each vehicle. These records shall be open for inspection as provided in section 301.225. **Such records shall be submitted to the department on a quarterly basis.**

3. **The seller of a nonrepairable motor vehicle or a salvage motor vehicle to a person who is not a resident of the United States at a salvage pool or a salvage disposal sale shall:**

(1) **Stamp on the face of the title so as not to obscure any name, date, or mileage statement on the title the words “FOR EXPORT ONLY” in capital letters that are black; and**

(2) **Stamp in each unused reassignment space on the back of the title the words “FOR EXPORT ONLY” and print the number of the dealer's salvage vehicle license, name of the salvage pool, or the name of the governmental entity, as applicable.**

The words “FOR EXPORT ONLY” required under subdivisions (1) and (2) of this subsection shall be at least two inches wide and clearly legible. Copies of the stamped titles shall be forwarded to the department.

4. The director of revenue shall issue a separate license for each kind of business described in [this] **subsection 1 of this** section, to be entitled and designated as either “used parts dealer”; “salvage dealer or dismantler”; “rebuilder or body shop”; or “mobile scrap processor” license.”; and

Further amend said Bill, Page 34-35, Section 301.280, Lines 40-46, by deleting all of said Lines and inserting in lieu thereof the following:

“remains unclaimed for a period of fifteen days shall, within five days after the expiration of that period, report the motor vehicle as unclaimed to the director of revenue. Such report shall be on a form prescribed by the director of revenue. A motor vehicle left by its owner whose name and address are known to the dealer or his employee or person operating a public garage or his employee is not considered unclaimed. Any dealer or person operating a public garage who fails to report a motor vehicle as unclaimed as herein required forfeits all claims and liens for its garaging, parking or storing.”; and

Further amend said Bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 82, Page 55, Section 304.170, Line 2, by inserting an open bracket “[” and closed bracket “]” around the words “ninety-six” and inserting immediately preceding the word “inches” the following:

“one hundred two”; and

Further amend said Section, Page 55, Line 3 by inserting an open bracket before the phrase “;except that”; and

Further amend said Section, Page 55, Line 8 by inserting a closed bracket after the word “highway” on said line; and

Further amend said Section, Page 58, Lines 107 to 108 by enclosing in brackets the phrase:

“The purpose of this section is to permit a single trip per day by the implement of husbandry from the source of supply to a given farm. 15. ”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 82, Section 301.560, Page 41, Lines 83 to 86, by deleting all of said lines and inserting in lieu thereof the following, **“policy bearing the policy number and name of the insurer and the insured;”** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 82, Section 301.560, Page 40, Line 68, by deleting the opening bracket “[” and the closing bracket “]” around the word “twenty-five” and deleting the word **“thirty”**; and,

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 82, Section A., Page 2, Line 15 by inserting after all of said line the following:

“135.552. 1. As used in this section, the following terms mean:

(1) “Qualifying motor vehicle”, any new self-propelled vehicle not operated exclusively upon tracks, except farm tractors, that is assembled and sold in this state on or after January 1, 2008;

(2) “Tax credit”, a credit against the tax otherwise due under chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, or otherwise due under chapter 147, 148, or 153, RSMo;

(3) “Taxpayer”, any individual or entity subject to the tax imposed in chapter 143,

RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, or the tax imposed in chapter 147, 148, or 153, RSMo.

2. For all taxable years beginning on or after January 1, 2008, a taxpayer shall be allowed a tax credit for the purchase of a qualifying motor vehicle. The tax credit amount shall be equal to the amount of state sales tax paid on such qualifying motor vehicle. If the amount of the tax credit issued exceeds the amount of the taxpayer's state tax liability for the tax year for which the credit is claimed, the difference shall be refundable. No tax credit granted under this section shall be transferred, sold, or assigned.

3. This section shall not be construed to prohibit the levy of any local sales tax, as defined in section 32.085, RSMo, on any sales of new motor vehicles assembled and sold in the state on or after January 1, 2008. In the event that any political subdivision has enacted a local sales tax on such sales, the political subdivision may, by order or ordinance, exempt such sales from the local sales tax law.

4. The department of revenue may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

5. Under section 23.253, RSMo, of the

Missouri Sunset Act:

(1) The provisions of the new program authorized under this section shall automatically sunset on December thirty-first six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an

excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.824, RSMo; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310, RSMo) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation, slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or

property;

(4) Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a “material recovery processing plant” means a facility that has as its primary purpose the recovery of materials into a useable product or a different form which is used in producing a new product and shall include a facility or equipment which are used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms “motor vehicle” and “highway” shall have the same meaning pursuant to section 301.010, RSMo. Material recovery is not the reuse of materials within a manufacturing process or the use of a product previously recovered. The material recovery processing plant shall qualify under the provisions of this section regardless of ownership of the material being recovered;

(5) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

(6) Tangible personal property which is used exclusively in the manufacturing, processing,

modification or assembling of products sold to the United States government or to any agency of the United States government;

(7) Animals or poultry used for breeding or feeding purposes;

(8) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other machinery, equipment, replacement parts and supplies used in producing newspapers published for dissemination of news to the general public;

(9) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

(10) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

(11) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, RSMo, solely in the transportation of persons or property in interstate commerce;

(12) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200, RSMo. **There shall be a rebuttable presumption that the raw materials used in the primary manufacture of automobiles contain at least twenty-five percent recovered materials.** For purposes of this

subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(13) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(14) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the air conservation commission which may uphold or reverse such action;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the Missouri clean water commission which may uphold or reverse such action;

(16) Tangible personal property purchased by a rural water district;

(17) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality

or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation;

(18) All sales of insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and ambulatory aids, all sales of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment and, if purchased by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities;

(19) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(20) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social,

service or fraternal organizations, including fraternal organizations which have been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (19) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(21) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530, RSMo;

(22) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as defined in section 142.028, RSMo, natural gas, propane, and electricity used by an eligible new generation cooperative or an eligible new generation processing entity as defined in section 348.432, RSMo, and all sales of farm machinery

and equipment, other than airplanes, motor vehicles and trailers. As used in this subdivision, the term “feed additives” means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term “pesticides” includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term “farm machinery and equipment” means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon, and supplies and lubricants used exclusively, solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and one-half of each purchaser's purchase of diesel fuel therefor which is:

(a) Used exclusively for agricultural purposes;

(b) Used on land owned or leased for the purpose of producing farm products; and

(c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(23) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use;

(a) “Domestic use” means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within

a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification “residential” and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas

and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(24) All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(25) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536, RSMo, to eliminate all state and local sales taxes on such excise taxes;

(26) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(27) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.441, RSMo, or sections 238.010 to 238.100, RSMo, in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(28) Computers, computer software and computer security systems purchased for use by

architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

(29) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(30) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

(31) Electrical energy or gas, whether natural, artificial or propane, water, or other utilities which are ultimately consumed in connection with the manufacturing of cellular glass products or in any material recovery processing plant as defined in subdivision (4) of subsection 2 of this section;

(32) Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

(33) Tangible personal property purchased for use or consumption directly or exclusively in the research and development of prescription pharmaceuticals consumed by humans or animals;

(34) All sales of grain bins for storage of grain for resale;

(35) All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, RSMo, and licensed pursuant to sections 273.325 to 273.357, RSMo;

(36) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this

subdivision, the term “certificate of exemption” shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

(37) Tangible personal property purchased for use or consumption directly or exclusively in research or experimentation activities performed by life science companies and so certified as such by the director of the department of economic development or the director's designees; except that, the total amount of exemptions certified pursuant to this section shall not exceed one million three hundred thousand dollars in state and local taxes per fiscal year. For purposes of this subdivision, the term “life science companies” means companies whose primary research activities are in agriculture, pharmaceuticals,

biomedical or food ingredients, and whose North American Industry Classification System (NAICS) Codes fall under industry 541710 (biotech research or development laboratories), 621511 (medical laboratories) or 541940 (veterinary services). The exemption provided by this subdivision shall expire on June 30, 2003;

(38) All sales or other transfers of tangible personal property to a lessor who leases the property under a lease of one year or longer executed or in effect at the time of the sale or other transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441, RSMo, or sections 238.010 to 238.100, RSMo; and

(39) Sales of tickets to any collegiate athletic championship event that is held in a facility owned or operated by a governmental authority or commission, a quasi-governmental agency, a state university or college or by the state or any political subdivision thereof, including a municipality, and that is played on a neutral site and may reasonably be played at a site located outside the state of Missouri. For purposes of this subdivision, “neutral site” means any site that is not located on the campus of a conference member institution participating in the event.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 82, Page 53, Section 301.640, Line 50, by inserting after all of said Line the following:

“302.720. 1. Except when operating under an instruction permit as described in this section, no person may drive a commercial motor vehicle unless the person has been issued a commercial driver's license with applicable endorsements valid for the type of vehicle being operated as specified in sections 302.700 to 302.780. A commercial driver's instruction permit shall allow the holder of

a valid license to operate a commercial motor vehicle when accompanied by the holder of a commercial driver's license valid for the vehicle being operated and who occupies a seat beside the individual, or reasonably near the individual in the case of buses, for the purpose of giving instruction in driving the commercial motor vehicle. A commercial driver's instruction permit shall be valid for the vehicle being operated for a period of not more than six months, and shall not be issued until the permit holder has met all other requirements of sections 302.700 to 302.780, except for the driving test. A permit holder, unless otherwise disqualified, may be granted one six-month renewal within a one-year period. The fee for such permit or renewal shall be five dollars. In the alternative, a commercial driver's instruction permit shall be issued for a thirty-day period to allow the holder of a valid driver's license to operate a commercial motor vehicle if the applicant has completed all other requirements except the driving test. The permit may be renewed for one additional thirty-day period and the fee for the permit and for renewal shall be five dollars.

2. No person may be issued a commercial driver's license until he has passed written and driving tests for the operation of a commercial motor vehicle which complies with the minimum federal standards established by the Secretary and has satisfied all other requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), as well as any other requirements imposed by state law. Applicants for a hazardous materials endorsement must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified and required by regulations promulgated by the Secretary. Nothing contained in this subsection shall be construed as prohibiting the director from establishing alternate testing formats for those who are functionally illiterate; provided, however, that any such alternate test must comply with the minimum requirements of the Commercial Motor Vehicle Safety Act of 1986

(Title XII of Pub. Law 99-570) as established by the Secretary.

(1) The written and driving tests shall be held at such times and in such places as the superintendent may designate. A twenty-five dollar examination fee shall be paid by the applicant upon completion of any written or driving test. The director shall delegate the power to conduct the examinations required under sections 302.700 to 302.780 to any member of the highway patrol or any person employed by the highway patrol qualified to give driving examinations.

(2) The director shall adopt and promulgate rules and regulations governing the certification of third-party testers by the department of revenue. Such rules and regulations shall substantially comply with the requirements of 49 CFR Part 383, Section 383.75. A certification to conduct third-party testing shall be valid for one year, and the department shall charge a fee of one hundred dollars to issue or renew the certification of any third-party tester.

(3) Beginning August 28, 2006, the director shall only issue or renew third-party tester certification to junior colleges or community colleges established under chapter 178, RSMo, or to private companies who own, lease, or maintain their own fleet and administer in-house testing to their employees, or to school districts and their agents that administer in-house testing to the school district's or agent's employees. Any third-party tester who violates any of the rules and regulations adopted and promulgated pursuant to this section shall be subject to having his certification revoked by the department. The department shall provide written notice and an opportunity for the third-party tester to be heard in substantially the same manner as provided in chapter 536, RSMo. If any applicant submits evidence that he has successfully completed a test administered by a third-party tester, the actual driving test for a commercial driver's license may then be waived.

(4) Every applicant for renewal of a commercial driver's license shall provide such certifications and information as required by the secretary and if such person transports a hazardous material must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified and required by regulations promulgated by the secretary. Such person shall be required to take the written test for such endorsement. A twenty-five dollar examination fee shall be paid upon completion of such tests.

(5) The director shall have the authority to waive the driving skills test for any qualified military applicant for a commercial driver license who is currently licensed at the time of application for a commercial driver license. The director shall impose conditions and limitations to restrict the applicants from whom the department may accept alternative requirements for the skills test described in federal regulation 49 C.F.R. 383.77. An applicant must certify that, during the two-year period immediately preceding application for a commercial driver license, all of the following apply:

(a) The applicant has not had more than one license;

(b) The applicant has not had any license suspended, revoked, or canceled;

(c) The applicant has not had any convictions for any type of motor vehicle for the disqualifying offenses contained in chapter 302, RSMo, or federal rule 49 C.F.R. 383.51(b);

(d) The applicant has not had more than one conviction for any type of motor vehicle for serious traffic violations;

(e) The applicant has not had any conviction for a violation of state or local law relating to motor vehicle traffic control, but not including any parking violation, arising in connection with any traffic accident, and has no record of an accident in which he or she was at

fault;

(f) The applicant is regularly employed in a job requiring operation of a commercial motor vehicle and has operated the vehicle for at least sixty days during the two years immediately preceding application for a commercial driver license. The vehicle must be representative of the commercial motor vehicle the driver applicant operates or expects to operate;

(g) The applicant, if on active duty, must provide a notarized affidavit signed by a commanding officer as proof of driving experience as indicated in subdivision (f);

(h) The applicant, if honorably discharged from military service, must provide a form-DD214 or other proof of military occupational specialty;

(i) The applicant must meet all federal and state qualifications to operate a commercial vehicle; and

(j) The applicant will be required to complete all applicable knowledge tests.

3. A commercial driver's license may not be issued to a person while the person is disqualified from driving a commercial motor vehicle, when a disqualification is pending in any state or while the person's driver's license is suspended, revoked, or canceled in any state; nor may a commercial driver's license be issued unless the person first surrenders in a manner prescribed by the director any commercial driver's license issued by another state, which license shall be returned to the issuing state for cancellation.

4. Beginning July 1, 2005, the director shall not issue an instruction permit under this section unless the director verifies that the applicant is lawfully present in the United States before accepting the application. The director may, by rule or regulation, establish procedures to verify the lawful presence of the applicant under this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall

become effective unless it has been promulgated pursuant to chapter 536, RSMo.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 82, Page 58, Section 304.170, Line 114, by inserting after all of said line the following:

“407.730. As used in sections 407.730 to 407.748, the following terms mean:

(1) “Advertisement”, oral, written, graphic or pictorial statements made in the course of solicitation of business including, without limitation, any statement or representation made in a newspaper, magazine, the car rental company's proprietary web site, or other publication, or contained in any notice, sign, poster, display, circular, pamphlet, or letter which may collectively be called “print advertisements”, or on radio or television, which may be referred to as “broadcast commercials”;

(2) “Authorized driver”:

(a) The renter;

(b) The renter's spouse if the spouse is a licensed driver and satisfies the car rental company's minimum age requirement;

(c) The renter's employee or co-worker if they are engaged in business activity with the person to whom the vehicle is rented, are licensed drivers, and satisfy the rental company's minimum age requirements;

(d) Any person who operates the vehicle during an emergency situation; and

(e) Any person expressly listed by the car rental company on the renter's contract as an authorized driver;

(3) “Blackout date”, any date on which an advertised price is totally unavailable to the public;

(4) “Car rental company”, any person or entity in the business of renting private passenger vehicles to the public;

(5) “Car rental insurance”, products and services that are offered in connection with and incidental to the rental of a motor vehicle under subdivision (10) of subsection 1 of section 375.786, RSMo. This definition of optional car rental insurance or any other definition of insurance shall not include collision damage waiver;

(6) “Clear and conspicuous”, that the statement, representation or term being disclosed is of such size, color contrast, and audibility and is so presented as to be readily noticed and understood by the person to whom it is being disclosed. All language and terms should be used in accordance with their common or ordinary usage and meaning;

(7) “Collision damage waiver”, any product a consumer purchases from a car rental company in order to waive all or part of his responsibility for damages, or loss of, a rental vehicle;

(8) “Limited time availability”, that the advertised rental price is only available for a specific period of time or that the price is not available during certain blackout periods;

(9) “Mandatory charge”, any charge, fee, or surcharge consumers must generally pay in order to obtain or operate a rental vehicle;

(10) “Master rental agreement”, those documents used by a car rental company for expedited service to members in a program sponsored by the car rental company in which renters establish a profile and select preferences for rental needs which establish the terms and conditions governing the use of a rental car rented by a car rental company by a participant in a master rental agreement;

(11) “Material restriction”, a restriction, limitation or other requirement which significantly affects the price of, use of, or a consumer's

financial responsibility for a rental car;

(12) "Rental agreement", any document or combination of documents, which, when read together and incorporated by reference to each other, relate to and establish the terms and conditions of the rental of a motor vehicle by an individual; or when such a combination of documents is entered into as part of any written master, corporate, group or individual agreement setting forth the terms and conditions governing the use of a rental car rented by a car rental company.

(13) "Vehicle license fees", charges that may be imposed upon any transaction originating in the State of Missouri to recoup costs incurred by a car rental company to license, title, inspect, register, plate, and pay personal property taxes on rental vehicles.

407.732. 1. Any advertisement shall be nondeceptive and in plain language. Deception may result not only from a direct statement in the advertisement and from reasonable inferences therefrom, but also from omitting or obscuring a material restriction or fact.

2. Print advertisements that include prices for car rentals shall make clear and conspicuous disclosure of the following applicable restrictions:

(1) The expiration date of the price offered if it is available for less than thirty days after the last date of publication of the advertisement;

(2) The existence of any geographical limitations on use;

(3) The extent of any advance reservation or advance payment requirements;

(4) Airport access fee disclosure;

(5) The existence of any penalties or higher rates that may apply for early or late returns for weekly or weekend rentals;

(6) Existence of additional driver fee;

(7) The existence of blackout dates or specific

blackout dates for location specific advertisements;

(8) Nonavailability of offer at all locations;

(9) Disclosure of mileage caps and charges;

(10) Disclosure of collision damage waiver costs.

Print advertisements that include prices for car rentals, where mileage fees apply to the advertised price, shall prominently disclose this extraordinary material restriction. Print advertisements that include prices for car rentals, where a company sells collision damage waiver to the public and does not include this cost in the advertised rate, shall prominently disclose the price for collision damage waiver.

3. Broadcast commercials that include prices shall indicate whether substantial restrictions apply and shall include:

(1) The expiration date of the price offered if the advertised price is available for less than thirty days;

(2) Nonavailability of the advertised price in certain locations if that is the case;

(3) Mileage limitations and charges, if any;

(4) Price or price range for collision damage waiver.

4. Any advertised price shall be available in sufficient quantity to meet reasonably expected public demand for the rental cars advertised for the entire advertised period, beginning on the day on which the advertisement appears and continuing at least thirty days thereafter, unless the advertisement clearly and conspicuously discloses a shorter or longer expiration date for the offer, and in that event, through the expiration date. Prices may be advertised although less cars are available than would be required to meet the expected demand, as long as this limitation is clearly and conspicuously set forth in the advertisement and a reasonable number of cars are made available at the advertised price.

5. [Any surcharge or fee, including, but not limited to, fuel surcharges, airport access fees, and surcharges in lieu of sales tax that consumers must generally pay at any location in order to obtain or operate a rental vehicle shall be clearly and conspicuously disclosed when a price is advertised] **The existence of each additional fee, charge, or surcharge that a consumer must pay and which may be imposed as a separately stated charge on a rental transaction including, but in no way to be construed as limited to, airport fees and vehicle license fees shall be disclosed any time a price is advertised and each fee, charge, or surcharge shall be clearly and conspicuously disclosed on the rental agreement.**

6. A photograph of a rental car shall not be used in a price advertisement unless the advertisement clearly and conspicuously discloses, in immediate proximity to the photograph, the cost to rent the car depicted. A photograph of a rental car shall not be used in an advertisement if the advertisement states directly or by implication that the automobile depicted may be rented under certain conditions and that is not the case.

7. Any price advertised as a “daily price” or “price per day” shall be available for rentals of a single day or more, and any price advertised as a “weekly” rate shall be available for the first week and for subsequent weeks of the same rental. A rental company shall not charge more than a weekly price which was advertised if a customer on a weekly rental returns the car earlier than seven days. A price advertised as a “weekend rate” shall be available on both Saturday and Sunday.

8. Any car rental advertising promotion which extends a free offer or promises a gift or other incentive shall clearly and conspicuously disclose all the terms and conditions for receiving the offer, gift or incentive. A gift, incentive, or other merchandise or service shall not be advertised as free, if the cost of the item, in whole or in part, is included in the advertised rental rate. If the gift or

offer is provided by a third party, the car rental company shall be fully responsible for providing the gift or offer under the terms and conditions disclosed.

9. A rental car shall not be advertised using the words “unlimited mileage” or other terms that suggest there are absolutely no mileage restrictions on the use of the rental vehicle only unless there are no geographical restrictions on the use of the vehicle.

10. At the time of the car rental transaction, the car rental company shall disclose the following:

- (1) The total cost, including any airport access fees;
- (2) Geographical limitations;
- (3) Advance reservation or payment requirements;
- (4) Penalties or higher rates that may apply for early or late returns for weekly or weekend rentals;
- (5) Cost of additional driver fee;
- (6) Blackout dates.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 12

Amend House Amendment No. 12 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 82, Page 6, Line 19, by inserting after the word “who” an open bracket “[”]; and

Further amend said Amendment, Page 7, Line 11, by inserting after the word “presence” a closed bracket “]”; and

Further amend said Amendment, Page 7, Line 11, by inserting after the word “presence” the following:

“has previously held for a period of twelve years a Missouri noncommercial driver's

license, Missouri noncommercial instruction permit, or Missouri nondriver's license is exempt from showing proof of lawful presence.

10. Notwithstanding any other provision of this chapter that requires an applicant to provide proof of lawful presence for renewal of a noncommercial driver's license, noncommercial instruction permit, or nondriver's license, an applicant who submits a Certificate of Release or Discharge from Active Duty, DD Form 214, noting honorable discharge shall be exempt from showing proof of lawful presence. If any federal law or regulation prohibits or restricts such an exemption or would result in the loss of federal funding for this state, the director of revenue shall apply for any federal waiver necessary to allow veterans to utilize a Certificate of Release or Discharge from Active Duty in lieu of the requirements for submission of a birth certificate"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 82, Page 29, Section 301.196, Line 30, by inserting after all of said line the following:

"302.171. 1. Beginning July 1, 2005, the director shall verify that an applicant for a driver's license is lawfully present in the United States before accepting the application. The director shall not issue a driver's license for a period that exceeds an applicant's lawful presence in the United States. The director may establish procedures to verify the lawful presence of the applicant and establish the duration of any driver's license issued under this section. An application for a license shall be made upon an approved form furnished by the director. Every application shall state the full name, Social Security number, age, height, weight, color of eyes, sex, residence, mailing address of the

applicant, and the classification for which the applicant has been licensed, and, if so, when and by what state, and whether or not such license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and reason for such suspension, revocation or disqualification and whether the applicant is making a one dollar donation to promote an organ donation program as prescribed in subsection 2 of this section. A driver's license, nondriver's license, or instruction permit issued under this chapter shall contain the applicant's legal name as it appears on a birth certificate or as legally changed through marriage or court order. No name change by common usage based on common law shall be permitted. The application shall also contain such information as the director may require to enable the director to determine the applicant's qualification for driving a motor vehicle; and shall state whether or not the applicant has been convicted in this or any other state for violating the laws of this or any other state or any ordinance of any municipality, relating to driving without a license, careless driving, or driving while intoxicated, or failing to stop after an accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's consent. The application shall contain a certification by the applicant as to the truth of the facts stated therein. Every person who applies for a license to operate a motor vehicle who is less than twenty-one years of age shall be provided with educational materials relating to the hazards of driving while intoxicated, including information on penalties imposed by law for violation of the intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than eighteen years of age, the applicant must comply with all requirements for the issuance of an intermediate driver's license pursuant to section 302.178. **For persons mobilized and deployed with the United States Armed Forces, an application under this subsection shall be considered satisfactory by the department of revenue if it is signed by a**

person who holds general power of attorney executed by the person deployed, provided the applicant meets all other requirements set by the director.

2. An applicant for a license may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund established in sections 194.297 to 194.304, RSMo. Moneys in the organ donor program fund shall be used solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall make available an informational booklet or other informational sources on the importance of organ donations to applicants for licensure as designed by the organ donation advisory committee established in sections 194.297 to 194.304, RSMo. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection and whether the applicant is interested in inclusion in the organ donor registry and shall also specifically inform the licensee of the ability to consent to organ donation by completing the form on the reverse of the license that the applicant will receive in the manner prescribed by subsection 6 of section 194.240, RSMo. The director shall notify the department of health and senior services of information obtained from applicants who indicate to the director that they are interested in registry participation, and the department of health and senior services shall enter the complete name, address, date of birth, race, gender and a unique personal identifier in the registry established in subsection 1 of section 194.304, RSMo.

3. An applicant for a license may make a

donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section 192.935, RSMo. Moneys in the blindness education, screening and treatment program fund shall be used solely for the purposes established in section 192.935, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

4. Beginning July 1, 2005, the director shall deny the driving privilege of any person who commits fraud or deception during the examination process or who makes application for an instruction permit, driver's license, or nondriver's license which contains or is substantiated with false or fraudulent information or documentation, or who knowingly conceals a material fact or otherwise commits a fraud in any such application. The period of denial shall be one year from the effective date of the denial notice sent by the director. The denial shall become effective ten days after the date the denial notice is mailed to the person. The notice shall be mailed to the person at the last known address shown on the person's driving record. The notice shall be deemed received three days after mailing unless returned by the postal authorities. No such individual shall reapply for a driver's examination, instruction permit, driver's license, or nondriver's license until the period of denial is completed. No individual who is denied the driving privilege under this section shall be eligible for a limited driving privilege issued under section 302.309.

5. All appeals of denials under this section shall be made as required by section 302.311.

6. The period of limitation for criminal prosecution under this section shall be extended under subdivision (1) of subsection 3 of section 556.036, RSMo.

7. The director may promulgate rules and regulations necessary to administer and enforce this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

8. Notwithstanding any provisions of this chapter that requires an applicant to provide proof of lawful presence for renewal of a noncommercial driver's license, noncommercial instruction permit, or nondriver's license, an applicant who is sixty-five years and older and who was previously issued a Missouri noncommercial driver's license, noncommercial instruction permit, or Missouri nondriver's license is exempt from showing proof of lawful presence.

9. Notwithstanding any other provision of this chapter, if an applicant does not meet the requirements of subsection 8 of this section and does not have the required documents to prove lawful presence, the department may issue a one-year driver's license renewal. This one-time renewal shall only be issued to an applicant who previously has held a Missouri noncommercial driver's license, noncommercial instruction permit, or nondriver's license for a period of fifteen years or more and who does not have the required documents to prove lawful presence. After the expiration of the one-year period, no further renewal shall be provided without the applicant producing proof of lawful presence.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 15

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill

No. 82, Page 51, Section 301.570, Line 1, by inserting before all of said Line the following:

“301.569. 1. An out-of-state show promoter of recreation vehicles, as that term is defined in section 700.010, RSMo, may hold recreation vehicle shows or exhibits with recreation vehicles within this state if the following conditions exist:

(1) The show or exhibition has a minimum of ten recreation vehicle dealers licensed as motor vehicle dealers in this state; and

(2) More than fifty percent of the participating recreation vehicle dealers are licensed motor vehicle dealers in this state.

2. A violation of subsection 1 of this section shall result in a five thousand dollar fine.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 16

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 82, Page 17, Section 301.140, Line 75, by inserting after all of said line the following:

“301.142. 1. As used in sections 301.141 to 301.143, the following terms mean:

(1) “Department”, the department of revenue;

(2) “Director”, the director of the department of revenue;

(3) “Other authorized health care practitioner” includes advanced practice registered nurses licensed pursuant to chapter 335, RSMo, chiropractors licensed pursuant to chapter 331, RSMo, podiatrists licensed pursuant to chapter 330, RSMo, and optometrists licensed pursuant to chapter 336, RSMo;

(4) “Physically disabled”, a natural person who is blind, as defined in section 8.700, RSMo, or a natural person with medical disabilities which prohibits, limits, or severely impairs one's ability to

ambulate or walk, as determined by a licensed physician or other authorized health care practitioner as follows:

(a) The person cannot ambulate or walk fifty or less feet without stopping to rest due to a severe and disabling arthritic, neurological, orthopedic condition, or other severe and disabling condition; or

(b) The person cannot ambulate or walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or

(c) Is restricted by a respiratory or other disease to such an extent that the person's forced respiratory expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest; or

(d) Uses portable oxygen; or

(e) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American Heart Association; or

(f) A person's age, in and of itself, shall not be a factor in determining whether such person is physically disabled or is otherwise entitled to disabled license plates and/or disabled windshield hanging placards within the meaning of sections 301.141 to 301.143;

(5) "Physician", a person licensed to practice medicine pursuant to chapter 334, RSMo;

(6) "Physician's statement", a statement personally signed by a duly authorized person which certifies that a person is disabled as defined in this section;

(7) "Temporarily disabled person", a disabled person as defined in this section whose disability or incapacity is expected to last no more than one hundred eighty days;

(8) "Temporary windshield placard", a placard to be issued to persons who are temporarily disabled persons as defined in this section, certification of which shall be indicated on the physician's statement;

(9) "Windshield placard", a placard to be issued to persons who are physically disabled as defined in this section, certification of which shall be indicated on the physician's statement.

2. Other authorized health care practitioners may furnish to a disabled or temporarily disabled person a physician's statement for only those physical health care conditions for which such health care practitioner is legally authorized to diagnose and treat.

3. A physician's statement shall:

(1) Be on a form prescribed by the director of revenue;

(2) Set forth the specific diagnosis and medical condition which renders the person physically disabled or temporarily disabled as defined in this section;

(3) Include the physician's or other authorized health care practitioner's license number; and

(4) Be personally signed by the issuing physician or other authorized health care practitioner.

4. If it is the professional opinion of the physician or other authorized health care practitioner issuing the statement that the physical disability of the applicant, user, or member of the applicant's household is permanent, it shall be noted on the statement. Otherwise, the physician or other authorized health care practitioner shall note on the statement the anticipated length of the disability which period may not exceed one hundred eighty days. If the physician or health care practitioner fails to record an expiration date on the physician's statement, the director shall issue a temporary windshield placard for a period of thirty days.

5. A physician or other authorized health care practitioner who issues or signs a physician's statement so that disabled plates or a disabled windshield placard may be obtained shall maintain in such disabled person's medical chart documentation that such a certificate has been issued, the date the statement was signed, the diagnosis or condition which existed that qualified the person as disabled pursuant to this section and shall contain sufficient documentation so as to objectively confirm that such condition exists.

6. The medical or other records of the physician or other authorized health care practitioner who issued a physician's statement shall be open to inspection and review by such practitioner's licensing board, in order to verify compliance with this section. Information contained within such records shall be confidential unless required for prosecution, disciplinary purposes, or otherwise required to be disclosed by law.

7. Owners of motor vehicles who are residents of the state of Missouri, and who are physically disabled, owners of motor vehicles operated at least fifty percent of the time by a physically disabled person, or owners of motor vehicles used to primarily transport physically disabled members of the owner's household may obtain disabled person license plates. Such owners, upon application, accompanied by the documents and fees provided for in this section, a current physician's statement which has been issued within ninety days proceeding the date the application is made and proof of compliance with the state motor vehicle laws relating to registration and licensing of motor vehicles, shall be issued motor vehicle license plates for vehicles, other than commercial vehicles with a gross weight in excess of twenty-four thousand pounds, upon which shall be inscribed the international wheelchair accessibility symbol and the word "DISABLED" in addition to a combination of letters and numbers. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be

clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

8. The director shall further issue, upon request, to such applicant one, and for good cause shown, as the director may define by rule and regulations, not more than two, removable disabled windshield hanging placards for use when the disabled person is occupying a vehicle or when a vehicle not bearing the permanent handicap plate is being used to pick up, deliver, or collect the physically disabled person issued the disabled motor vehicle license plate or disabled windshield hanging placard.

9. No additional fee shall be paid to the director for the issuance of the special license plates provided in this section, except for special personalized license plates and other license plates described in this subsection. Priority for any specific set of special license plates shall be given to the applicant who received the number in the immediately preceding license period subject to the applicant's compliance with the provisions of this section and any applicable rules or regulations issued by the director. If determined feasible by the advisory committee established in section 301.129, any special license plate issued pursuant to this section may be adapted to also include the international wheelchair accessibility symbol and the word "DISABLED" as prescribed in this section and such plate may be issued to any applicant who meets the requirements of this section and the other appropriate provision of this chapter, subject to the requirements and fees of the appropriate provision of this chapter.

10. Any physically disabled person, or the parent or guardian of any such person, or any not-for-profit group, organization, or other entity which transports more than one physically disabled person, may apply to the director of revenue for a removable windshield placard. The placard may be used in motor vehicles which do not bear the permanent handicap symbol on the license plate. Such placards must be hung from the front, middle

rearview mirror of a parked motor vehicle and may not be hung from the mirror during operation. These placards may only be used during the period of time when the vehicle is being used by a disabled person, or when the vehicle is being used to pick up, deliver, or collect a disabled person. When there is no rearview mirror, the placard shall be displayed on the dashboard on the driver's side.

11. The removable windshield placard shall conform to the specifications, in respect to size, color, and content, as set forth in federal regulations published by the Department of Transportation. The [fee for each removable windshield placard shall be four dollars and the] removable windshield placard shall be renewed every [two] **four** years. The director may stagger the expiration dates to equalize workload. Only one removable placard may be issued to an applicant who has been issued disabled person license plates. Upon request, one additional windshield placard may be issued to an applicant who has not been issued disabled person license plates[, at the appropriate fee].

12. A temporary windshield placard shall be issued to any physically disabled person, or the parent or guardian of any such person who otherwise qualifies except that the physical disability, in the opinion of the physician, is not expected to exceed a period of one hundred eighty days. The temporary windshield placard shall conform to the specifications, in respect to size, color, and content, as set forth in federal regulations published by the Department of Transportation. The fee for the temporary windshield placard shall be two dollars. Upon request, and for good cause shown, one additional temporary windshield placard may be issued to an applicant. Temporary windshield placards shall be issued upon presentation of the physician's statement provided by this section and shall be displayed in the same manner as removable windshield placards. A person or entity shall be qualified to possess and display a temporary removable windshield placard for six months and

the placard may be renewed once for an additional six months if a physician's statement pursuant to this section is supplied to the director of revenue at the time of renewal.

13. Application for license plates or windshield placards issued pursuant to this section shall be made to the director of revenue and shall be accompanied by a statement signed by a licensed physician or other authorized health care practitioner which certifies that the applicant, user, or member of the applicant's household is a physically disabled person as defined by this section.

14. The placard shall be renewable only by the person or entity to which the placard was originally issued. Any placard issued pursuant to this section shall only be used when the physically disabled occupant for whom the disabled plate or placard was issued is in the motor vehicle at the time of parking or when a physically disabled person is being delivered or collected. A disabled license plate and/or a removable windshield hanging placard are not transferable and may not be used by any other person whether disabled or not.

15. At the time the disabled plates or windshield hanging placards are issued, the director shall issue a registration certificate which shall include the applicant's name, address, and other identifying information as prescribed by the director, or if issued to an agency, such agency's name and address. This certificate shall further contain the disabled license plate number or, for windshield hanging placards, the registration or identifying number stamped on the placard. The validated registration receipt given to the applicant shall serve as the registration certificate.

16. The director shall, upon issuing any disabled registration certificate for license plates and/or windshield hanging placards, provide information which explains that such plates or windshield hanging placards are nontransferable, and the restrictions explaining who and when a person or vehicle which bears or has the disabled

plates or windshield hanging placards may be used or be parked in a disabled reserved parking space, and the penalties prescribed for violations of the provisions of this act.

17. Every new applicant for a disabled license plate or placard shall be required to present a new physician's statement dated no more than ninety days prior to such application. Renewal applicants will be required to submit a physician's statement dated no more than ninety days prior to such application upon their first renewal occurring on or after August 1, 2005. Upon completing subsequent renewal applications, a physician's statement dated no more than ninety days prior to such application shall be required every fourth year. Such physician's statement shall state the expiration date for the temporary windshield placard. If the physician fails to record an expiration date on the physician's statement, the director shall issue the temporary windshield placard for a period of thirty days. **The director may stagger the requirement of a physician's statement on all renewals for the initial implementation of a four-year period.**

18. The director of revenue upon receiving a physician's statement pursuant to this subsection shall check with the state board of registration for the healing arts created in section 334.120, RSMo, or the Missouri state board of nursing established in section 335.021, RSMo, with respect to physician's statements signed by advanced practice registered nurses, or the Missouri state board of chiropractic examiners established in section 331.090, RSMo, with respect to physician's statements signed by licensed chiropractors, or with the board of optometry established in section 336.130, RSMo, with respect to physician's statements signed by licensed optometrists, or the state board of podiatric medicine created in section 330.100, RSMo, with respect to physician's statements signed by physicians of the foot or podiatrists to determine whether the physician is duly licensed and registered pursuant to law. If such applicant obtaining a disabled license plate or placard presents proof of disability in the form of

a statement from the United States Veterans' Administration verifying that the person is permanently disabled, the applicant shall be exempt from the four-year certification requirement of this subsection for renewal of the plate or placard. Initial applications shall be accompanied by the physician's statement required by this section. **Notwithstanding the provisions of paragraph (f) of subdivision (4) of subsection 1 of this section, any person sixty-five years of age or older who provided the physician's statement with the original application shall not be required to provide a physician's statement for the purpose of renewal of disabled persons license plates or windshield placards.**

19. The boards shall cooperate with the director and shall supply information requested pursuant to this subsection. The director shall, in cooperation with the boards which shall assist the director, establish a list of all Missouri physicians and other authorized health care practitioners and of any other information necessary to administer this section.

20. Where the owner's application is based on the fact that the vehicle is used at least fifty percent of the time by a physically disabled person, the applicant shall submit a statement stating this fact, in addition to the physician's statement. The statement shall be signed by both the owner of the vehicle and the physically disabled person. The applicant shall be required to submit this statement with each application for license plates. No person shall willingly or knowingly submit a false statement and any such false statement shall be considered perjury and may be punishable pursuant to section 301.420.

21. The director of revenue shall retain all physicians' statements and all other documents received in connection with a person's application for disabled license plates and/or disabled windshield placards.

22. The director of revenue shall enter into reciprocity agreements with other states or the

federal government for the purpose of recognizing disabled person license plates or windshield placards issued to physically disabled persons.

23. When a person to whom disabled person license plates or a removable or temporary windshield placard or both have been issued dies, the personal representative of the decedent or such other person who may come into or otherwise take possession of the disabled license plates or disabled windshield placard shall return the same to the director of revenue under penalty of law. Failure to return such plates or placards shall constitute a class B misdemeanor.

24. The director of revenue may order any person issued disabled person license plates or windshield placards to submit to an examination by a chiropractor, osteopath, or physician, or to such other investigation as will determine whether such person qualifies for the special plates or placards.

25. If such person refuses to submit or is found to no longer qualify for special plates or placards provided for in this section, the director of revenue shall collect the special plates or placards, and shall furnish license plates to replace the ones collected as provided by this chapter.

26. In the event a removable or temporary windshield placard is lost, stolen, or mutilated, the lawful holder thereof shall, within five days, file with the director of revenue an application and an affidavit stating such fact, in order to purchase a new placard. The fee for the replacement windshield placard shall be four dollars.

27. Fraudulent application, renewal, issuance, procurement or use of disabled person license plates or windshield placards shall be a class A misdemeanor. It is a class B misdemeanor for a physician, chiropractor, podiatrist or optometrist to certify that an individual or family member is qualified for a license plate or windshield placard based on a disability, the diagnosis of which is outside their scope of practice or if there is no basis for the diagnosis.”; and

Further amend said bill, Page 60, Section B, Line 2, by inserting after all of said line the following:

“Section C. The repeal and reenactment of section 301.142 of section A of shall become effective on January 1, 2008.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 17

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 82, Section 301.550, Page 36, Line 39, by inserting before the “.” on said line the following: “, **however, a Missouri-based coach conversion company that converts bus shells into living quarters shall not be required to make the six or more motor vehicle sales in any calendar year to obtain licensure as a motor vehicle dealer under sections 301.550 to 301.573**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 19

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 82, Section 301.640, Page 53, Line 50 by inserting immediately after said Line the following:

“302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

(1) Any moving violation of a state law or county or municipal or federal traffic ordinance or regulation not listed in this section, other than a violation of vehicle equipment provisions or a court-ordered supervision as provided in section 302.303 2 points
(except any violation of municipal stop sign

ordinance where no accident is involved . 1 point)

(2) Speeding

In violation of a state law 3 points

In violation of a county or municipal ordinance 2 points

(3) Leaving the scene of an accident in

violation of section 577.060, RSMo. . . . 12 points

In violation of any county or municipal ordinance 6 points

(4) Careless and imprudent driving in violation of subsection 4 of section 304.016, RSMo. 4 points

In violation of a county or municipal ordinance 2 points

(5) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020:

(a) For the first conviction 2 points

(b) For the second conviction. . . . 4 points

(c) For the third conviction 6 points

(6) Operating with a suspended or revoked license prior to restoration of operating privileges 12 points

(7) Obtaining a license by misrepresentation 12 points

(8) For the first conviction of driving while in an intoxicated condition or under the influence of controlled substances or drugs 8 points

(9) For the second or subsequent conviction of any of the following offenses however combined: driving while in an intoxicated condition, driving under the influence of controlled substances or drugs or driving with a blood alcohol content of eight-hundredths of one percent or more by weight 12 points

(10) For the first conviction for driving with blood alcohol content eight-hundredths of one

percent or more by weight

In violation of state law 8 points

In violation of a county or municipal ordinance or federal law or regulation 8 points

(11) Any felony involving the use of a motor vehicle 12 points

(12) Knowingly permitting unlicensed operator to operate a motor vehicle . . . 4 points

(13) For a conviction for failure to maintain financial responsibility pursuant to county or municipal ordinance or pursuant to section 303.025, RSMo 4 points

(14) Endangerment of a highway worker in violation of section 304.585, RSMo . . . 4 points

(15) Aggravated endangerment of a highway worker in violation of section 304.585, RSMo 12 points

(16) For a conviction of violating an ordinance in any home rule city with more than four hundred thousand inhabitants and located in more than one county that prohibits tow truck operators from stopping at or proceeding to the scene of an accident unless they have been requested to stop or proceed to such scene by a party involved in such accident or by an officer of a public safety agency 4 points

2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section 302.020, when the director issues such operator a license or permit pursuant to the provisions of sections 302.010 to 302.340.

3. An additional two points shall be assessed when personal injury or property damage results from any violation listed in subdivisions (1) to (13) of subsection 1 of this section and if found to be warranted and certified by the reporting court.

4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this section

constitutes both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for offenses arising out of the same occurrence.

5. The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver-improvement program or, in the case of violations committed while operating a motorcycle, a motorcycle-rider training course approved by the state highways and transportation commission, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial motor vehicle as defined in section 302.700 or a violation committed by an individual who has been issued a commercial driver's license or is required to obtain a commercial driver's license in this state or any other state, shall be accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4) of subsection 1 of this section or pursuant to subsection 3 of this section. For the purposes of this subsection, the driver-improvement program shall meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred during the operation of a motorcycle, the program shall meet the standards established by the state highways and transportation commission pursuant to sections 302.133 to 302.137. The completion of a driver-improvement program or a motorcycle-rider training course shall not be accepted in lieu of points more than one time in any thirty-six-month

period and shall be completed within sixty days of the date of conviction in order to be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days after completion of the driver-improvement program or motorcycle-rider training course by an operator, forward a record of the completion to the director, all other provisions of the law to the contrary notwithstanding. The director shall establish procedures for record keeping and the administration of this subsection."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 20

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 82, Page 37, Section 301.550, Line 67, by inserting after all of said Line the following:

"(13) "Recreational motor vehicle dealer", a dealer of new or used motor vehicles designed, constructed or substantially modified for use as temporary housing quarters, including sleeping and eating facilities which are either permanently attached to the motor vehicle or attached to a unit which is securely attached to the motor vehicle;"; and

Further amend said Section by renumbering accordingly; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 21

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 82, Page 15, Section 301.130, Lines 93 to 104, by deleting all of said lines and inserting in lieu thereof the following:

"9. [Commencing] No later than January 1, 2009, the director of revenue shall [cause to be

reissued] **commence the reissuance of** new license plates of such design as directed by the director consistent with the terms, conditions, and provisions of this section and this chapter. Except as otherwise provided in this section, in addition to all other fees required by law, applicants for registration of vehicles with license plates that expire [between January 1, 2009, and December 31, 2011] **during the period of reissuance**, applicants for registration of trailers or semitrailers with license plates that expire [between January 1, 2009, and December 31, 2011] **during the period of reissuance**, and applicants for registration of vehicles that are to be issued new license plates **during the period of reissuance** shall pay an additional fee, based on the actual cost of the reissuance, to cover the cost of the newly reissued plates required by this subsection. The additional fee prescribed in this subsection shall not be charged to persons receiving special license plates issued under section 301.073 or 301.443. Historic motor vehicle license plates registered pursuant to section 301.131 and specialized license plates are exempt from the provisions of this subsection.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 22

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 82, Page 12, Section 301.020, Line 88, by inserting after all of said line the following:

“301.030. 1. The director shall provide for the retention of license plates by the owners of motor vehicles, other than commercial motor vehicles, and shall establish a system of registration on a monthly series basis to distribute the work of registering motor vehicles as uniformly as practicable throughout the twelve months of the calendar year. For the purpose of assigning license plate numbers, each type of motor vehicle shall be considered a separate class. Commencing July 1, 1949, motor vehicles, other than commercial motor

vehicles, shall be registered for a period of twelve consecutive calendar months. There are established twelve registration periods, each of which shall start on the first day of each calendar month of the year and shall end on the last date of the twelfth month from the date of beginning.

2. Motor vehicles, other than commercial motor vehicles, operated for the first time upon the public highways of this state, to and including the fifteenth day of any given month, shall be subject to registration and payment of a fee for the twelve-month period commencing the first day of the month of such operation; motor vehicles, other than commercial motor vehicles, operated for the first time on the public highways of this state after the fifteenth day of any given month shall be subject to registration and payment of a fee for the twelve-month period commencing the first day of the next following calendar month.

3. All commercial motor vehicles and trailers, except those licensed under section 301.035 and those operated under agreements as provided for in sections 301.271 to 301.279, shall be registered either on a calendar year basis or on a prorated basis as provided in this section. The fees for commercial motor vehicles, trailers, semitrailers, and driveaway vehicles, other than those to be operated under agreements as provided for in sections 301.271 to 301.279 shall be payable not later than the last day of February of each year, except when such vehicle is licensed between April first and July first the fee shall be three-fourths the annual fee, when licensed between July first and October first the fee shall be one-half the annual fee and when licensed on or after October first the fee shall be one-fourth the annual fee. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Local commercial motor vehicle license plates [shall] **may** also be so stamped, marked or designed as to indicate they are to be used only on local commercial motor

vehicles and, in addition to such stamp, mark or design, the letter “F” shall also be displayed on local commercial motor vehicle license plates issued to motor vehicles used for farm or farming transportation operations as defined in section 301.010 in the manner prescribed by the advisory committee established in section 301.129. In addition, all commercial motor vehicle license plates [shall] **may** be so stamped or marked with a letter, figure or other emblem as to indicate the gross weight for which issued.

4. The director shall, upon application, issue registration and license plates for nine thousand pounds gross weight for property-carrying commercial motor vehicles referred to herein, upon payment of the fees prescribed for twelve thousand pounds gross weight as provided in section 301.057.”; and

Further amend said bill, Page 53, Section 301.640, Line 50, by inserting after all of said line the following:

“301.2998. Notwithstanding any other provisions of this chapter, which establishes the issuance of a specialty plate, if no applications for such plate have been received within five years from the effective date of the section authorizing the plate, then the department of revenue no longer will be required to accept applications and issue such plate.”; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCS** to **HB 791** and has taken up and passed **SCS** for **HB 791**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the

House has taken up and passed **HCS** for **SRB 613**, entitled:

An Act to repeal sections 7.240, 8.835, 21.435, 21.770, 32.069, 32.379, 32.380, 32.382, 32.384, 33.831, 42.160, 44.237, 52.276, 58.755, 72.424, 82.1050, 94.580, 103.081, 105.268, 128.350, 128.352, 128.354, 128.356, 128.358, 128.360, 128.362, 128.364, 128.366, 128.345, 128.346, 135.095, 137.423, 138.236, 140.015, 143.122, 143.172, 143.1010, 143.1011, 143.1012, 144.014, 144.030, 144.036, 144.041, 144.048, 144.514, 144.749, 160.300, 160.302, 160.304, 160.306, 160.308, 160.310, 160.312, 160.314, 160.316, 160.318, 160.320, 160.322, 160.324, 160.326, 160.328, 160.510, 161.205, 161.655, 169.710, 191.938, 197.121, 198.014, 198.540, 205.380, 205.390, 205.400, 205.410, 205.420, 205.430, 205.440, 205.450, 205.900, 208.177, 208.307, 208.574, 210.879, 210.930, 253.561, 260.037, 260.038, 260.826, 263.263, 277.200, 277.201, 277.202, 277.206, 277.209, 277.212, 277.215, 292.040, 292.150, 292.170, 292.260, 292.270, 292.550, 302.295, 302.782, 313.301, 311.178, 313.055, 313.300, 319.022, 319.023, 321.121, 339.860, 351.025, 354.065, 375.065, 375.700, 376.530, 376.550, 376.1399, 382.410, 388.650, 391.030, 391.040, 391.050, 391.080, 391.090, 391.100, 391.110, 391.120, 391.140, 391.150, 391.160, 391.170, 391.180, 391.190, 391.250, 391.260, 400.9-629, 415.430, 417.066, 442.050, 447.721, 454.808, 454.997, 476.016, 493.050, 516.060, 516.065, 537.040, 600.094, 620.528, 620.1310, 632.484, 643.360, 644.102, and 650.216, RSMo, and to enact in lieu thereof twenty new sections for the sole purpose of repealing expired, sunset, terminated, and ineffective provisions of law.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS**

No. 2 for SB 406, as amended and grants the Senate a conference thereon.

PRIVILEGED MOTIONS

Senator Griesheimer moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 82**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Mayer moved that **SB 127**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 127**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 127

An Act repeal sections 104.040 and 104.160, RSMo, and to enact in lieu thereof two new sections relating to the highway patrol retirement system.

Was taken up.

Senator Mayer moved that **HCS** for **SB 127** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bartle Rupp—2

Vacancies—None

On motion of Senator Mayer, **HCS** for **SB 127** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion
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Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bartle Rupp—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Champion moved that the Senate refuse to concur in **HCS** for **SB 84**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Stouffer moved that **HB 488** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Lager offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Bill No. 488, Page 2, Section 135.670, Line 20, by striking “fifty” and inserting in lieu thereof the following “**five**”; and

Further amend said bill, section and page, line 29, by striking “fifteen million” and inserting in lieu thereof the following: “**two hundred fifty thousand**”; and

Further amend said bill, section and page, line 30, by striking “thirty million” and inserting in lieu

thereof the following: “**five hundred thousand**”; and

Further amend said bill, section and page, line 31, by striking “fifteen million” and inserting in lieu thereof the following: “**two hundred fifty thousand**”.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Stouffer, **HB 488**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Ridgeway
Scott	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—31	

NAYS—Senator Purgason—1

Absent—Senators—None

Absent with leave—Senators

Bartle Rupp—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

THIRD READING OF SENATE BILLS

SS for **SB 570** was placed on the Informal Calendar.

SS No. 4 for **SCS** for **SB 430** was placed on the Informal Calendar.

SS for **SCS** for **SB 225**, introduced by Senator Stouffer, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 225

An Act to repeal section 21.750, RSMo, and to enact in lieu thereof two new sections relating to hunting heritage protection.

Was taken up.

On motion of Senator Stouffer, **SS** for **SCS** for **SB 225** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bartle Rupp—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS No. 2** for **SB 406**, as amended: Senators Crowell, Rupp, Scott, Kennedy and Smith.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following report:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 42**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Engler, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **HCS for HB 159**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **HB 801**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

May 3, 2007

TO THE SECRETARY OF THE SENATE

94th GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Conference Committee Substitute for House Committee Substitute for Senate Bill No. 376 entitled:

AN ACT

To repeal section 620.467, RSMo, and to enact in lieu thereof two

new sections relating to financial impact on tourism, with an emergency clause.

On May 3, 2007, I approved said Conference Committee Substitute for House Committee Substitute for Senate Bill No. 376.

Respectfully submitted,

MATT BLUNT

Governor

RESOLUTIONS

Senator Kennedy offered Senate Resolution No. 1202, regarding Jack O'Neill, which was adopted.

Senator Kennedy offered Senate Resolution No. 1203, regarding Benjamin Joseph Griffard, which was adopted.

Senators Wilson and Justus offered Senate Resolution No. 1204, regarding the death of Patrick D. "Pat" Kelly, Kansas City, which was adopted.

Senator Graham offered Senate Resolution No. 1205, regarding the Tenth Anniversary of the Boone Hospital Center Intensive Care Nursery, Columbia, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Engler introduced to the Senate, Mary Beth Miller, Laura Wadlow, Barbara Guiley, Sheryl Robinson and Jerome Watson, students from Jefferson Elementary School, Farmington.

Senator Shoemyer introduced to the Senate, fifty-seven Missouri Scholars Program students from Mexico Junior High School.

Senator Shields introduced to the Senate, the Physician of the Day, Dr. Marc K. Taormina, M.D., F.A.C.P., F.A.C.G., Parkville.

On behalf of Senators Gross and Bray, the President introduced to the Senate, eighth grade students from St. Peters School, St. Charles; and St. Richards School, St. Louis; and Shelby Rhoades, Jordan Eilers and Heather Lanwermyer were made honorary pages.

Senator Champion introduced to the Senate, Wesley Timm, Laura Lockwood, Steve Manlove and ninety-five fourth grade students from Mark Twain School, Springfield.

Senator Crowell introduced to the Senate, fourth grade students from Blanchard Elementary School, Cape Girardeau.

Senator Goodman introduced to the Senate, his wife, Laura; and their sons, Jack Elliott and William True, Mt. Vernon; and Jack Elliott and William True were made honorary pages.

Senator Smith introduced to the Senate, Marius Adams, Uniqua Parker, Rodney Davis, Angie Bowing, Donisha Reed, Angle Teamer, Prince Devine, Kenneth Woods, Christopher Dent, Timothy Hughes, Candace Johnson, Dominique Eason, Bria Bennette, Leslie and Vergile Williams, Antrince Kincade and Tanisha Bodie, students from Northwest Academy, St. Louis.

Senator Gross introduced to the Senate, Doug Wagner, Tom King and seventh grade students from Emmanuel Lutheran School, St. Charles.

Senator Graham introduced to the Senate, Ashley Burnam, Amy Jerke, Debra Cunningham and their children, Columbia.

Senator Gibbons introduced to the Senate, Dmitry Vishnyakov and members of the Russia Federation Delegation, Larisa Shkondina, Marina Chashchina, Oleg Kruglov, Mikhail Malahovskiy and Sergey Fadeyev.

On behalf of Senator Nodler, Senator Goodman introduced to the Senate, Mrs. Rowe, Mrs. Brewster, Mrs. Marion and fourth grade students from Granby Elementary School; and Lucas Stapp and Deion Clark were made honorary pages.

On motion of Senator Shields, the Senate adjourned until 2:00 p.m., Monday, May 7, 2007.

SENATE CALENDAR

SIXTY-SIXTH DAY—MONDAY, MAY 7, 2007

FORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| 1. SB 571-Mayer, with SCS | 7. SB 484-Stouffer, with SCS |
| 2. SB 652-Coleman and Gibbons, with SCS | 8. SBs 348, 626 & 461-Koster, et al, with SCS |
| 3. SB 699-Lager, with SCS | 9. SJR 15-Green |
| 4. SB 11-Coleman, with SCS | 10. SB 629-Smith, with SCS |
| 5. SB 536-Lager, with SCS | 11. SB 122-Bray and Days, with SCS |
| 6. SB 552-Bartle | 12. SB 491-Ridgeway |

HOUSE BILLS ON THIRD READING

- | | |
|--|-----------------------------|
| 1. HCS for HB 74 (Scott) (In Fiscal Oversight) | 2. HCS for HB 165, with SCS |
|--|-----------------------------|

- | | |
|--|--|
| 3. HB 579-Dempsey, et al (Shields) | 16. HCS for HB 245 (Stouffer) |
| 4. HB 462-Munzlinger, et al (Purgason) | 17. HCS for HB 820 (Engler) |
| 5. HB 134-Guest, et al (Nodler) | (In Fiscal Oversight) |
| 6. HCS for HB 894, with SCS (Days) | 18. HB 527-Cooper (120) (Scott) |
| 7. HB 1014-Wright, et al, with SCS (Mayer) | 19. HCS for HB 329, with SCS (Scott) |
| 8. HCS for HBs 654 & 938 (Crowell) | 20. HCS for HB 827, with SCS (Justus) |
| 9. HJR 19-Bearden, et al (Ridgeway) | 21. HCS for HB 948 (Shields) |
| 10. HCS for HB 181 (Rupp) | 22. HCS for HB 98 (Scott) |
| 11. HCS#2 for HB 28 (Mayer) | 23. HB 482-Walton, et al (Goodman) |
| 12. HCS for HB 1055, with SCA 1 (Scott) | 24. HCS for HB 583, with SCS |
| 13. HCS for HB 461 (Shields) | 25. HCS for HB 431, with SCS (Goodman) |
| (In Fiscal Oversight) | 26. HB 42-Portwood, with SCS (Koster) |
| 14. HCS for HB 845 (Crowell) | 27. HCS for HB 159, with SCS |
| 15. HCS for HB 818, with SCS | 28. HB 801-Kraus, et al, with SCS |
| (In Fiscal Oversight) | |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SB 303-Loudon

SS for SB 570-Clemens

SS#4 for SCS for SB 430-Shields

SENATE BILLS FOR PERFECTION

SB 2-Gibbons, with SCS

SB 169-Rupp, with SCS, SS for SCS & SA 3
(pending)

SB 17-Shields, with SCS

SB 205-Stouffer and Gibbons, with SCS

SB 20-Griesheimer, with SCS

SB 212-Goodman

SB 27-Bartle and Koster

SB 213-McKenna

SB 53-Koster and Engler, with SCS

SB 242-Nodler, with SCS

SB 101-Mayer

SB 250-Ridgeway and Vogel

SB 131-Rupp

SB 252-Ridgeway and McKenna

SB 153-Engler, et al, with SCS

SB 254-Nodler, et al, with SCS

SB 155-Engler, with SCS & SS for SCS

SBs 260 & 71-Koster, et al, with SCS

(pending)

SB 274-Shields

SB 160-Rupp, with SCS

SB 282-Griesheimer, with SCS & SS for
SCS (pending)

SB 168-Mayer and Crowell, with SCS, SS
for SCS & SA 1 (pending)

SB 287-Crowell and Vogel, with SS (pending)
 SB 292-Mayer
 SB 297-Loudon, with SCS
 SB 300-Bartle
 SB 341-Goodman, with SCS
 SB 363-Bartle
 SB 364-Koster, with SCS, SS for SCS,
 SA 1 & SSA 1 for SA 1 (pending)
 SBs 370, 375 & 432-Scott and Koster,
 with SCS & SA 5 (pending)
 SBs 372 & 366-Justus and Koster, with SCS
 SB 385-Gibbons, with SCS
 SB 388-Mayer, with SCS
 SB 400-Crowell, et al
 SB 444-Goodman
 SB 453-Scott, with SCS
 SB 458-Gibbons
 SB 476-Crowell
 SB 480-Ridgeway, et al, with SCS
 SB 492-Crowell

SB 499-Engler and Clemens, with SCS
 SB 511-Scott, with SCS
 SB 521-Lager, et al, with SCS
 SB 523-Scott, with SCS
 SB 531-Gibbons, with SCS
 SB 534-Nodler
 SB 537-Lager
 SB 542-Scott, with SCS
 SBs 555 & 38-Gibbons, with SCS
 SB 563-Lager, with SCS & SS for SCS (pending)
 SB 572-Vogel
 SB 586-Crowell, with SCS
 SB 592-Scott, with SCS
 SB 599-Engler, with SCS
 SB 627-Ridgeway
 SB 635-Loudon, with SCS
 SB 644-Griesheimer
 SBs 660, 553, 557, 167, 258, 114 & 378-Mayer,
 with SCS
 SB 698-Ridgeway, et al, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 39, with SCS (Koster)
 SCS for HB 41-Portwood (Loudon)
 (In Fiscal Oversight)
 HB 46-Viebrock and Stevenson (Stouffer)
 HB 69-Day, with SCS (Barnitz)
 HB 125-Franz, with SCS (Shoemyer)
 HCS for HB 135, with SCS (Koster)
 HB 155-Dusenberg, et al (Ridgeway)
 HCS for HB 182 (Stouffer)
 HCS for HB 184 (Rupp)
 HB 220-Stevenson (Nodler)
 HCS for HB 221 (Loudon)
 SS for SCS for HB 255-Bruns (Vogel)
 (In Fiscal Oversight)
 HB 265-Cunningham (86), with SA 5
 (pending) (Rupp)

HB 267-Jones (117) and Cunningham (86),
 with SA 5 (pending) (Rupp)
 HB 269-Nolte, et al (Ridgeway)
 HCS for HB 272 (Goodman)
 HCS for HB 298, with SCS (Engler)
 HCS for HB 346 (Clemens)
 SS#2 for SCS for HCS for HBs 444, 217,
 225, 239, 243, 297, 402 & 172 (Crowell)
 (In Fiscal Oversight)
 HB 454-Jetton, et al (Mayer)
 HCS for HB 469, with SCS (Crowell)
 HB 489-Baker (123), et al, with SCS (Shields)
 HB 526-Pratt (Loudon)
 HCS for HB 551, with SCS (Koster)
 HB 596-St. Onge, with SCS (Stouffer)
 HCS for HB 620, with SCS (Ridgeway)

HB 686-Smith (150) and Tilley (Stouffer)
HCS for HB 741 (Koster)
SS for HB 744-St. Onge (Stouffer)
(In Fiscal Oversight)
HCS for HB 774 (Crowell)

HCS for HB 780, with SCS (Scott)
HB 875-Franz, with SCS (Purgason)
HCS for HJR 1, with SCS (Rupp)
HJR 7-Nieves, et al, with SCS (pending)
(Engler)

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Reported 2/15

SB 8-Kennedy

Reported 3/8

SB 185-Green

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SBs 62 & 41-Goodman and Koster,
with HCS, as amended

SB 416-Goodman, with HCS
SRB 613-Goodman, with HCS

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SB 25-Champion, with HCS, as amended
SB 30-Nodler and Ridgeway, with HCS,
as amended
SCS for SB 64-Goodman and Koster, with
HCS, as amended
SB 81-Griesheimer, with HCS, as amended

SCS for SB 198-Mayer, with HCS
SB 233-Crowell, with HAs 1, 2, 3, 4 & 5
SCS for SB 308-Crowell, et al, with HCS,
as amended
SB 406-Crowell, with HCS#2, as amended
HB 1 (Icet), with SCS (Gross)

HCS for HB 2, with SCS (Gross)
 HCS for HB 3, with SCS (Gross)
 HCS for HB 4, with SCS (Gross)
 HCS for HB 5, with SCS (Gross)
 HCS for HB 6, with SCS (Gross)
 HCS for HB 7, with SCS (Gross)
 HCS for HB 8, with SCS (Gross)
 HCS for HB 9, with SCS (Gross)
 HCS for HB 10, with SCS (Gross)
 HCS for HB 11, with SCS, as amended (Gross)

HCS for HB 12, with SCS (Gross)
 HCS for HB 13, with SCS (Gross)
 HCS for HB 327, with SS for SCS,
 as amended (Griesheimer)
 (House requests Senate adopt CCR
 and pass CCS)
 HB 574-St. Onge, with SA 1 & SA 3 (Stouffer)
 HB 665-Ervin, et al, with SS, as amended
 (Ridgeway)

Requests to Recede or Grant Conference

SCS for SB 82-Griesheimer, with HCS,
 as amended
 (Senate requests House recede
 or grant conference)
 SB 84-Champion, with HCS, as amended
 (Senate requests House recede
 or grant conference)

SB 166-Griesheimer, with HCS
 (Senate requests House recede
 and take up and pass the bill)

RESOLUTIONS

Reported from Committee

HCR 15-Threlkeld, et al, with SCS (Shields)
 SCR 10-Koster and Shields
 HCR 25-Yates, et al (Bartle)
 HCR 30-Pratt, et al (Koster)

HCR 11-Ervin and Flook (Ridgeway)
 HCR 8-Loehner, et al (Barnitz)
 SCR 9-Crowell
 SCR 20-Crowell

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Journal of the Senate

FIRST REGULAR SESSION

SIXTY-SIXTH DAY—MONDAY, MAY 7, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“A lot of ‘distractions’ would vanish if we realized that we are not bound at all times to ignore the practical problems of our life when we are at prayer. On the contrary, sometimes these problems actually ought to be the subject of meditation” (Thomas Merton)

As we begin a new week O Lord, help us be mindful to turn to You in prayer at all times and about all things so that our work might not be bogged down by distractions but seen clearly as to course we are to follow and the path our votes are to take. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, May 3, 2007 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager

Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

The Senate observed a moment of silence in memory of former State Senator Phil Curls.

RESOLUTIONS

Senator Purgason offered Senate Resolution No. 1206, regarding Reagan Caldwell, Lynchburg, which was adopted.

Senator Stouffer offered Senate Resolution No. 1207, regarding Don Lefman, Higginsville, which was adopted.

Senator Stouffer offered Senate Resolution No. 1208, regarding Gwen Hill, Odessa, which was adopted.

Senator Stouffer offered Senate Resolution No. 1209, regarding Charles Ferguson, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 1210, regarding the death of Robert L. “Bob” Dyer, Boonville, which was adopted.

Senator Days offered Senate Resolution No. 1211, regarding Cheryl Gragert, Bridgeton, which was adopted.

Senator Engler offered Senate Resolution No. 1212, regarding Yvonne Hessenaur, which was adopted.

Senator Barnitz offered Senate Resolution No. 1213, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Willard “Bill” Schaeperkoetter, Mt. Sterling, which was adopted.

Senator Barnitz offered Senate Resolution No. 1214, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Anthony “Tony” Viessman, Rolla, which was adopted.

Senator Crowell offered Senate Resolution No. 1215, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Denzel Thompson, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 1216, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Olen Hayes, Perryville, which was adopted.

Senator Crowell offered Senate Resolution No. 1217, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Harold Curnell, Jackson, which was adopted.

Senator Champion offered Senate Resolution No. 1218, regarding Central Assembly of God Church, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 1219, regarding Katherine Etheridge, which was adopted.

Senator Wilson offered Senate Resolution No. 1220, regarding Reverend Elijah Clark, Jr., which was adopted.

Senator Crowell offered Senate Resolution No. 1221, regarding Mettie Penzel, Cape

Girardeau, which was adopted.

Senator McKenna offered Senate Resolution No. 1222, regarding Norma Overberg, which was adopted.

Senator McKenna offered Senate Resolution No. 1223, regarding Paul Richard “Rick” Overberg, which was adopted.

Senator Stouffer offered Senate Resolution No. 1224, regarding James R. McCrary, Lexington, which was adopted.

Senator Stouffer offered Senate Resolution No. 1225, regarding Richard Kaullen, Lexington, which was adopted.

Senator Stouffer offered Senate Resolution No. 1226, regarding Kathryn J. Pierce, Lexington, which was adopted.

Senator Stouffer offered Senate Resolution No. 1227, regarding Christopher Cain, which was adopted.

Senator Stouffer offered Senate Resolution No. 1228, regarding Allison Staples, which was adopted.

Senator Stouffer offered Senate Resolution No. 1229, regarding Sarah Lewis, which was adopted.

Senator Gross offered Senate Resolution No. 1230, regarding Tom Wapelhorst, St. Charles, which was adopted.

Senator Gross offered Senate Resolution No. 1231, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. William C. Braudis, St. Peters, which was adopted.

Senator Gross offered Senate Resolution No. 1232, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. William Mullins, St. Charles, which was adopted.

Senator Coleman offered Senate Resolution No. 1233, regarding Carl Bruce, which was adopted.

HOUSE BILLS ON THIRD READING

Senator Rupp moved that **HB 265**, with **SA 5** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 5 was again taken up.

At the request of Senator Justus, the above amendment was withdrawn.

Senator Bray offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend House Bill No. 265, Page 2, Section 162.963, Line 25, by inserting immediately after all of said line the following:

“169.596. 1. Notwithstanding any other provision of this chapter to the contrary, a retired certificated teacher receiving a retirement benefit from the retirement system established pursuant to sections 169.010 to 169.141 may, without losing his or her retirement benefit, teach **up to** full time for up to two years for a school district covered by such retirement system; provided that the school district has a shortage of certified teachers, as determined by the school district, and provided that no such retired certificated teacher shall be employed as a superintendent. The total number of such retired certificated teachers shall not exceed, at any one time, the lesser of ten percent of the total teacher staff for that school district, or five certificated teachers.

2. Notwithstanding any other provision of this chapter to the contrary, a person receiving a retirement benefit from the retirement system established pursuant to sections 169.600 to 169.715 may, without losing his or her retirement benefit, be employed **up to** full time for up to two years for a school district covered by such retirement system; provided that the school district has a shortage of noncertificated employees, as determined by the school district. The total number of such retired noncertificated employees shall not exceed, at any one time, the lesser of ten percent of

the total noncertificated staff for that school district, or five employees.

3. The employer's contribution rate shall be paid by the hiring school district.

4. In order to hire teachers and noncertificated employees pursuant to the provisions of this section, the school district shall:

(1) Show a good faith effort to fill positions with nonretired certificated teachers or nonretired noncertificated employees;

(2) Post the vacancy for at least one month;

(3) Have not offered early retirement incentives for either of the previous two years;

(4) Solicit applications through the local newspaper, other media, or teacher education programs;

(5) Determine there is an insufficient number of eligible applicants for the advertised position; and

(6) Declare a critical shortage of certificated teachers or noncertificated employees that is active for one year.

5. Any person hired pursuant to this section shall be included in the State Directory of New Hires for purposes of income and eligibility verification pursuant to 42 U.S.C. Section 1320b-7.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Shields assumed the Chair.

Senator Rupp offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend House Bill No. 265, Page 1, In the Title, Line 3, by striking: “due process hearings”; and

Further amend said bill, Page 1, Section A,

Line 2, by inserting after all of said line the following:

“160.900. 1. The state of Missouri shall participate in the federal Infant and Toddler Program, Part C of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Section 1431, et seq., and provide early intervention services to infants and toddlers determined eligible under state regulations.

2. The state agency designated by the governor as the lead agency shall be responsible for the administration and implementation of Part C of IDEA through a regional Part C early intervention system and shall promulgate rules implementing the requirements of Part C of IDEA consistent with federal regulations, 34 C.F.R. 303, et seq.

3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 160.900 to 160.925 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. Sections 160.900 to 160.925 and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 1, 2005, shall be invalid and void.

4. Notwithstanding the provisions of section 23.253, RSMo, to the contrary, the provisions of this section shall not sunset.

160.905. 1. The lead agency shall establish a “State Interagency Coordinating Council” for the state Part C early intervention system. The composition of the council shall include the members required under Part C of the IDEA consistent with federal regulations, 34 C.F.R. 303.601, appointed by the governor.

2. The state interagency coordinating council shall meet at least quarterly and shall comply with chapter 610, RSMo.

3. The state interagency coordinating council shall advise and assist the lead agency pursuant to IDEA requirements, 34 C.F.R. 303.650 to 303.654.

4. The state interagency coordinating council shall assist the lead agency in the preparation and submission of an annual report to the governor and to the secretary of the United States Department of Education on the status of infant and toddler early intervention programs in the state and report any recommendations for improvements to such programs.

5. The lead agency, in consultation with any other state agencies involved in the Part C early intervention system, shall submit rules and regulations, other than emergency rules and regulations, to the council for review prior to the lead agency's final approval. The council shall review all proposed rules and regulations and report its recommendations thereon to the lead agency within thirty days. The lead agency shall respond to the council's recommendations providing reasons for proposed rules and regulations that are not consistent with the council's recommendations.

6. Notwithstanding the provisions of section 23.253, RSMo, to the contrary, the provisions of this section shall not sunset.

160.910. 1. The lead agency shall maintain a state Part C early intervention system under Part C of the Individuals with Disabilities Education Act, 20 U.S.C. Section 1431, et seq., for eligible children and families of such children which shall be administered through the regional Part C early intervention system.

2. The lead agency shall compile data in the system on the number of eligible children in the state in need of early intervention services, the number of eligible children and their families served, the types of services provided, and other

information as deemed necessary by the agency.

3. The state Part C early intervention system shall include a comprehensive child-find system and public awareness program to ensure that eligible children are identified, located, referred to the system, and evaluated for eligibility.

4. The lead agency shall monitor system expenditures for administrative services and regional offices to ensure maximum utilization of state funds for all children determined to be eligible for early intervention services. The lead agency or its designee shall provide regional offices with the necessary financial data to assist regional offices in monitoring their expenditures and the cost of direct services. Such data shall include the number of children eligible from the most recent child count from that region and monthly data reports on the costs spent by providers in their network.

5. The lead agency shall establish a bidding process for determining regional offices across the state. The bidding process shall establish criteria for allowing regions to implement models that will serve the unique needs of their community. Such process shall encourage organizations bidding for a center to demonstrate agreements:

(1) With other state and local government entities that provide services to infants and toddlers with developmental disabilities including regional centers as defined in section 633.005, RSMo, and boards established under sections 205.968 to 205.973, RSMo; and

(2) To collaborate with established, quality early intervention providers in the region to establish a network for early intervention services.

6. The lead agency shall establish a centralized system of provider enrollment to assure that all Part C early intervention system providers meet requirements of Part C regulations and the Missouri state plan.

7. Notwithstanding the provisions of section 23.253, RSMo, to the contrary, the provisions of

this section shall not sunset.

160.915. 1. Each regional office shall include in their proposal the following assurances and documentation of their plan to:

(1) Provide those functions that are specifically identified under federal and state regulations implementing Part C of IDEA, 20 U.S.C. Section 1431, as functions to be provided at public expense, with no cost to the parent;

(2) Contract with established community early intervention providers or hire providers as geographic necessity requires to ensure all services are available and accessible within the region;

(3) Implement a system of provider oversight to ensure:

(a) That all services are available and accessible within that region including the use of providers hired by the regional office where geographic necessity requires this practice; and

(b) Compliance by all providers in the regional office's provider network, including but not limited to upholding the requirements of Part C of IDEA;

(4) Include in each child's individual family service plan family-oriented approaches to support the child's developmental goals;

(5) Incorporate as the focus of the individualized family service plan best available practices and coaching approaches that support the family's capacity to meet the developmental needs of their child;

(6) Develop or maintain resources or utilize multiple funding sources for providing early intervention services for children with disabilities in the region for which they are bidding; and

(7) Implement a system for reutilization of assistive technology devices and oversight of assistive technology authorizations.

2. The lead agency may determine other assurances and request additional documentation

they deem to be necessary and reasonable to achieve the purpose of this section and to comply with applicable federal law and regulation.

3. Notwithstanding the provisions of section 23.253, RSMo, to the contrary, the provisions of this section shall not sunset.

160.920. 1. No funds appropriated to the lead agency for the implementation and administration of sections 160.900 to 160.925 shall be used to satisfy a financial commitment for services that should have been paid from another public or private source. Federal funds available under Part C of the IDEA, 20 U.S.C. Section 1431, et seq., shall be used whenever necessary to prevent the delay of early intervention services to the eligible child or family. When funds are used to reimburse the service provider to prevent a delay of the provision of services, the funds shall be recovered from the public or private source that has ultimate responsibility for the payment.

2. Nothing in this section shall be construed to permit any other state agency providing medically related services to reduce medical assistance to eligible children.

3. Payments for the provision of direct early intervention services to children and families shall be paid in the manner prescribed by the lead agency.

4. The lead agency shall promulgate rules for the reimbursement of services from all third-party payers, both private and public.

5. The lead agency or its designee shall, in the first instance and where applicable, seek payment from all third-party payers prior to claiming payment from the state Part C early intervention system for services rendered to eligible children.

6. The lead agency or its designee may pay required deductibles, co-payments, coinsurance or other out-of-pocket expenses for a Part C early intervention program eligible child directly to a provider.

7. The lead agency shall promulgate rules that establish a schedule of monthly cost participation fees for early intervention services per qualifying family regardless of the number of children participating or the amount of services provided. Such fees shall not include services to be provided to the family at no cost as established in Part C of IDEA, 20 U.S.C. Section 1431, et seq. Fees shall be based on a sliding scale to become effective October 1, 2005, that contemplates the following elements:

(1) Adjusted gross income, family size, financial hardship and Medicaid eligibility with the fee implementation beginning at two hundred percent of the federal poverty guidelines;

(2) A minimum fee amount of five dollars to the maximum amount of one hundred dollars monthly, with the lead agency retaining the right to revise the fee schedule no earlier than the third year after the family cost participation effective date;

(3) An increased fee schedule for parents who have insurance and elect not to assign such right of recovery or indemnification to the lead agency;

(4) Procedures for notifying the regional office that a family is not complying with the cost participation fee and procedures for suspending services.

8. All amounts generated by family cost participation, insurance reimbursements, and Medicaid reimbursement shall be deposited to the fund created in section 160.925.

9. The lead agency may assign the collection of early intervention participation fees, payments, and public or private insurance to a designee, contractor, provider, third-party agent, or designated clearinghouse participating in the Part C early intervention system. Such fees, payments, or insurance amounts shall be paid to the department, its designee, contractor, provider, third-party agent, or designated clearinghouse in a timely manner. Notice of collection procedures,

schedule of fees or payments, and guidelines for inability to pay shall be made available to parents of eligible children.

10. Notwithstanding the provisions of section 23.253, RSMo, to the contrary, the provisions of this section shall not sunset.

160.925. 1. There is hereby created in the state treasury the "Part C Early Intervention System Fund" for implementing the provisions of sections 160.900 to 160.925. Moneys deposited in the fund shall be considered state funds under article IV, section 15 of the Missouri Constitution. The state treasurer shall be custodian of the fund and shall disburse moneys from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used solely for the administration of sections 160.900 to 160.925. [Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.] The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

2. At the end of each biennium and after all statutorily or constitutionally required transfer of funds have been made, the state treasurer shall transfer the balance in the fund, except for gifts, donations, bequests, or money received from a federal source, created in subsection 1 of this section in excess of two hundred percent of the previous fiscal year's expenditures into the state general revenue fund.

3. Notwithstanding the provisions of section 23.253, RSMo, to the contrary, the provisions of this section shall not sunset.

160.932. 1. Subject to appropriations, the department of elementary and secondary education shall implement a pilot program allowing the regional interagency coordinating council of the greater St. Louis system point of

entry to hire a part-time child-find coordinator to conduct the child-find requirements under subsection 3 of section 160.910 for the region. The part-time child-find coordinator shall be hired, selected, and employed by the regional interagency coordinating council of the greater St. Louis system point of entry by July 1, 2008.

2. By September 1, 2010, the greater St. Louis system point of entry shall conduct a study on the effect of hiring the child-find coordinator under this section. The study shall be submitted to the department, the state interagency coordinating council and the general assembly.

3. The provisions of this section shall expire on September 1, 2011.

160.933. 1. There is hereby created in the state treasury the "Part C Early Intervention Pilot Program Fund" for implementing the provisions of section 160.932. Moneys deposited in the fund shall be considered state funds under article IV, section 15 of the Missouri constitution. The state treasurer shall be custodian of the fund and may disburse moneys from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used solely for administration of section 160.932. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

2. At the end of each biennium and after all statutorily or constitutionally required transfer of funds have been made, the state treasurer shall transfer the balance in the fund, except for gifts, donations, bequests, or money received from a federal source, created in subsection 1 of this section in excess of two hundred percent of the previous fiscal year's expenditures into the state general revenue fund.

3. The department of elementary and

secondary education shall promulgate rules to implement the provisions of section 160.932. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly under chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

162.675. As used in sections 162.670 to 162.995, unless the context clearly indicates otherwise, the following terms mean:

(1) “**Child with disabilities**”, or “**children with disabilities**” or “**handicapped children**”, **children under the age of twenty-one years who have not completed an approved high school program and who, because of mental, physical, emotional or learning problems, require special educational services;**

(2) “**Gifted children**”, children who exhibit precocious development of mental capacity and learning potential as determined by competent professional evaluation to the extent that continued educational growth and stimulation could best be served by an academic environment beyond that offered through a standard grade level curriculum;

[(2) “**Handicapped children**”, children under the age of twenty-one years who have not completed an approved high school program and who, because of mental, physical, emotional or learning problems, require special educational services;]

(3) “**Severely handicapped children**”, handicapped children under the age of twenty-one

years who meet the eligibility criteria for state schools for severely handicapped children, identified in state regulations that implement the Individuals with Disabilities Education Act;

(4) “**Special educational services**”, programs designed to meet the needs of handicapped or severely handicapped children and which include, but are not limited to, the provision of diagnostic and evaluation services, student and parent counseling, itinerant, homebound and referral assistance, organized instructional and therapeutic programs, transportation, and corrective and supporting services.

162.700. 1. The board of education of each school district in this state, except school districts which are part of a special school district, and the board of education of each special school district shall provide special educational services for [handicapped] children **with disabilities** three years of age or more residing in the district as required by P.L. 99-457, as codified and as may be amended. Any child, determined to be [handicapped] **a child with disabilities**, shall be eligible for such services upon reaching his or her third birthday and state school funds shall be apportioned accordingly. This subsection shall apply to each full school year beginning on or after July 1, 1991. In the event that federal funding fails to be appropriated at the authorized level as described in 20 U.S.C. 1419(b)(2), the implementation of this subsection relating to services for [handicapped] children **with disabilities** three and four years of age may be delayed until such time as funds are appropriated to meet such level. Each local school district and each special school district shall be responsible to engage in a planning process to design the service delivery system necessary to provide special education and related services for children three and four years of age with [handicaps] **disabilities**. The planning process shall include public, private, and private not-for-profit agencies which have provided such services for this population. The

school district, or school districts, or special school district, shall be responsible for designing an efficient service delivery system which uses the present resources of the local community which may be funded by the department of elementary and secondary education or the department of mental health. School districts may coordinate with public, private, and private not-for-profit agencies presently in existence. The service delivery system shall be consistent with the requirements of the department of elementary and secondary education to provide appropriate special education services in the least restrictive environment.

2. Every local school district or, if a special district is in operation, every special school district shall obtain current appropriate diagnostic reports for each [handicapped] child **with disabilities** prior to assignment in a special program. These records may be obtained with parental permission from previous medical or psychological evaluation, may be provided by competent personnel of such district or special district, or may be secured by such district from competent and qualified medical, psychological, or other professional personnel.

3. Evaluations of private school students suspected of having a disability under the Individuals With Disabilities Education Act will be conducted as appropriate by the school district in which the private school is located or its contractor.

4. Where special districts have been formed to serve [handicapped] children **with disabilities** under the provisions of sections 162.670 to 162.995, such children shall be educated in programs of the special district, except that component districts may provide education programs for [handicapped] children **with disabilities** ages three and four inclusive in accordance with regulations and standards adopted by the state board of education.

5. For the purposes of this act, remedial reading programs are not a special education

service as defined by subdivision (4) of section 162.675.

6. Any and all state costs required to fund special education services for three- and four-year-old children [pursuant to] **under** this section shall be provided for by a specific, separate appropriation and shall not be funded by a reallocation of money appropriated for the public school foundation program.

7. School districts providing early childhood special education shall give consideration to the value of continuing services with Part C early intervention system providers for the remainder of the school year when developing an individualized education program for a student who has received services [pursuant to] **under** Part C of the Individuals With Disabilities Education Act and reaches the age of three years during a regular school year. Services provided shall be only those permissible according to Section 619 of the Individuals with Disabilities Education Act.

8. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly [pursuant to] **under** chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.”; and

Further amend said bill, Page 2, Section 162.963, Line 25, by inserting after all of said line the following:

“376.1218. 1. Any health carrier or health benefit plan that offers or issues health benefit plans, other than Medicaid health benefit plans, which are delivered, issued for delivery, continued,

or renewed in this state on or after January 1, 2006, shall provide coverage for early intervention services described in this section that are delivered by early intervention specialists who are health care professionals licensed by the state of Missouri and acting within the scope of their professions for children from birth to age three identified by the Part C early intervention system as eligible for services under Part C of the Individuals with Disabilities Education Act, 20 U.S.C. Section 1431, et seq. Such coverage shall be limited to three thousand dollars for each covered child per policy per calendar year, with a maximum of nine thousand dollars per child.

2. As used in this section, “health carrier” and “health benefit plan” shall have the same meaning as such terms are defined in section 376.1350.

3. In the event that any health benefit plan is found not to be required to provide coverage under subsection 1 of this section because of preemption by a federal law, including but not limited to the act commonly known as ERISA contained in Title 29 of the United States Code, or in the event that subsection 1 of this section is found to be unconstitutional, then the lead agency shall be responsible for payment and provision of any benefit provided under this section.

4. For purposes of this section, “early intervention services” means medically necessary speech and language therapy, occupational therapy, physical therapy, and assistive technology devices for children from birth to age three who are identified by the Part C early intervention system as eligible for services under Part C of the Individuals with Disabilities Education Act, 20 U.S.C. Section 1431, et seq. Early intervention services shall include services under an active individualized family service plan that enhance functional ability without effecting a cure. An individualized family service plan is a written plan for providing early intervention services to an eligible child and the child's family that is adopted in accordance with 20 U.S.C. Section 1436. The

Part C early intervention system, on behalf of its contracted regional Part C early intervention system centers and providers, shall be considered the rendering provider of services for purposes of this section.

5. No payment made for specified early intervention services shall be applied by the health carrier or health benefit plan against any maximum lifetime aggregate specified in the policy or health benefit plan if the carrier opts to satisfy its obligations under this section under subdivision (2) of subsection 7 of this section. A health benefit plan shall be billed at the applicable Medicaid rate at the time the covered benefit is delivered, and the health benefit plan shall pay the Part C early intervention system at such rate for benefits covered by this section. Services under the Part C early intervention system shall be delivered as prescribed by the individualized family service plan and an electronic claim filed in accordance with the carrier's or plan's standard format. Beginning January 1, 2007, such claims' payments shall be made in accordance with the provisions of sections 376.383 and 376.384.

6. The health care service required by this section shall not be subject to any greater deductible, co-payment, or coinsurance than other similar health care services provided by the health benefit plan.

7. (1) Subject to the provisions of this section, payments made during a calendar year by a health carrier or group of carriers affiliated by or under common ownership or control to the Part C early intervention system for services provided to children covered by the Part C early intervention system shall not exceed one-half of one percent of the direct written premium for health benefit plans as reported to the department of insurance on the health carrier's most recently filed annual financial statement.

(2) In lieu of reimbursing claims under this section, a carrier or group of carriers affiliated by or under common ownership or control may, on

behalf of all of the carrier's or carriers' health benefit plan or plans providing coverage under this section, directly pay the Part C early intervention system by January thirty-first of the calendar year an amount equal to one-half of one percent of the direct written premium for health benefit plans as reported to the department of insurance on the health carrier's most recently filed annual financial statement, or five hundred thousand dollars, whichever is less, and such payment shall constitute full and complete satisfaction of the health benefit plan's obligation for the calendar year. Nothing in this subsection shall require a health carrier or health benefit plan providing coverage under this section to amend or modify any provision of an existing policy or plan relating to the payment or reimbursement of claims by the health carrier or health benefit plan.

8. This section shall not apply to a supplemental insurance policy, including a life care contract, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, hospitalization-surgical care policy, policy that is individually underwritten or provides such coverage for specific individuals and members of their families, long-term care policy, or short-term major medical policies of six months or less duration.

9. Except for health carriers or health benefit plans making payments under subdivision (2) of subsection 7 of this section, the department of insurance shall collect data related to the number of children receiving private insurance coverage under this section and the total amount of moneys paid on behalf of such children by private health carriers or health benefit plans. The department shall report to the general assembly regarding the department's findings no later than January 30, 2007, and annually thereafter.

10. Notwithstanding the provisions of section 23.253, RSMo, to the contrary, the provisions of this section shall not sunset.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Scott assumed the Chair.

Senator Rupp offered SA 8:

SENATE AMENDMENT NO. 8

Amend House Bill No. 265, Page 2, Section 162.963, Line 25, by inserting after all of said line the following:

“170.135. 1. As used in this section, the following terms mean:

(1) “Captions”, when the audio portion of video programming is displayed as text superimposed over the video;

(2) “Closed captions”, captions that may be turned on or off by the viewer;

(3) “Electronic video instructional materials”, materials designed, marketed, and sold for use in the instructional programs of educational institutions in Missouri, including but not limited to materials on videotape, CD-ROM, digital video disc (DVD), and film;

(4) “Open captions”, captions that are always viewable and cannot be turned on and off by the viewer.

2. Beginning January 1, 2008, every publisher or manufacturer of electronic video instructional materials offered for adoption or sale in the state shall supply such materials with open captions or closed captions, except for the following:

(1) Video products or portions of video products for which the publisher does not have the rights to add captions; and

(2) Video products or portions of video products for which the user does not receive a physical copy of the product, but rather the product is otherwise broadcast into the

instructional environment through television programming, teleconferences, and/or products distributed over the Internet or World Wide Web.

3. If the publisher or manufacturer fails to comply with the requirements of this section, the publisher or manufacturer shall be liable to the entity that purchased the electronic video instructional materials in the amount of three times the amount paid by the purchasing entity to have captions placed on the materials.

4. In order to ensure the effective implementation of subsection 3 of this section, a liability claim may be made on behalf of the purchasing entity by either the individual purchaser; a school, school district, college, or university that employs the individual purchaser; the Missouri department of elementary and secondary education; or the Missouri department of higher education.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Wilson offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend House Bill No. 265, Page 1, Section A, Line 2, by inserting after all of said line the following:

“160.775. 1. Every district shall adopt an antibullying policy by September 1, 2007.

2. “Bullying” means intimidation or harassment that causes a reasonable student to fear for his or her physical safety or property. Bullying may consist of physical actions, including gestures, or oral, **cyberbullying, electronic,** or written communication, and any threat of retaliation for reporting of such acts.

3. Each district's antibullying policy shall be founded on the assumption that all students need a

safe learning environment. Policies shall treat students equally and shall not contain specific lists of protected classes of students who are to receive special treatment. Policies may include age appropriate differences for schools based on the grade levels at the school. Each such policy shall contain a statement of the consequences of bullying.

4. Each district's antibullying policy shall require district employees to report any instance of bullying of which the employee has firsthand knowledge. The district policy shall address training of employees in the requirements of the district policy.”; and

Further amend the title and enacting clause accordingly.

Senator Wilson moved that the above amendment be adopted.

Senator Justus offered **SSA 1 for SA 9**:

**SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 9**

Amend House Bill No. 265, Page 1, Section A, Line 2, by inserting after all of said line the following:

“160.775. 1. Every district shall adopt an antibullying policy by September 1, 2007.

2. “Bullying” means **discrimination, intimidation, or harassment that causes a reasonable student to fear for his or her physical safety or property; substantially interferes with a student's educational performance, opportunities, or benefits; or substantially disrupts the orderly operation of the school.** Bullying may consist of physical actions, including gestures, or oral [or], written, **cyberbullying, or electronic** communication, and any threat of retaliation for reporting of such acts. **Bullying is prohibited by school employees or students on school property, at any school function, or on a school bus.**

3. Each district's antibullying policy shall be

founded on the assumption that all students need a safe learning environment. Policies shall treat students equally and shall [not contain specific lists of protected classes of students who are to receive special treatment.] **include an educational component delineating the effects of bullying motivated by, but not limited to, actual or perceived race, color, religion, ancestry, national origin, gender, sexual orientation as defined in section 557.035, RSMo, intellectual ability, physical appearance, or a mental, physical or sensory disability or disorder, or on the basis of association with others identified by these categories.** Policies may include age appropriate differences for schools based on the grade levels at the school. Each such policy shall contain a statement of the consequences of bullying.

4. Each district's antibullying policy shall require, **at a minimum, the following components:**

(1) A statement prohibiting bullying;

(2) A statement requiring district employees to report any instance of bullying of which the employee has **reliable information or** firsthand knowledge[. The district policy shall address training of employees in the requirements of the district policy.];

(3) A procedure for reporting an act of bullying;

(4) A procedure for prompt investigation of reports of serious violations and complaints, identifying either the principal or the principal's designee as the person responsible for the investigation;

(5) The range of ways in which a school will respond once an incident of bullying is confirmed;

(6) A statement that prohibits reprisal or retaliation against any person who reports an act of bullying and the consequence and appropriate remedial action for a person who

engages in reprisal or retaliation;

(7) A statement of how the policy is to be publicized; and

(8) A process for discussing the district's antibullying policy with students and training school employees and volunteers who have significant contact with students in the requirements of the policy.

Notice of each district's policy shall appear in any school district publication that sets forth the comprehensive rules, procedures, and standards of conduct for schools within the school district, and in any student or school employee handbook.

5. The state board of education shall develop model policies to assist local school districts in developing policies for the prevention of bullying no later than September 1, 2008.”; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above substitute amendment be adopted.

Senator Crowell requested a roll call vote be taken on the adoption of **SSA 1 for SA 9** and was joined in his request by Senators Bray, Mayer, Nodler and Ridgeway.

SSA 1 for SA 9 failed of adoption by the following vote:

YEAS—Senators

Bray	Coleman	Days	Graham
Green	Justus	Kennedy	Smith
Wilson—9			

NAYS—Senators

Barnitz	Callahan	Champion	Clemens
Crowell	Engler	Gibbons	Goodman
Griesheimer	Gross	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Stouffer	Vogel—24

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

SA 9 was again taken up.

Senator Wilson moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bray, Days, Kennedy and McKenna.

SA 9 was adopted by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

Senator Rupp offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend House Bill No. 265, Page 2, Section 162.963, Line 25, by inserting immediately after all of said line the following:

“[160.930. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the program authorized under sections 160.900 to 160.925, section 162.700, RSMo, and section 376.1218, RSMo, shall automatically sunset two years after August 28, 2005, unless reauthorized by an act of the

general assembly; and

(2) If such program is reauthorized, the program authorized under sections 160.900 to 160.925, section 162.700, RSMo, and section 376.1218, RSMo, shall automatically sunset twelve years after the effective date of the reauthorization of sections 160.900 to 160.925, section 162.700, RSMo, and section 376.1218, RSMo; and

(3) Sections 160.900 to 160.925, section 162.700, RSMo, and section 376.1218, RSMo, shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under sections 160.900 to 160.925, section 162.700, RSMo, and section 376.1218, RSMo, is sunset.]”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Rupp offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend House Bill No. 265, Page 1, Section A, Line 2, by inserting after all of said line the following:

“162.961. 1. A parent, guardian or the responsible educational agency may request a due process hearing by the state board of education with respect to any matter relating to identification, evaluation, educational placement, or the provision of a free appropriate public education of the child. Such request shall include the child's name, address, school, issue, and suggested resolution of dispute if known. Except as provided in subsection 4 of this section, the board or its delegated representative shall within fifteen days after receiving notice empower a hearing panel of three persons who are not directly connected with the original decision and who are not employees of the board to which the appeal has been made. All of the panel members shall have some knowledge or training involving children with disabilities, none

shall have a personal or professional interest which would conflict with his or her objectivity in the hearing, and all shall meet the department of elementary and secondary education's training and assessment requirements pursuant to state regulations and federal law and regulation requirements of the Individuals With Disabilities Education Act. One person shall be chosen by the local school district board or its delegated representative or the responsible educational agency, and one person shall be chosen at the recommendation of the parent or guardian. If either party has not chosen a panel member ten days after the receipt by the department of elementary and secondary education of the request for a due process hearing, such panel member shall be chosen instead by the department of elementary and secondary education. Each of these two panel members shall be compensated pursuant to a rate set by the department of elementary and secondary education. The third person shall be appointed by the state board of education and shall serve as the chairperson of the panel. The chairperson shall be an attorney licensed to practice law in this state. During the pendency of any three-member panel hearing, or prior to the empowerment of the panel, the parties may, by mutual agreement, submit their dispute to a mediator pursuant to section 162.959.

2. The parent or guardian, school official, and other persons affected by the action in question shall present to the hearing panel all pertinent evidence relative to the matter under appeal. All rights and privileges as described in section 162.963 shall be permitted.

3. After review of all evidence presented and a proper deliberation, the hearing panel, within the time lines required by the Individuals With Disabilities Education Act, 20 U.S.C. Section 1415 and any amendments thereto, shall by majority vote determine its findings, conclusions, and decision in the matter in question and forward the written decision to the parents or guardian of the child and to the president of the appropriate local board of education or responsible educational

agency and to the department of elementary and secondary education. A specific extension of the time line may be made by the chairman at the request of either party, except in the case of an expedited hearing as provided in subsection 4 of this section.

4. An expedited due process hearing by the state board of education may be requested by a parent to challenge a disciplinary change of placement or to challenge a manifestation determination in connection with a disciplinary change of placement or by a responsible educational agency to seek a forty-five school day alternative educational placement for a dangerous or violent student. The board or its delegated representative shall appoint a hearing officer to hear the case and render a decision within the time line required by federal law and state regulations implementing federal law. The hearing officer shall be an attorney licensed to practice law in this state. The hearing officer shall have some knowledge or training involving children with disabilities, shall not have a personal or professional interest which would conflict with his or her objectivity in the hearing, and shall meet the department of elementary and secondary education's training and assessment requirements pursuant to state regulations and federal law and regulation requirements of the Individuals With Disabilities Education Act. A specific extension of the time line is only permissible to the extent consistent with federal law and pursuant to state regulations.

5. If the responsible public agency requests a due process hearing to seek a forty-five school day alternative educational placement for a dangerous or violent student, the agency shall show by substantial evidence that there is a substantial likelihood the student will injure himself or others and that the agency made reasonable efforts to minimize that risk, and shall show that the forty-five school day alternative educational placement will provide a free appropriate public education which includes services and

modifications to address the behavior so that it does not reoccur, and continue to allow progress in the general education curriculum.

6. Any due process hearing request and responses to the request shall conform to the requirements of the Individuals With Disabilities Education Act (IDEA). Determination of the sufficiency shall be made by the chairperson of the three-member hearing panel, or in the case of an expedited due process hearing, by the hearing officer. The chairperson or hearing officer shall implement the process and procedures, including time lines, required by the IDEA, related to sufficiency of notice, response to notice, determination of sufficiency dispute, and amendments of the notice.

7. A preliminary meeting, known as a resolution session, shall be convened by the responsible public agency, under the requirements of the IDEA. The process and procedures required by the IDEA in connection to the resolution session and any resulting written settlement agreement shall be implemented. **The responsible public agency or its designee shall sign the agreement. The designee identified by the responsible public agency shall have the authority to bind the agency. A local board of education, as a responsible public agency, shall identify a designee with authority to bind the school district.”; and**

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Rupp offered **SA 12**, which was read:

SENATE AMENDMENT NO. 12

Amend House Bill No. 265, Page 1, In the Title, Lines 2-3, by striking “special education due process hearings.” and inserting in lieu thereof the following: “education.”.

Senator Rupp moved that the above

amendment be adopted, which motion prevailed.

Senator Loudon offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend House Bill No. 265, Page 2, Section 162.963, Line 25, by inserting after all of said line the following:

“163.045. 1. The general assembly hereby finds and declares that the safety and security of our school children is of the utmost importance to our society. The purpose of this act is to secure the safety of our children while they attend school so that they may be free to attain a diffuse range of knowledge in an environment free of malaise and to ensure that our school teachers have an environment free of fear or reprisal in order to better educate our children.

2. Beginning with the 2009 fiscal year and in each subsequent fiscal year, the general assembly shall appropriate nine million dollars to the safe schools fund, as established in subsection 6 of this section. The department of elementary and secondary education shall annually distribute the moneys in the fund to each school district in this state in proportion to their average daily attendance, as such term is defined in section 163.011.

3. Districts may use the moneys received from this fund in any of the following ways:

(1) To hire and pay professional peace officers and/or school resource officers;

(2) To purchase, install, and maintain safety-related hardware, such as locking systems;

(3) To purchase, install, and maintain camera systems in school buildings and/or buses;

(4) To carry out point-of-entry inspections;

(5) To provide Internet predator education;

(6) To provide training in order to prevent bullying and/or sexual misconduct;

(7) To institute a lock-down procedure to be implemented in the case of a potentially dangerous or armed intruder as specified in subsection 5 of this section; and

(8) For other safety-related expenditures with prior approval of the department.

4. Each district shall annually notify the department of elementary and secondary education of the manner in which the funds received under this section were utilized. Should the department determine that the district utilized such funds in a manner inconsistent with the provisions of subsection 3 of this section, the department may withhold all or any future payments under this section to such district.

5. As a condition of receiving funds under this section, each school district shall:

(1) Ensure that each school building in the district both institutes a lock-down procedure to be implemented in case a potentially dangerous or armed intruder enters the school and conducts a drill at least once a school year in order to prepare for such a scenario. The department of elementary and secondary education shall establish guidelines no later than January 1, 2008, to assist districts in implementing such procedures; and

(2) Adopt and implement an antibullying policy as described in section 160.775, RSMo.

6. There is hereby created in the state treasury the "Safe Schools Fund". The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used solely for the administration of this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall

invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund."; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted.

Senator Loudon offered SA 1 to SA 13, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 13

Amend Senate Amendment No. 13 to House Bill No. 265, Page 1, Section 163.045, Line 11, by adding after "2." the following:

"Subject to appropriation".

Senator Loudon moved that the above amendment be adopted.

At the request of Senator Loudon, SA 1 to SA 13 was withdrawn.

Senator Loudon offered SSA 1 for SA 13:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 13

Amend House Bill No. 265, Page 2, Section 162.963, Line 25, by inserting after all of said line the following:

"163.045. 1. The general assembly hereby finds and declares that the safety and security of our school children is of the utmost importance to our society. The purpose of this act is to secure the safety of our children while they attend school so that they may be free to attain a diffuse range of knowledge in an environment free of malaise and to ensure that our school teachers have an environment free of fear or reprisal in order to better educate our children.

2. Beginning with the 2009 fiscal year and in each subsequent fiscal year, the general assembly may appropriate nine million dollars to the safe schools fund, as established in

subsection 6 of this section. The department of elementary and secondary education shall annually distribute the moneys in the fund to each school district in this state in proportion to their average daily attendance, as such term is defined in section 163.011.

3. Districts may use the moneys received from this fund in any of the following ways:

(1) To hire and pay professional peace officers and/or school resource officers;

(2) To purchase, install, and maintain safety-related hardware, such as locking systems;

(3) To purchase, install, and maintain camera systems in school buildings and/or buses;

(4) To carry out point-of-entry inspections;

(5) To provide Internet predator education;

(6) To provide training in order to prevent bullying and/or sexual misconduct;

(7) To institute a lock-down procedure to be implemented in the case of a potentially dangerous or armed intruder as specified in subsection 5 of this section; and

(8) For other safety-related expenditures with prior approval of the department.

4. Each district shall annually notify the department of elementary and secondary education of the manner in which the funds received under this section were utilized. Should the department determine that the district utilized such funds in a manner inconsistent with the provisions of subsection 3 of this section, the department may withhold all or any future payments under this section to such district.

5. As a condition of receiving funds under this section, each school district shall:

(1) Ensure that each school building in the district both institutes a lock-down procedure to

be implemented in case a potentially dangerous or armed intruder enters the school and conducts a drill at least once a school year in order to prepare for such a scenario. The department of elementary and secondary education shall establish guidelines no later than January 1, 2008, to assist districts in implementing such procedures; and

(2) Adopt and implement an antibullying policy as described in section 160.775, RSMo.

6. There is hereby created in the state treasury the "Safe Schools Fund". The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used solely for the administration of this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund."; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above substitute amendment be adopted.

Senator Gross offered SA 1 to SSA 1 for SA 13, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 13

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 13 to House Bill No. 265, Page 3, Section 163.045, Line 15, by inserting immediately after "fund." the following:

"At the end of each biennium and after all statutorily or constitutionally required transfer

of funds have been made, the state treasurer shall transfer the balance in the fund, except for gifts, donations, bequests, or money received from a federal source, created in this subsection in excess of two hundred percent of the previous fiscal year's expenditures into the state general revenue fund.”.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

SSA 1 for SA 13, as amended, was again taken up.

Senator Loudon moved that the above substitute amendment be adopted, which motion prevailed.

Senator Ridgeway offered SA 14:

SENATE AMENDMENT NO. 14

Amend House Bill No. 265, Page 2, Section 162.963, Line 25, by inserting immediately after all of said line the following:

“167.121. 1. If the residence of a pupil is so located that attendance in the district of residence constitutes an unusual or unreasonable transportation hardship because of natural barriers, travel time, or distance, the commissioner of education or his designee may assign the pupil to another district. Subject to the provisions of this section, all existing assignments shall be reviewed prior to July 1, 1984, and from time to time thereafter, and may be continued or rescinded. The board of education of the district in which the pupil lives shall pay the tuition of the pupil assigned. The tuition shall not exceed the pro rata cost of instruction.

2. (1) For the school year beginning July 1, 2008, and each succeeding school year, a parent or guardian residing in a lapsed public school district or a district that has scored unaccredited on two consecutive annual performance reports or provisionally accredited in two consecutive annual performance reports

may enroll the parent's or guardian's child in the Missouri virtual school created in section 161.670, RSMo.

(2) A pupil's residence, for purposes of this section, means residency established under section 167.020. Except for students residing in a K-8 district attending high school in a district under section 167.131, the board of the home district shall pay to the virtual school the amount required under section 161.670, RSMo. The home district shall include such student's completion of virtual school credit in the district's average daily attendance.”; and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Coleman offered SA 15:

SENATE AMENDMENT NO. 15

Amend House Bill No. 265, Page 2, Section 162.963, Line 25, by inserting immediately after all of said line the following:

“Section 1. Whenever any school district in this state attains a score or displays criteria for classification of the district on its annual performance review consistent with the classification of “unaccredited”, the state board of education shall, within ninety days, study all of the pertinent, current data from the district and shall either classify the district as “unaccredited” or issue a report to the general assembly and the governor delineating the factors considered and the reasons for not classifying the district as “unaccredited”. Should the state board vote to classify a district as “unaccredited”, the board may vote to apply such classification prospectively to a date no later than ten days after the last scheduled day of classes for the district in the current academic year.”; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Engler offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend House Bill No. 265, Page 1, Section A, Line 2, by inserting immediately after said line the following:

“160.782. As used in sections 160.782 to 160.797, the following terms shall mean:

(1) “Certified laboratory”, a laboratory that is certified by the Substance Abuse and Mental Health Services Administration of the federal Department of Health and Human Services to engage in drug testing for federal agencies;

(2) “Confirmatory drug test”, a test by a gas chromatography/mass spectrometry testing procedure of a urine specimen conducted after an initial positive drug test result;

(3) “Confirmed breath alcohol test”, a second breath alcohol specimen provided by the employee fifteen minutes after the initial positive breath alcohol screening test to confirm the alcohol concentration of the four hundreds of one percent or more by weight of alcohol in the blood;

(4) “Confirmed positive breath alcohol test”, a confirmed alcohol concentration of the amount of four hundreds of one percent or more by weight of alcohol in the blood;

(5) “Confirmed positive drug test result”, a finding by a confirmatory test of the presence in the tested urine of any of the drugs or their metabolites at or above the minimum detection level specified in section 160.791;

(6) “Employee”, a laborer, worker, mechanic, or truck driver who performs work on a project as described in section 160.785;

(7) “Employer”, a contractor, subcontractor, or agent of a contractor or subcontractor that performs work on a project as described in section 160.785;

(8) “Initial breath alcohol screening test”, an initial breath specimen provided by the employee to determine the weight of alcohol in the blood;

(9) “Initial drug screening test”, a test by an immunoassay procedure of a urine specimen;

(10) “Initial positive breath alcohol screening test”, an alcohol concentration of the amount of four hundreds of one percent or more by weight of alcohol in the blood;

(11) “Initial positive drug test result”, a finding by an initial screening test of the presence in the tested urine of any of the drugs or their metabolites at or above the minimum detection level specified in section 160.791;

(12) “Medical review officer”, a licensed physician who has knowledge of substance abuse disorders, laboratory testing procedures, and chain-of-custody procedures and who has the necessary medical training to interpret and evaluate a confirmed positive drug test result, a person's medical history, and any other relevant biomedical information;

(13) “Third-party administrator”, a person contracted by an employer, either directly or in cooperation with other employers or organizations, to administer the drug and alcohol testing program of the employer under sections 160.782 to 160.797;

(14) “Verified positive drug test result”, a confirmed positive drug test result that has been verified by a medical review officer for the presence in the tested urine of any of the drugs or their metabolites at or above the minimum detection level specified in section 160.791.

160.785. 1. Any entity that provides construction services under contract on the

property of a public or private elementary or secondary school, public vocational school, or public or private junior college, college, university, land grant university, or any state owned building shall have in place before any work on the project commences, a drug and alcohol testing program that complies with sections 160.782 to 160.797. An employer may contract with a third-party administrator to administer the employer's drug and alcohol testing program under this section.

2. A bidder for contracts as described in subsection 1 of this section shall submit with the bid all of the following:

(1) A statement that the bidder has in place, before any work on the project commences, a drug and alcohol testing program that complies with sections 160.782 to 160.797;

(2) A statement from each subcontractor or agent that will be performing work on the project that the subcontractor or agent has in place, or will have in place before any work on the project commences, a drug and alcohol testing program that complies with sections 160.782 to 160.797.

3. An employer that is required under sections 160.782 to 160.797 to have, but that does not have, a drug and alcohol testing program in place on August 28, 2007 shall provide notice to all of its employees that a drug and alcohol testing program is being implemented and may not begin actual drug and alcohol testing until sixty days after the date of the notice.

160.788. Before an employee is tested for the presence of drugs or alcohol, an employer or third-party administrator shall provide the employee with a written policy statement that contains the following:

(1) A statement that an employee who receives a verified positive drug test result may challenge or explain the result to the medical

review officer within two working days after receiving notification of the test result; that, if the explanation is unsatisfactory to the medical review officer, the medical review officer will report the test result to the employer; and that the employee may, within two working days after receiving that notice, request a retest of the specimen that tested positive by a certified laboratory chosen by the employee at the expense of the employee;

(2) A statement that the employee shall be given the opportunity to provide any information that he or she considers relevant to the test, including identification of any prescription drugs or nonprescription drugs that he or she is currently using or has recently used or any other relevant medical information.

160.791. 1. An employer may not permit an employee to work on a project unless the employee has tested negative for the presence of drugs or alcohol in the employee's system not more than twelve months preceding the date on which the employee commences work on the project.

2. After an employee begins work on a project, the employer may require the employee to submit to testing if the employer has a reasonable belief, based on specific, objective, and articulable facts and reasonable inferences drawn from those facts, that the employee is using or has used drugs or alcohol in violation of the employer's policy. Those facts and inferences may be based on any of the following:

(1) Facts or events observed while the employee is at work, such as direct observation of drug or alcohol use or of the physical symptoms or manifestations of being under the influence of drugs or alcohol;

(2) Abnormal conduct or erratic behavior of the employee while at work or a significant deterioration in the employee's work

performance;

(3) A report of drug or alcohol use provided by a reliable and credible source;

(4) Evidence that the employee has tampered with a drug test during his or her employment with the employer or after receiving an offer of employment with the employer;

(5) Evidence that the employee has used, possessed, attempted to possess, distributed, or delivered drugs or alcohol while at work, while on the employer's premises or on the site of the project, or while operating the employer's vehicles, machinery, or equipment;

(6) Any other fact or event that provides a reasonable belief that the employee is using or has used drugs or alcohol in violation of the employer's policy.

3. After an employee begins work on a project, the employer shall require the employee to submit to random testing. Employees tested under this subsection shall be selected for random testing according to objective, neutral, and nondiscriminatory criteria, and the testing shall be spread out throughout the life of the project so that on any given day, any given employee has an equal chance of being tested. Testing under this subsection shall be conducted without prior warning.

4. An employee who under any other state or federal law is required to submit to random drug and alcohol testing that is at least as strict as the testing required under this section is not required to submit to testing under this section.

5. Testing under this section shall be performed by a certified laboratory selected by the employer or third-party administrator and shall be conducted in accordance with scientific and technical guidelines established by the Substance Abuse and Mental Health Services Administration of the federal Department of

Health and Human Services for those certified laboratories. At a minimum, an employee shall be tested for all of the following:

(1) Amphetamines, with the following minimum detection levels constituting a positive drug test result:

(a) A level of one thousand nanograms per milliliter constituting an initial positive drug test result;

(b) A level of five hundred nanograms per milliliter constituting a confirmed positive drug test result;

(2) Barbiturates, with the following minimum detection levels constituting a positive drug test result:

(a) A level of three hundred nanograms per milliliter constituting an initial positive drug test result;

(b) A level of three hundred nanograms per milliliter constituting a confirmed positive drug test result;

(3) Benzodiazepines, with the following minimum detection levels constituting a positive drug test result:

(a) A level of three hundred nanograms per milliliter constituting an initial positive drug test result;

(b) A level of three hundred nanograms per milliliter constituting a confirmed positive drug test result;

(4) Cocaine metabolites, with the following minimum detection levels constituting a positive drug test result:

(a) A level of three hundred nanograms per milliliter constituting an initial positive drug test result;

(b) A level of one hundred fifty nanograms per milliliter constituting a confirmed positive drug test result;

(5) Marijuana metabolites, with the following minimum detection levels constituting a positive drug test result:

(a) A level of fifty nanograms per milliliter constituting an initial positive drug test result;

(b) A level of fifteen nanograms per milliliter constituting a confirmed positive drug test result;

(6) Methadone, with the following minimum detection levels constituting a confirmed positive drug test result:

(a) A level of three hundred nanograms per milliliter constituting an initial positive drug test result;

(b) A level of three hundred nanograms per milliliter constituting a confirmed positive drug test result;

(7) Opiates, with the following minimum detection levels constituting a positive drug test result:

(a) A level of two thousand nanograms per milliliter constituting an initial positive drug test result;

(b) A level of two thousand nanograms per milliliter constituting a confirmed positive drug test result;

(8) Phencyclidine, with the following minimum detection levels constituting a positive drug test result:

(a) A level of twenty-five nanograms per milliliter constituting an initial positive drug test result;

(b) A level of twenty-five nanograms per milliliter constituting a confirmed positive drug test result;

(9) Propoxyphene, with the following minimum detection levels constituting a positive drug test result:

(a) A level of three hundred nanograms per

milliliter constituting an initial positive drug test result;

(b) A level of three hundred nanograms per milliliter constituting a confirmed positive drug test result;

(10) Alcohol, with an alcohol concentration of the amount of four-hundredths of one percent or more by weight of alcohol in the blood constituting a confirmed positive alcohol test result as determined by an analysis of a breath specimen provided by the employee.

6. This section shall not be construed to prohibit an employer from establishing and enforcing reasonable work rules relating to the use, possession, distribution, or delivery of drugs or alcohol in the workplace.

160.794. 1. An employee shall be given the opportunity to provide to the medical review officer any information that he or she considers relevant to the test, including identification of any prescription drugs or nonprescription drugs that he or she is currently using or has recently used or any other relevant medical information.

2. Within one working day after receipt of a verified positive test result, the employer or third-party administrator shall inform the employee of the test result, the consequences of the test result, and the options available to the employee. On request, the third-party administrator or medical review officer shall provide a copy of the test result to the employee.

3. Within two working days after receiving a verified positive test result, the employee may request a retest of the specimen that tested positive by a certified laboratory chosen by the employee. The employee shall pay the cost of any retesting requested by the employee but not required by the employer, subject to reimbursement by the employer if the result of the retest is negative.

4. If testing is conducted based on

reasonable suspicion, the employer shall document in writing the circumstances upon which that reasonable suspicion is based and, upon request, shall provide a copy of that documentation to the employee. The employer shall retain a copy of that documentation for not less than one year.

5. Any test of an employee conducted under this section shall occur immediately before, during, or immediately after the regular work period of the employee. If the test is conducted during an employee's regular work period, the employee shall be paid for the time lost from work at the employee's hourly basic rate of pay, plus the hourly contribution for health insurance benefits, vacation benefits, pension benefits, and any other bona fide economic benefits payable to the employee. If the test is conducted outside the employee's regular work period, the employee shall be paid for the time necessary to take the test, including reasonable travel time, at the employee's hourly basic rate of pay. The employer shall pay the cost of all testing required by the employer. The employee shall pay the cost of any retesting or additional testing requested by the employee, but not required by the employer, subject to reimbursement by the employer if the result of the retest or additional test is negative.

6. Except as required or permitted under this section, any information, written or otherwise, relating to the result of a test conducted under this section shall remain confidential and may be disclosed only as follows:

(1) On the specific written consent of the employee who is the subject of the test. That consent shall state the name of the person who is authorized to obtain the information, the purpose of the disclosure, the precise information to be disclosed, and the duration of the consent and shall be signed by the person authorizing the disclosure;

(2) On the order of a court, hearing examiner, arbitrator, or other decision maker for purposes of a court proceeding, administrative proceeding, grievance proceeding, or any other proceeding arising out of an adverse employment action taken as a result of a test conducted under this section.

160.797. 1. An employee who refuses to submit to testing as required under sections 160.782 to 160.797 or who is the subject of a verified positive test result may not be permitted to work on a project until the employee tests negative for the presence of drugs or alcohol in his or her system. An employee who is the subject of more than one verified positive test result during the life of a project may not work on the project for the life of the project.

2. Any employer that knowingly permits an employee of the employer to work on a project in violation of sections 160.782 to 160.797 may be fined not more than two hundred dollars or imprisoned for not more than six months, or both. Each day that a violation continues is a separate offense.

160.798. The requirements of sections 160.782 to 160.797 shall not apply to employers who are party to a program for drug and alcohol testing, which program has been in existence since at least January 1, 2005, provided that such program:

(1) Requires the testing of substances which include those substances set forth in subsection 5 of section 160.791;

(2) Utilizes detection levels which are at least as stringent as those set forth in subsection 5 of section 160.791;

(3) Provides for random testing and reasonable suspicion testing;

(4) Provides for review of test results by a medical review officer;

(5) Allows the employee to have a positive test specimen retested, at the employee's expense;

(6) Provides that an employee who tests positive or refuses to submit to a test shall not be permitted to resume employment until he or she tests negative for the presence of drugs or alcohol.”; and

Further amend the title and enacting clause accordingly.

Senator Engler moved that the above amendment be adopted, which motion prevailed.

Senator Smith offered **SA 17**:

SENATE AMENDMENT NO. 17

Amend House Bill No. 265, Page 1, Section A, Line 2, by inserting after all of said line the following:

“162.626. **1.** There is hereby established in the metropolitan school district a pilot program of multiyear teacher-student groupings. The program shall be implemented in [no fewer than] ten schools in the district and shall be implemented for no less than five consecutive years in each of such schools and in [at least six] classrooms in each of such schools. Pupil-teacher ratios in such classrooms shall not exceed twenty-five to one. The program shall seek to improve student learning by providing a long-term relationship between the student and a particular teacher. [The board shall develop a plan for grade-level groups throughout which participating classes shall maintain the same group of students with the same teacher for multiyear periods. The grade-level groups shall include at least two grade levels and shall not exceed four grade levels in the same group.] **The board shall develop a plan for five of the schools to provide for grade-level groups of kindergarten through second grade, third through fifth grade, and sixth through eighth grade throughout which classes shall maintain the same group of students with the same teacher for three-year periods. The board shall**

develop a plan for the remaining five schools to provide for grade-level groups of kindergarten through first grade, second through third grade, fourth through fifth grade, sixth grade, and seventh through eighth grade throughout which classes shall maintain the same group of students with the same teacher for two-year periods, except for sixth grade. The plan shall provide for voluntary participation by students. The board shall establish a policy and a procedure to review and act upon requests by a student or the parent of a student that the student be transferred to a different class with a different teacher. All policies and plans established by the board pursuant to this section shall be subject to review and approval of the state board of education.

2. Beginning four years after the implementation of the pilot program required by this section, the department of elementary and secondary education shall conduct a study of the pilot program in order to measure student achievement, parent and teacher satisfaction and discipline issues in schools participating in the pilot program. The department shall issue a report to the general assembly and the governor within thirty days of completing the study.”; and

Further amend the title and enacting clause accordingly.

Senator Smith moved that the above amendment be adopted.

At the request of Senator Rupp, **HB 265**, with **SA 17** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCS** for **SCS** for **SB 288** and **SB 152** and

SCS for **SB 115**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

On behalf of Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, Senator Lager submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SCS** for **HB 41**; **SS** for **SCS** for **HB 255**; **HCS** for **HB 461**; **SS** for **HB 744**; **HCS** for **HB 818**, with **SCS**; and **HCS** for **HB 820**, begs leave to report that it has considered the same and recommends that the bills do pass.

On motion of Senator Shields, the Senate recessed until 8:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Mayer.

HOUSE BILLS ON THIRD READING

HCS for **HB 165**, with **SCS**, was placed on the Informal Calendar.

HB 579 was placed on the Informal Calendar.

HB 462 was placed on the Informal Calendar.

HB 134 was placed on the Informal Calendar.

HCS for **HB 894**, with **SCS**, was placed on the Informal Calendar.

HB 1014, with **SCS**, was placed on the Informal Calendar.

HCS for **HBs 654** and **938** was placed on the Informal Calendar.

HJR 19 was placed on the Informal Calendar.

HCS for **HB 181** was placed on the Informal Calendar.

HCS No. 2 for **HB 28** was placed on the Informal Calendar.

HCS for **HB 1055**, with **SCA 1**, was placed on the Informal Calendar.

HCS for **HB 461**, entitled:

An Act to repeal sections 36.030, 36.031, 306.161, 306.163, and 650.005, RSMo, and to enact in lieu thereof ten new sections relating to the water patrol, with an emergency clause.

Was taken up by Senator Shields.

On motion of Senator Shields, **HCS** for **HB 461** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Justus	Koster
Lager	Loudon	Mayer	McKenna
Nodler	Purgason	Ridgeway	Rupp
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Clemens	Gross	Kennedy	Scott—4
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Justus	Koster
Lager	Loudon	Mayer	McKenna
Nodler	Purgason	Ridgeway	Rupp
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Clemens Gross Kennedy Scott—4

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS No. 6** for **SCS** for **SB 389**.

Bill ordered enrolled.

PRIVILEGED MOTIONS

Senator Goodman moved that the Senate refuse to concur in **HCS** for **SB 416** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Stouffer moved that **SS** for **HB 744**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Stouffer, **SS** for **HB 744**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle Callahan Champion Coleman
Days Engler Gibbons Goodman

Graham Griesheimer Koster Loudon
McKenna Nodler Ridgeway Rupp
Scott Shields Stouffer Vogel—20

NAYS—Senators

Barnitz Bray Crowell Green
Justus Kennedy Lager Mayer
Purgason Shoemyer Smith Wilson—12

Absent—Senators

Clemens Gross—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause failed to receive the necessary two-thirds majority by the following vote:

YEAS—Senators

Bartle Callahan Champion Clemens
Coleman Days Engler Gibbons
Goodman Graham Griesheimer Koster
Loudon McKenna Nodler Rupp
Scott Shields Stouffer Vogel
Wilson—21

NAYS—Senators

Barnitz Bray Crowell Green
Justus Kennedy Lager Mayer
Purgason Ridgeway Shoemyer Smith—12

Absent—Senator Gross—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Loudon moved that **SCS** for **HB 41**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Loudon, **SCS** for **HB 41**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators

Bray Green—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Vogel moved that **SS** for **SCS** for **HB 255**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Vogel, **SS** for **SCS** for **HB 255**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senator Barnitz—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway

Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senator Barnitz—1

Absent—Senator Clemens—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Vogel, title to the bill was agreed to.

Senator Vogel moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Rupp moved that **HB 265**, with **SA 17** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 17 was again taken up.

Senator Smith moved that the above amendment be adopted, which motion prevailed.

Senator Coleman offered **SA 18**:

SENATE AMENDMENT NO. 18

Amend House Bill No. 265, Page 1, Section A, Line 2, by inserting after all of said line the following:

“162.079. 1. Whenever any school district in this state is classified as “unaccredited” by the state board of education, there shall be established within sixty days a school district to be known as the “Transitional School District of (name of political subdivision)”, which shall be a body corporate and politic and a subdivision of the state. The boundaries of the transitional school district shall be coterminous with the unaccredited school district.

2. Prior to or at the time any school district in this state shall lapse, but after the school

district has been classified as unaccredited, the department of elementary and secondary education shall conduct a public hearing at a location in the unaccredited school district. The purpose of the hearing shall be to:

(1) Review any plan by the district to achieve an accreditation level; or

(2) Offer any technical assistance that can be provided to the district.

3. The governing board of the transitional school district shall consist of three individuals:

(1) One person shall be appointed by the governor of this state, with the advice and consent of the senate; and

(2) One person who is a resident of the school district and has a demonstrated background in elementary and secondary education shall be appointed by the local board of education, provided that the local board shall not appoint a sitting member of said board or an employee of the district; and

(3) One person, who is a resident of the school district, shall be appointed by the following:

(a) For each metropolitan school district, the mayor shall make said appointment;

(b) For each urban district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants, the mayor of the city shall make said appointment;

(c) For any other district, the primary administrative offices of which are located in a city, town, or village, the mayor shall make said appointment;

(d) For any other district with its primary administrative offices not located in a city, town, or village, the presiding commissioner of the county commission of the county in which the district's primary administrative offices are located shall make the appointment.

(4) If any appointment required under this section is not made within one hundred twenty days of the formation of the transitional district, such appointment shall be selected by the state board of education, provided that such person is a resident of the school district.

4. The transitional school district shall retain authority until such time as the school district achieves an accreditation level or until the state board takes action under section 162.081. At such time that the school district achieves an accreditation level, authority over the school district shall be immediately returned from the transitional school district to the local board of education and the transitional school district shall be dissolved.

5. The local board of education of the school district shall remain in existence during the time in which the transitional school district has authority and shall operate in an advisory capacity to the transitional school district. Elections for seats on the local board of education shall continue to be held during the time in which the transitional school district has authority.

6. The transitional school district may be dissolved as provided in section 162.081.

7. The transitional school district shall assume any powers and duties held by the local board of education from which it gained authority so long as the transitional school district exists.

8. The powers and duties of the transitional school district shall include, but not be limited to:

(1) The power to increase the length of the school day, notwithstanding the provisions of section 171.031, RSMo;

(2) Supervising the financial operations, maintain and preserve the financial assets, or, if warranted, continue operation of the educational programs within the district or

what provisions might otherwise be made in the best interest of the education of the children of the district;

(3) Creating an academic accountability plan, taking corrective action in underperforming schools, and seeking relief from state-mandated programs;

(4) Exploration of alternative forms of governance for the district;

(5) Authority to contract with nonprofit corporations to provide for the operation of schools;

(6) Oversight of facility planning, construction, improvement, repair, maintenance, and rehabilitation;

(7) Authority to establish school site councils to facilitate site-based school management and to improve the responsiveness of the schools to the needs of the local geographic attendance region of the school.

9. The governing board of the transitional school district established in this section shall develop, implement, monitor, and evaluate a comprehensive school improvement plan, and such plan shall be subject to review and approval of the state board of education. The plan shall ensure that all students meet or exceed grade-level standards established by the state board of education pursuant to section 160.514, RSMo.

10. The transitional school district shall establish student performance standards consistent with the standards established by the state board of education pursuant to section 160.514, RSMo, for preschool through grade twelve in all skill and subject areas, subject to review and approval of the state board of education for the purpose of determining whether the standards are consistent with standards established by the state board of education pursuant to section 160.514, RSMo.

162.081. 1. Whenever any school district in this state fails or refuses in any school year to provide for the minimum school term required by section 163.021, RSMo, or is classified unaccredited for two successive school years by the state board of education, its corporate organization shall lapse. The corporate organization of any school district that is classified as unaccredited shall lapse on June thirtieth of the second full school year of such unaccredited classification after the school year during which the unaccredited classification is initially assigned. The territory theretofore embraced within any district that lapses pursuant to this section or any portion thereof may be attached to any district for school purposes by the state board of education; but no school district, except a district classified as unaccredited pursuant to section 163.023, RSMo, and section 160.538, RSMo, shall lapse where provision is lawfully made for the attendance of the pupils of the district at another school district that is classified as provisionally accredited or accredited by the state board of education.

2. [Prior to or at the time any school district in this state shall lapse, but after the school district has been classified as unaccredited, the department of elementary and secondary education shall conduct a public hearing at a location in the unaccredited school district. The purpose of the hearing shall be to:

(1) Review any plan by the district to return to accredited status; or

(2) Offer any technical assistance that can be provided to the district.

3. Except as otherwise provided in section 162.1100, in a metropolitan school district or an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants and in any other school district if the local board of education does not anticipate a return to accredited status, the state board of education may appoint a special administrative board to supervise the financial

operations, maintain and preserve the financial assets or, if warranted, continue operation of the educational programs within the district or what provisions might otherwise be made in the best interest of the education of the children of the district. The special administrative board shall consist of two persons who are residents of the school district, who shall serve without compensation, and a professional administrator, who shall chair the board and shall be compensated, as determined by the state board of education, in whole or in part with funds from the district.

4.] Upon lapse of the district, the state board of education may:

(1) **Allow the transitional school district created in section 162.079 to continue to operate the school district; or**

(2) **Dissolve the transitional school district created in section 162.079, and do one of the following:**

(a) Appoint a special administrative board, if such a board has not already been appointed, and authorize the special administrative board to retain the authority granted to a board of education for the operation of all or part of the district. **The special administrative board shall consist of two persons who are residents of the school district, who shall serve without compensation, and a professional administrator, who shall chair the board and shall be compensated, as determined by the state board of education, in whole or in part with funds from the district;**

[(2)] (b) Attach the territory of the lapsed district to another district or districts for school purposes; or

[(3)] (c) Establish one or more school districts within the territory of the lapsed district, with a governance structure consistent with the laws applicable to districts of a similar size, with the option of permitting a district to remain intact for the purposes of assessing, collecting, and

distributing property taxes, to be distributed equitably on a weighted average daily attendance basis, but to be divided for operational purposes, which shall take effect sixty days after the adjournment of the regular session of the general assembly next following the state board's decision unless a statute or concurrent resolution is enacted to nullify the state board's decision prior to such effective date.

The special administrative board may retain the authority granted to a board of education for the operation of the lapsed school district under the laws of the state in effect at the time of the lapse.

[5.] 3. The authority of the special administrative board shall expire at the end of the third full school year following its appointment, unless extended by the state board of education. If the lapsed district is reassigned, the special administrative board shall provide an accounting of all funds, assets and liabilities of the lapsed district and transfer such funds, assets, and liabilities of the lapsed district as determined by the state board of education.

[6.] 4. Upon recommendation of the special administrative board, the state board of education may assign the funds, assets and liabilities of the lapsed district to another district or districts. Upon assignment, all authority of the special administrative board shall transfer to the assigned districts.

[7.] 5. Neither the special administrative board nor any district or other entity assigned territory, assets or funds from a lapsed district shall be considered a successor entity for the purpose of employment contracts, unemployment compensation payment pursuant to section 288.110, RSMo, or any other purpose.

[8.] 6. If additional teachers are needed by a district as a result of increased enrollment due to the annexation of territory of a lapsed or dissolved district, such district shall grant an employment interview to any permanent teacher of the lapsed or dissolved district upon the request of such

permanent teacher.

[9.] 7. (1) The governing body of a school district, upon an initial declaration by the state board of education that such district is provisionally accredited, may, and, upon an initial declaration by the state board of education that such district is unaccredited, shall develop a plan to be submitted to the voters of the school district to divide the school district if the district cannot attain accreditation within three years of the initial declaration that such district is unaccredited. In the case of such a district being declared unaccredited, such plan shall be presented to the voters of the district before the district lapses. In the case of such a district being declared provisionally accredited, such plan may be presented before the close of the current accreditation cycle.

(2) The plan may provide that the school district shall remain intact for the purposes of assessing, collecting and distributing taxes for support of the schools, and the governing body of the district shall develop a plan for the distribution of such taxes equitably on a per-pupil basis if the district selects this option.

(3) The makeup of the new districts shall be racially balanced as far as the proportions of students allow.

(4) If a majority of the district's voters approve the plan, the state board of education shall cooperate with the local board of education to implement the plan, which may include use of the provisions of this section to provide an orderly transition to new school districts and achievement of accredited status for such districts.

[10.] 8. In the event that a school district with an enrollment in excess of five thousand pupils lapses, no school district shall have all or any part of such lapsed school district attached without the approval of the board of the receiving school district.”; and

Further amend said bill, page 2, section 162.963, line 25 by inserting after all of said line

the following:

“162.1100. 1. There is hereby established within each city not within a county a school district to be known as the “Transitional School District of (name of city)”, which shall be a body corporate and politic and a subdivision of the state. The transitional school district shall be coterminous with the boundaries of the city in which the district is located. Except as otherwise provided in this section and section 162.621, the transitional school district shall be subject to all laws pertaining to “seven-director districts”, as defined in section 160.011, RSMo. The transitional school district shall have the responsibility for educational programs and policies determined by a final judgment of a federal school desegregation case to be needed in providing for a transition of the educational system of the city from control and jurisdiction of a federal court school desegregation order, decree or agreement and such other programs and policies as designated by the governing body of the school district.

2. (1) The governing board of the transitional school district shall consist of three residents of the district: one shall be appointed by the governing body of the district, one shall be appointed by the mayor of the city not within a county and one shall be appointed by the president of the board of aldermen of the city not within a county. The members of the governing board shall serve without compensation for a term of three years, or until their successors have been appointed, or until the transitional district is dissolved or terminated. Any tax approved for the transitional district shall be assigned to the governing body of the school district in a city not within a county after dissolution or termination of the transitional district.

(2) In the event that the state board of education shall declare the school district of a city not within a county to be unaccredited, the member of the governing board of the transitional district appointed by the governing body of the district as

provided in subdivision (1) of this subsection shall, within ninety days, be replaced by a chief executive officer nominated by the state board of education and appointed by the governor with the advice and consent of the senate. The chief executive officer need not be a resident of the district but shall be a person of recognized administrative ability, shall be paid in whole or in part with funds from the district, and shall have all other powers and duties of any other general superintendent of schools, including appointment of staff. The chief executive officer shall serve for a term of three years or until his successor is appointed or until the transitional district is dissolved or terminated. His salary shall be set by the state board of education.

3. In the event that the school district loses its accreditation, upon the appointment of a chief executive officer, any powers granted to any existing school board in a city not within a county on or before August 28, 1998, shall be vested with the special administrative board of the transitional school district containing such school district so long as the transitional school district exists, except as otherwise provided in section 162.621.

4. The special administrative board's powers and duties shall include:

(1) Creating an academic accountability plan, taking corrective action in underperforming schools, and seeking relief from state-mandated programs;

(2) Exploration of alternative forms of governance for the district;

(3) Authority to contract with nonprofit corporations to provide for the operation of schools;

(4) Oversight of facility planning, construction, improvement, repair, maintenance and rehabilitation;

(5) Authority to establish school site councils to facilitate site-based school management and to improve the responsiveness of the schools to the

needs of the local geographic attendance region of the school;

(6) Authority to submit a proposal to district voters pursuant to section 162.666 regarding establishment of neighborhood schools;

(7) The power to increase the length of the school day, notwithstanding the provisions of section 171.031, RSMo.

5. (1) The provisions of a final judgment as to the state of Missouri and its officials in a school desegregation case which subjects a district in which a transitional district is located in this state to a federal court's jurisdiction may authorize or require the governing body of a transitional school district established under this section to establish the transitional district's operating levy for school purposes, as defined pursuant to section 163.011, RSMo, at a level not to exceed eighty-five cents per one hundred dollars assessed valuation in the district or a sales tax equivalent amount as determined by the department of elementary and secondary education which may be substituted for all or part of such property tax.

(2) Any other statute to the contrary notwithstanding, no tax authorized pursuant to this subsection shall:

(a) Be subject to any certificate of tax abatement issued after August 28, 1998, pursuant to sections 99.700 to 99.715, RSMo; and

(b) Effective January 1, 2002, be subject to any new or existing tax increment financing adopted by a city not within a county pursuant to sections 99.800 to 99.865, RSMo, except that any redevelopment plan and redevelopment project concerning a convention headquarters hotel adopted by ordinance by a city not within a county prior to August 28, 2003, shall be subject to such tax increment financing.

(3) The transitional school district shall not be subject to the provisions of section 162.081, sections 163.021 and 163.023, RSMo, with respect to any requirements to maintain a minimum value

of operating levy or any consequences provided by law for failure to levy at least such minimum rate. No operating levy or increase in the operating levy or sales tax established pursuant to this section shall be collected for a transitional school district unless prior approval is obtained from a simple majority of the district's voters. The board of the transitional district shall place the matter before the voters prior to March 15, 1999.

6. (1) The special administrative board established in this section shall develop, implement, monitor and evaluate a comprehensive school improvement plan, and such plan shall be subject to review and approval of the state board of education. The plan shall ensure that all students meet or exceed grade-level standards established by the state board of education pursuant to section 160.514, RSMo;

(2) The special administrative board shall establish student performance standards consistent with the standards established by the state board of education pursuant to section 160.514, RSMo, for preschool through grade twelve in all skill and subject areas, subject to review and approval of the state board of education for the purpose of determining whether the standards are consistent with standards established by the state board of education pursuant to section 160.514, RSMo;

(3) All students in the district who do not achieve grade-level standards shall be required to attend summer school; except that the provisions of this subsection shall not apply to students receiving special education services pursuant to sections 162.670 to 162.999;

(4) No student shall be promoted to a higher grade level unless that student has a reading ability at or above one grade level below the student's grade level; except that the provisions of this subsection shall not apply to students receiving special education services pursuant to sections 162.670 to 162.999;

(5) The special administrative board

established in this section shall develop, implement and annually update a professional development plan for teachers and other support staff, subject to review and approval of the state board of education.

7. The school improvement plan established pursuant to this section shall ensure open enrollment and program access to all students in the district, and, consistent with the Missouri and United States Constitutions, shall give first priority to residents of the city for admission to magnet schools. The school board shall take all practicable and constitutionally permissible steps to ensure that all magnet schools operate at full capacity. Students who change residence within the district shall be allowed to continue to attend the school in which they were initially enrolled for the remainder of their education at grade levels served by that school, and transportation shall be provided by the district to allow such students to continue to attend such school of initial enrollment.

8. To the extent practicable, the special administrative board shall ensure that per pupil expenditures and pupil-teacher ratios shall be the same for all schools serving students at a given grade level.

9. The special administrative board shall ensure that early childhood education is available throughout the district.

10. The special administrative board shall ensure that vocational education instruction is provided within the district.

11. The special administrative board shall establish an accountability officer whose duty shall be to ensure that academically deficient schools within the district are raised to acceptable condition within two years.

12. The transitional school district in any city not within a county shall be dissolved on July 1, 2008, unless the state board determines, prior to that date, that it is necessary for the transitional district to continue to accomplish the purposes for

which it was created. The state board of education may cause the termination of the transitional school district at any time upon a determination that the transitional district has accomplished the purposes for which it was established and is no longer needed. The state board of education may cause the reestablishment of the transitional school district at any time upon a determination that it is necessary for the transitional district to be reestablished to accomplish the purposes established in this section. The state board of education shall provide notice to the governor and general assembly of the termination or reestablishment of the transitional school district and the termination or reestablishment shall become effective thirty days following such determination. Upon dissolution of a transitional school district pursuant to this section, nothing in this section shall be construed to reduce or eliminate any power or duty of any school district or districts containing the territory of the dissolved transitional school district unless such transitional school district is reestablished by the state board of education pursuant to this section. **The provisions of this section shall expire upon notification by the state board of education to the revisor of statutes that the school district has achieved an accreditation level after August 28, 2007.**”; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Callahan, Days, Kennedy and Smith.

Senator Shields assumed the Chair.

SA 18 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Coleman	Days
Graham	Green	Justus	Kennedy
McKenna	Shoemyer	Smith—11	

NAYS—Senators

Bartle	Callahan	Champion	Clemens
Crowell	Engler	Gibbons	Goodman
Griesheimer	Gross	Koster	Lager
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel	Wilson—23	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Crowell offered **SA 19**:

SENATE AMENDMENT NO. 19

Amend House Bill No. 265, Page 1, In the Title, Line 2, by striking “special”; and further amend line 3 by striking “due process hearings”; and

Further amend said bill and page, section A, line 2, by inserting after all of said line the following:

“135.099. 1. As used in this section, the following terms mean:

(1) “After school program”, a state-licensed program in a school district that is classified as “unaccredited” or “provisionally accredited” by the state board of education for public school students that operates in a school building before and after the regular school day, is operated for students within the school building at which they are enrolled, is led by staff who have been trained to interact with students, and shall consist of activities of a pedagogical nature that may include, but not be limited to:

(a) Providing academic support or academic enrichment to students;

(b) Providing opportunities for participation in the visual arts and the performing arts;

(c) Providing physical fitness opportunities

and instruction on nutrition and healthy living;

(d) Fostering positive relationships with peers and adults;

(e) Enhancing skills such as decision-making, negotiation, and communication;

(f) Providing opportunities for personal growth and character development; and

(g) Allowing opportunities for parent and family involvement;

(2) “Contribution”, a donation of cash, stock, bonds, or other marketable securities, or real property solely for the benefit of after school programs in any school district that is classified as “unaccredited” or “provisionally accredited” by the state board of education;

(3) “Department”, the department of elementary and secondary education;

(4) “Director”, the director of the department of revenue;

(5) “State tax liability”, in the case of a business taxpayer, any liability incurred by such taxpayer under the provisions of chapters 143, 147, 148, and 153, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer under the provisions of chapter 143, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions;

(6) “Taxpayer”, a person, firm, a partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this

state under the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state under chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.

2. For all tax years beginning on or after January 1, 2008, a taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal to fifty percent of such taxpayer's contribution to an after school program operating within the boundaries of any school district that is classified as "unaccredited" or "provisionally accredited" by the state board of education.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year for which the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. The department shall make every effort to ensure that the number of tax credits issued annually in conjunction with any tax credits to be carried over in any tax year shall not exceed two million dollars. Upon receipt of a contribution, the department shall issue the taxpayer making such contribution a tax credit certificate detailing the amount of the contribution or its fair market value, and the date of such contribution. The department shall provide information to the director concerning the identity of each taxpayer making a contribution who is claiming a tax credit under this section and the amount of such contribution.

5. The cumulative amount of tax credits which may be claimed by all the taxpayers

contributing in any one fiscal year shall not exceed two million dollars. Tax credits shall be issued in the order contributions are received.

6. The department and the department of revenue may promulgate rules necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly under chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

7. Under section 23.253, RSMo, of the Missouri sunset act:

(1) Any new program authorized under this section shall automatically sunset six years after August 28, 2007, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which a program authorized under this section is sunset.

160.261. 1. The local board of education of each school district shall clearly establish a written policy of discipline, including the district's determination on the use of corporal punishment and the procedures in which punishment will be

applied. A written copy of the district's discipline policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning of each school year and also made available in the office of the superintendent of such district, during normal business hours, for public inspection. All employees of the district shall annually receive instruction related to the specific contents of the policy of discipline and any interpretations necessary to implement the provisions of the policy in the course of their duties, including but not limited to approved methods of dealing with acts of school violence, disciplining students with disabilities and instruction in the necessity and requirements for confidentiality.

2. The policy shall require school administrators to report acts of school violence to **all teachers at the attendance center and in addition, to** other school district employees with a need to know. For the purposes of this chapter or chapter 167, RSMo, "need to know" is defined as school personnel who are directly responsible for the student's education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties. As used in this section, the phrase "act of school violence" or "violent behavior" means the exertion of physical force by a student with the intent to do serious physical injury as defined in subdivision (6) of section 565.002, RSMo, to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. The policy shall at a minimum require school administrators to report, as soon as reasonably practical, to the appropriate law enforcement agency any of the following felonies, or any act which if committed by an adult would be one of the following felonies:

(1) First degree murder under section 565.020, RSMo;

(2) Second degree murder under section

565.021, RSMo;

(3) Kidnapping under section 565.110, RSMo;

(4) First degree assault under section 565.050, RSMo;

(5) Forcible rape under section 566.030, RSMo;

(6) Forcible sodomy under section 566.060, RSMo;

(7) Burglary in the first degree under section 569.160, RSMo;

(8) Burglary in the second degree under section 569.170, RSMo;

(9) Robbery in the first degree under section 569.020, RSMo;

(10) Distribution of drugs under section 195.211, RSMo;

(11) Distribution of drugs to a minor under section 195.212, RSMo;

(12) Arson in the first degree under section 569.040, RSMo;

(13) Voluntary manslaughter under section 565.023, RSMo;

(14) Involuntary manslaughter under section 565.024, RSMo;

(15) Second degree assault under section 565.060, RSMo;

(16) Sexual assault under section 566.040, RSMo;

(17) Felonious restraint under section 565.120, RSMo;

(18) Property damage in the first degree under section 569.100, RSMo;

(19) The possession of a weapon under chapter 571, RSMo;

(20) Child molestation in the first degree pursuant to section 566.067, RSMo;

(21) Deviate sexual assault pursuant to section

566.070, RSMo;

(22) Sexual misconduct involving a child pursuant to section 566.083, RSMo; or

(23) Sexual abuse pursuant to section 566.100, RSMo;

committed on school property, including but not limited to actions on any school bus in service on behalf of the district or while involved in school activities. The policy shall require that any portion of a student's individualized education program that is related to demonstrated or potentially violent behavior shall be provided to any teacher and other school district employees who are directly responsible for the student's education or who otherwise interact with the student on an educational basis while acting within the scope of their assigned duties. The policy shall also contain the consequences of failure to obey standards of conduct set by the local board of education, and the importance of the standards to the maintenance of an atmosphere where orderly learning is possible and encouraged.

3. The policy shall provide that any student who is on suspension for any of the offenses listed in subsection 2 of this section or any act of violence or drug-related activity defined by school district policy as a serious violation of school discipline pursuant to subsection 9 of this section shall have as a condition of his or her suspension the requirement that such student is not allowed, while on such suspension, to be within one thousand feet of any [public] school **property** in the school district where such student attended school **or any activity of that district, regardless of whether or not the activity takes place on district property** unless:

(1) Such student is under the direct supervision of the student's parent, legal guardian, or custodian **and the superintendent or the superintendent's designee has authorized the student to be on school property**;

(2) Such student is under the direct

supervision of another adult designated by the student's parent, legal guardian, or custodian, in advance, in writing, to the principal of the school which suspended the student **and the superintendent or the superintendent's designee has authorized the student to be on school property**;

(3) Such student is **enrolled in and attending** an alternative school that is located within one thousand feet of a public school in the school district where such student attended school; or

(4) Such student resides within one thousand feet of any public school in the school district where such student attended school in which case such student may be on the property of his or her residence without direct adult supervision.

4. Any student who violates the condition of suspension required pursuant to subsection 3 of this section may be subject to expulsion or further suspension pursuant to the provisions of sections 167.161, 167.164, and 167.171, RSMo. In making this determination consideration shall be given to whether the student poses a threat to the safety of any child or school employee and whether such student's unsupervised presence within one thousand feet of the school is disruptive to the educational process or undermines the effectiveness of the school's disciplinary policy. Removal of any pupil who is a student with a disability is subject to state and federal procedural rights. **This section shall not limit a school district's ability to:**

(1) **Prohibit all students who are suspended from being on school property or attending an activity while on suspension;**

(2) **Discipline students for off-campus conduct that negatively affects the educational environment to the extent allowed by law.**

5. The policy shall provide for a suspension for a period of not less than one year, or expulsion, for a student who is determined to have brought a weapon to school, including but not limited to the

school playground or the school parking lot, brought a weapon on a school bus or brought a weapon to a school activity whether on or off of the school property in violation of district policy, except that:

(1) The superintendent or, in a school district with no high school, the principal of the school which such child attends may modify such suspension on a case-by-case basis; and

(2) This section shall not prevent the school district from providing educational services in an alternative setting to a student suspended under the provisions of this section.

6. For the purpose of this section, the term “weapon” shall mean a firearm as defined under 18 U.S.C. 921 and the following items, as defined in section 571.010, RSMo: a blackjack, a concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife, knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade knife; except that this section shall not be construed to prohibit a school board from adopting a policy to allow a Civil War reenactor to carry a Civil War era weapon on school property for educational purposes so long as the firearm is unloaded. The local board of education shall define weapon in the discipline policy. Such definition shall include the weapons defined in this subsection but may also include other weapons.

7. All school district personnel responsible for the care and supervision of students are authorized to hold every pupil strictly accountable for any disorderly conduct in school or on any property of the school, on any school bus going to or returning from school, during school-sponsored activities, or during intermission or recess periods.

8. Teachers and other authorized district personnel in public schools responsible for the care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable care by the school district, shall not be civilly liable

when acting in conformity with the established [policy of discipline] **policies** developed by each board [under this section], **including but not limited to policies of student discipline** or when reporting to his or her supervisor or other person as mandated by state law acts of school violence or threatened acts of school violence, within the course and scope of the duties of the teacher, authorized district personnel or volunteer, when such individual is acting in conformity with the established policies developed by the board. Nothing in this section shall be construed to create a new cause of action against such school district, or to relieve the school district from liability for the negligent acts of such persons.

9. Each school board shall define in its discipline policy acts of violence and any other acts that constitute a serious violation of that policy. Acts of violence as defined by school boards shall include but not be limited to exertion of physical force by a student with the intent to do serious bodily harm to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. School districts shall for each student enrolled in the school district compile and maintain records of any serious violation of the district's discipline policy. Such records shall be made available to teachers and other school district employees with a need to know while acting within the scope of their assigned duties, and shall be provided as required in section 167.020, RSMo, to any school district in which the student subsequently attempts to enroll.

10. Spanking **or the use of force to protect persons or property**, when administered by [certificated] personnel of a school district in a reasonable manner in accordance with the local board of education's written policy of discipline, is not abuse within the meaning of chapter 210, RSMo. The provisions of sections 210.110 to 210.165, RSMo, notwithstanding, the **children's** division [of family services] shall not have jurisdiction over or investigate any report of

alleged child abuse arising out of or related to any spanking administered in a reasonable manner by any [certificated] school personnel pursuant to a written policy of discipline established by the board of education of the school district. Upon receipt of any reports of child abuse by the division of family services pursuant to sections 210.110 to 210.165, RSMo, which allegedly involves personnel of a school district, the division of family services shall notify the superintendent of schools of the district or, if the person named in the alleged incident is the superintendent of schools, the president of the school board of the school district where the alleged incident occurred. If, after an initial investigation, the superintendent of schools or the president of the school board finds that the report involves an alleged incident of child abuse other than the administration of a spanking **or the use of force to protect persons or property** by [certificated] school personnel pursuant to a written policy of discipline or [a] **that the** report was made for the sole purpose of harassing a public school employee, the superintendent of schools or the president of the school board shall immediately refer the matter back to the **children's** division [of family services] and take no further action. In all matters referred back to the **children's** division [of family services], the division [of family services] shall treat the report in the same manner as other reports of alleged child abuse received by the division. If the report pertains to an alleged incident which arose out of or is related to a spanking **or the use of force to protect persons or property** administered by [certificated] personnel of a school district pursuant to a written policy of discipline or a report made for the sole purpose of harassing a public school employee, a notification of the reported child abuse shall be sent by the superintendent of schools or the president of the school board to the juvenile officer of the county in which the alleged incident occurred. The report shall be jointly investigated by the juvenile officer or a law enforcement officer designated by the

juvenile officer and the superintendent of schools or, if the subject of the report is the superintendent of schools, by the juvenile officer or a law enforcement officer designated by the juvenile officer and the president of the school board or such president's designee. The investigation shall begin no later than forty-eight hours after notification from the **children's** division [of family services] is received, and shall consist of, but need not be limited to, interviewing and recording statements of the child and the child's parents or guardian within two working days after the start of the investigation, of the school district personnel allegedly involved in the report, and of any witnesses to the alleged incident. The juvenile officer or a law enforcement officer designated by the juvenile officer and the investigating school district personnel shall issue separate reports of their findings and recommendations after the conclusion of the investigation to the school board of the school district within seven days after receiving notice from the **children's** division [of family services]. The reports shall contain a statement of conclusion as to whether the report of alleged child abuse is substantiated or is unsubstantiated. The school board shall consider the separate reports and shall issue its findings and conclusions and the action to be taken, if any, within seven days after receiving the last of the two reports. The findings and conclusions shall be made in substantially the following form:

(1) The report of the alleged child abuse is unsubstantiated. The juvenile officer or a law enforcement officer designated by the juvenile officer and the investigating school board personnel agree that the evidence shows that no abuse occurred;

(2) The report of the alleged child abuse is substantiated. The juvenile officer or a law enforcement officer designated by the juvenile officer and the investigating school district personnel agree that the evidence is sufficient to support a finding that the alleged incident of child abuse did occur;

(3) The issue involved in the alleged incident of child abuse is unresolved. The juvenile officer or a law enforcement officer designated by the juvenile officer and the investigating school personnel are unable to agree on their findings and conclusions on the alleged incident.

11. The findings and conclusions of the school board shall be sent to the **children's** division [of family services]. If the findings and conclusions of the school board are that the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the case closed, and no record shall be entered in the **children's** division [of family services'] central registry. If the findings and conclusions of the school board are that the report of the alleged child abuse is substantiated, the **children's** division [of family services] shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school district and shall include the information in the division's central registry. If the findings and conclusions of the school board are that the issue involved in the alleged incident of child abuse is unresolved, the **children's** division [of family services] shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school board, however, the incident and the names of the parties allegedly involved shall not be entered into the central registry of the **children's** division [of family services] unless and until the alleged child abuse is substantiated by a court of competent jurisdiction.

12. Any superintendent of schools, president of a school board or such person's designee or juvenile officer who knowingly falsifies any report of any matter pursuant to this section or who knowingly withholds any information relative to any investigation or report pursuant to this section is guilty of a class A misdemeanor.

13. In order to ensure the safety of all students, should a student be expelled for bringing a weapon to school, violent behavior, or for an act

of school violence, that student shall not, for the purposes of the accreditation process of the Missouri school improvement plan, be considered a dropout or be included in the calculation of that district's educational persistence ratio.

160.400. 1. A charter school is an independent public school.

2. Charter schools may be operated only in a metropolitan school district or in an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants, **or in any district that is not a K-8 district, that has an enrollment of at least two thousand students, and that has been provisionally accredited for any period of three consecutive years since July 1, 1999**, and may be sponsored by any of the following:

(1) The school board of the district;

(2) [A public four-year college or university with its primary campus in the school district or in a county adjacent to the county in which the district is located, with an approved teacher education program that meets regional or national standards of accreditation;

(3)] A community college [located in] **whose service area includes any portion of** the district; or

[(4)] (3) Any private **or public** four-year college or university [located in a city not within a county with an enrollment of at least one thousand students, and] with an approved teacher preparation program **and its primary campus located in the state;**

(4) **The mayor of a city not within a county.**

3. [The mayor of] **In** a city not within a county [may request a sponsor under subdivision (2), (3), or (4) of subsection 2 of this section to consider sponsoring a], **charter school also include** workplace charter [school] **schools**, which [is] **are** defined for purposes of sections 160.400 to 160.420 as a charter school with the ability to

target prospective students whose parent or parents are employed in a business district, as defined in the charter, which is located in the city.

4. No sponsor shall receive from an applicant for a charter school any fee of any type for the consideration of a charter, nor may a sponsor condition its consideration of a charter on the promise of future payment of any kind.

5. The charter school shall be a Missouri nonprofit corporation incorporated pursuant to chapter 355, RSMo. The charter provided for herein shall constitute a contract between the sponsor and the charter school.

6. As a nonprofit corporation incorporated pursuant to chapter 355, RSMo, the charter school shall select the method for election of officers pursuant to section 355.326, RSMo, based on the class of corporation selected. Meetings of the governing board of the charter school shall be subject to the provisions of sections 610.010 to 610.030, RSMo, the open meetings law.

7. A sponsor of a charter school, its agents and employees are not liable for any acts or omissions of a charter school that it sponsors, including acts or omissions relating to the charter submitted by the charter school, the operation of the charter school and the performance of the charter school.

8. A charter school may affiliate with a four-year college or university, including a private college or university, or a community college as otherwise specified in subsection 2 of this section when its charter is granted by a sponsor other than such college, university or community college. Affiliation status recognizes a relationship between the charter school and the college or university for purposes of teacher training and staff development, curriculum and assessment development, use of physical facilities owned by or rented on behalf of the college or university, and other similar purposes. The primary campus of the college or university must be located within the county in which the school district lies wherein the charter

school is located or in a county adjacent to the county in which the district is located. A university, college or community college may not charge or accept a fee for affiliation status.

9. The expenses associated with sponsorship of charter schools shall be defrayed by the department of elementary and secondary education retaining one and five-tenths percent of the amount of state and local funding allocated to the charter school under section 160.415, not to exceed one hundred twenty-five thousand dollars, adjusted for inflation. Such amount shall not be withheld when the sponsor is a school district or the state board of education. The department of elementary and secondary education shall remit the retained funds for each charter school to the school's sponsor, provided the sponsor remains in good standing by fulfilling its sponsorship obligations under sections 160.400 to 160.420 and 167.349, RSMo, with regard to each charter school it sponsors.

10. No university, college or community college shall grant a charter to a nonprofit corporation if an employee of the university, college or community college is a member of the corporation's board of directors.

11. No sponsor shall grant a charter under sections 160.400 to 160.420 and 167.349, RSMo, without ensuring that a criminal background check and child abuse registry check are conducted for all members of the governing board of the charter schools or the incorporators of the charter school if initial directors are not named in the articles of incorporation, nor shall a sponsor renew a charter without ensuring a criminal background check and child abuse registry check are conducted for each member of the governing board of the charter school.

12. No member of the governing board of a charter school shall hold any office or employment from the board or the charter school while serving as a member, nor shall the member have any substantial interest, as defined in section 105.450, RSMo, in any entity employed by or contracting

with the board. No board member shall be an employee of a company that provides substantial services to the charter school. All members of the governing board of the charter school shall be considered decision-making public servants as defined in section 105.450, RSMo, for the purposes of the financial disclosure requirements contained in sections 105.483, 105.485, 105.487, and 105.489, RSMo.

13. A sponsor shall provide timely submission to the state board of education of all data necessary to demonstrate that the sponsor is in material compliance with all requirements of sections 160.400 to 160.420 and 167.349, RSMo.

14. The state board of education shall ensure each sponsor is in compliance with all requirements under sections 160.400 to 160.420 and 167.349, RSMo, for each charter school sponsored by any sponsor. The state board shall notify each sponsor of the standards for sponsorship of charter schools, delineating both what is mandated by statute and what best practices dictate. The state board, after a public hearing, may require remedial action for a sponsor that it finds has not fulfilled its obligations of sponsorship, such remedial actions including withholding the sponsor's funding and suspending for a period of up to one year the sponsor's authority to sponsor a school that it currently sponsors or to sponsor any additional school. If the state board removes the authority to sponsor a currently operating charter school, the state board shall become the interim sponsor of the school for a period of up to three years until the school finds a new sponsor or until the charter contract period lapses.

160.660. 1. On or before July 1, 2001, the state board of education shall add to any school facilities and safety criteria developed for the Missouri school improvement program provisions that require:

(1) Each school district's designated safety coordinator to have a thorough knowledge of all

federal, state and local school violence prevention programs and resources available to students, teachers or staff in the district; and

(2) Each school district to fully utilize all such programs and resources that the local school board or its designee determines are necessary and cost-effective for the school district.

2. On or before July 1, 2009, the state board of education shall add to any school facilities and safety criteria developed for the Missouri school improvement program provisions that suggest that the drills required pursuant to the standard for safe facilities occur at least annually and require that all staff receive sufficient training on the security and crisis management plan to ensure familiarity with the plan details is maintained throughout the school year.

3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

161.650. 1. The department of elementary and secondary education shall identify and adopt an existing program or programs of educational instruction regarding violence prevention to be administered by public school districts pursuant to subsection 2 of this section, and which shall include, but shall not be limited to, instructing students of the negative consequences, both to the individual and to society at large, of membership in or association with criminal street gangs or participation in criminal street gang activity, as

those phrases are defined in section 578.421, RSMo, and shall include related training for school district employees directly responsible for the education of students concerning violence prevention and early identification of and intervention in violent behavior. The state board of education shall adopt such program or programs by rule as approved for use in Missouri public schools. The program or programs of instruction shall encourage nonviolent conflict resolution of problems facing youth; present alternative constructive activities for the students; encourage community participation in program instruction, including but not limited to parents and law enforcement officials; and shall be administered as appropriate for different grade levels and shall not be offered for academic credit.

2. All public school districts within this state with the approval of the district's board of education may administer the program or programs of student instruction adopted pursuant to subsection 1 of this section to students within the district starting at the kindergarten level and every year thereafter through the twelfth-grade level.

3. Any district adopting and providing a program of instruction pursuant to this section shall be entitled to receive state aid pursuant to section 163.031, RSMo. If such aid is determined by the department to be insufficient to implement any program or programs adopted by a district pursuant to this section:

(1) The department may fund the program or programs adopted pursuant to this section or pursuant to subsection 2 of section 160.530, RSMo, or both, after securing any funding available from alternative sources; and

(2) School districts may fund the program or programs from funds received pursuant to subsection 1 of section 160.530, RSMo[, and section 166.260, RSMo].

4. No rule or portion of a rule promulgated pursuant to this section shall become effective

unless it has been promulgated pursuant to chapter 536, RSMo.

161.660. The department of elementary and secondary education shall designate, by July 1, 2008, a teacher assessment program for use by all school districts within this state. Such assessment shall be a comprehensive, performance-based evaluation of the teacher. The assessment designated by the department shall be an existing assessment tool, such as the Praxis Examination, the National Teacher Examination, or another existing assessment tool. Multiple assessments shall be designated in order to assess each teacher according to the specific subject area taught by the teacher. The department may promulgate rules in order to effectuate the provisions of this section, including objective measures to determine whether a teacher demonstrates a minimum level of competency in the teacher's subject area, as well as whether a teacher demonstrates a high level of competency in the teacher's subject area based on a score of ninety percent or better on the assessment. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

Further amend said bill and section, page 2, line 25, by inserting after all of said line the following:

“162.1031. 1. The provisions of this section

shall be known as the “Students First Act”.

2. For the school year beginning July 1, 2008, and each succeeding school year, a parent or guardian residing in a lapsed public school district or a district that has scored unaccredited on two consecutive annual performance reports or provisionally accredited in two consecutive annual performance reports may enroll the parent's or guardian's child in the Missouri virtual school created in section 161.670, RSMo.

3. The parent or guardian of any student who wishes to participate in open enrollment shall declare the student's intent by March first preceding the school year in which the student wishes to participate. Open enrollment requests shall be for an entire school year.

4. A pupil's residence, for purposes of this section mean residency established under section 167.020, RSMo. Except for students residing in K-8 district attending high school in a district under section 167.131, RSMo, the board of the home district shall pay to the virtual school the amount required under section 161.670, RSMo.

5. Students who participate in open enrollment shall be treated like resident students of the home district for school activities participation in any team, and no organization shall prevent such students from participating in school activities. Districts and organizations involved in school activities in open enrollment districts shall make a good faith effort to facilitate participation.

6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the

powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

162.1153. 1. In order to attract and retain teachers with demonstrable or measurable qualities, experience, or credentials that are exceptionally well suited to the needs of any school district that is classified as “unaccredited” or “provisionally accredited” by the state board of education for academic improvement in the areas of math, science, special education, and English as a second language, the school district shall provide, subject to appropriation, an increased starting salary for teachers that work in the areas of math, science, special education, and English as a second language. Such increase shall be between three thousand dollars and five thousand dollars more than the starting salary for a teacher in the district, as determined by the district.

2. In order to attract and retain teachers who are willing to submit to assessment in exchange for agreed upon salary increases and modifications, any applicant for a teaching position at a school within the district or a teacher currently employed as such within the district may enter into an agreement with the district that sets forth the following:

(1) The starting or current salary of the teacher;

(2) Salary increases and incentives that shall be awarded to the teacher if certain performance evaluation standards, as provided in subsection 3 of this section, are met;

(3) The ability of the school district to take disciplinary action, including dismissal, against the teacher if such teacher does not meet the

performance evaluation standards as provided in subsection 3 of this section; and

(4) The consent of the teacher to opt out of the tenure provisions of section 168.221, RSMo.

3. The school district shall create performance evaluation standards to be applied when evaluating teachers subject to the provisions of subsection 2 of this section.

(1) Such standards shall include an annual evaluation of the teacher by a peer review group. For purposes of this subsection, the term “peer review group” shall include the principal of the school where the teacher is employed, one or more teachers employed in the school where the teacher is employed, one or more parents of students attending the school where the teacher is employed, and, for grades six to twelve, one or more students of the teacher. The principal shall appoint such teacher, parent and student members of the peer review group. The peer review group shall evaluate each teacher as performing at an outstanding, good, fair, or poor level. The following one-time bonuses shall be awarded to the teacher based on the evaluation of the peer review group:

(a) Each teacher rated as “outstanding” shall receive a one-time bonus of two thousand dollars;

(b) Each teacher rated as “good” shall receive a one-time bonus of one thousand dollars;

(c) Each teacher rated as “fair” shall receive a one-time bonus of five hundred dollars; and

(d) Each teacher rated as “poor” shall not receive any bonus for that academic year.

(2) The standards shall also include an assessment of the performance of the students taught by the teacher as measured by an assessment of the students at the beginning of the school year compared to an assessment of

the students at the end of the school year. Such assessments shall be in accordance with the assessments required by section 162.1159 and shall determine the grade level, in monthly increments, at which the student is proficient. At the conclusion of the academic year, the school district shall determine the average increase or decrease in the proficiency of the students taught by the teacher over the course of the academic year. For each month, in excess of twelve months, that the average grade level of the students has increased over the academic, the salary of the teacher for the upcoming academic year shall be increased by one thousand dollars.

4. Salary increases provided by this section shall be paid from the “Missouri Exceptional Teachers Fund” which is hereby created as a special trust fund in the state treasury. Moneys in the fund shall consist of any grant, gift, or contribution from any and all public and private sources whatsoever that is designated for such purpose, including funds appropriated from the classroom trust fund created in section 163.043, RSMo. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. The department of elementary and secondary education shall administer the fund and shall ensure that money in the fund is used only for the salaries of teachers subject to the provisions of this section, and for the purposes set forth in sections 162.1156 and 162.1165. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

5. Any agreement entered into by a teacher

and a school district under the provisions of this section shall remain valid for the entire length of time that the teacher is employed by the school district, notwithstanding any change in accreditation status of the school district subsequent to the date of the agreement.

162.1156. The department of elementary and secondary education shall annually assess the percentage increase or decrease in the scores of each school within any school district that is classified as “unaccredited” or “provisionally accredited” by the state board of education on the statewide assessment as provided in section 160.518, RSMo. The department shall then annually compile a list of the top ten percent of schools in terms of an increase in the scores on the statewide assessment as compared to the previous year. The following personnel in each of the schools determined by the department to be in the top ten percent shall receive the following one-time bonuses:

(1) The principal of the school shall receive two thousand dollars;

(2) The assistant principal of the school shall receive one thousand five hundred dollars;

(3) Each teacher in the school shall receive five hundred dollars; and

(4) Each employee of the school, except for the principal, the assistant principal and every teacher, shall receive five hundred dollars.

In addition, the school shall receive a one-time stipend of two thousand dollars to be used for the purchase of textbooks or other educational materials, as determined by the principal.

162.1159. Every student enrolled at a school within a school district classified as “unaccredited” or “provisionally accredited” by the state board of education shall be assessed every six weeks to determine the student's proficiency in the knowledge, skills, and

competencies adopted by the state board of education under subsection 1 of section 160.514, RSMo. The state board of education shall develop assessment tools to be administered by the school district. Any student that fails to demonstrate the proficiency required by this section shall receive remedial tutoring from the school district until such time as the student has demonstrated the proficiency required by this section. Moneys from the Missouri exceptional teachers fund created in section 162.1153 shall be used to pay for the cost of such remedial tutoring.

162.1162. 1. Beginning August 28, 2008, any school district that is classified as “unaccredited” or “provisionally accredited” by the state board of education shall require each teacher to be assessed every five years to determine the competency of the teacher in the teacher's subject area or areas.

2. The school district shall utilize one or more of the assessments designated by the department of elementary and secondary education in section 161.660, RSMo. The school district shall notify each teacher of the results of the assessment by certified mail sent to the teacher.

3. Any teacher who fails to demonstrate a minimum level of competency, based on the results of the assessment required by subsection 1 of this section, shall be allowed to re-take the assessment no more than one time within three months after receiving notification of the failure. If a teacher fails a second time, or wishes to appeal after an initial failure, the teacher shall present documentation of effectiveness such as student test scores on a value-added instrument advancing, on average, by one grade level. The appeal shall be made through the administrative hearing commission under Chapter 621.

4. Notwithstanding the provisions of sections 168.221, RSMo and 168.281, RSMo, a

teacher that fails to demonstrate a minimum level of competency shall not be considered a permanent employee of the school district.

5. A teacher that demonstrates a high level of competency, as determined by rules promulgated by the department of elementary and secondary education under authority granted in section 161.660, RSMo, shall be exempt from the assessment required by this section for the next five-year period.

6. The provisions of this section shall not apply to a teacher for five years after the teacher first obtains licensure in this state. Any teacher that demonstrates a high level of competency on the initial licensure examination is exempted from the provisions of this section for a period of ten years from the date of initial licensure as a teacher.

163.043. 1. For fiscal year 2007 and each subsequent fiscal year, the “Classroom Trust Fund”, which is hereby created in the state treasury, shall be distributed by the state board of education to each school district in this state qualified to receive state aid pursuant to section 163.021 on an average daily attendance basis. **For fiscal year 2009 and each fiscal year thereafter, one million dollars of the fund otherwise transferred under the provisions of this subsection shall be transferred to the Missouri exceptional teachers fund created in section 162.1153, RSMo.**

2. The moneys distributed pursuant to this section shall be spent at the discretion of the local school district. The moneys may be used by the district for:

- (1) Teacher recruitment, retention, salaries, or professional development;
- (2) School construction, renovation, or leasing;
- (3) Technology enhancements or textbooks or instructional materials;

(4) School safety; or

(5) Supplying additional funding for required programs, both state and federal.

3. The classroom trust fund shall consist of all moneys transferred to it under section 160.534, RSMo, all moneys otherwise appropriated or donated to it, and, notwithstanding any other provision of law to the contrary, all unclaimed lottery prize money.

4. The provisions of this section shall not apply to any option district as defined in section 163.042.

167.020. 1. As used in this section, the term “homeless child” or “homeless youth” shall [mean a person less than twenty-one years of age who lacks a fixed, regular and adequate nighttime residence, including a child or youth who:

(1) Is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; is living in motels, hotels, or camping grounds due to lack of alternative adequate accommodations; is living in emergency or transitional shelters; is abandoned in hospitals; or is awaiting foster care placement;

(2) Has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

(3) Is living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

(4) Is a migratory child or youth who qualifies as homeless because the child or youth is living in circumstances described in subdivisions (1) to (3) of this subsection] **have the same meaning as the term “homeless children and youths” in 42 U.S.C. Section 11434a.**

2. In order to register a pupil, the parent or legal guardian of the pupil or the pupil himself or herself shall provide, at the time of registration, one of the following:

(1) Proof of residency in the district. Except as otherwise provided in section 167.151, the term “residency” shall mean that a person both physically resides within a school district and is domiciled within that district or, in the case of a private school student suspected of having a disability under the Individuals With Disabilities Education Act, 20 U.S.C. Section 1412, et seq, that the student attends private school within that district. The domicile of a minor child shall be the domicile of a parent, military guardian pursuant to a military-issued guardianship or court-appointed legal guardian; or

(2) Proof that the person registering the student has requested [a waiver] **residency review and enrollment** under subsection 3 of this section within the last forty-five days **if the student is living in the district with a person other than the parent, military guardian, or legal guardian.** In instances where there is reason to suspect that admission of the pupil will create an immediate danger to the safety of other pupils and employees of the district, the superintendent or the superintendent's designee may convene a hearing within five working days of the request to register and determine whether or not the pupil may register.

3. [Any person subject to the requirements of subsection 2 of this section may request a waiver from the district board of any of those requirements on the basis of hardship or good cause.] **If the student is living in the district with a person other than the parent, military guardian, or legal guardian, the parent or legal guardian of the pupil, or the pupil himself or herself shall request residency review and enrollment. The department of elementary and secondary education shall develop regulations governing the enrollment standards.** Under no circumstances shall athletic ability be a valid basis [of hardship or good cause for the issuance of a waiver of the requirements of subsection 2 of this section] **for granting or denying enrollment. The district board may delegate the superintendent**

or the superintendent's designee to review all requests for residency review and enrollment and may grant the superintendent or the superintendent's designee the authority to allow enrollment of the student. If the superintendent or the superintendent's designee determines that the student is not living in the district or is living in the district for purposes not consistent with the department of elementary and secondary education's enrollment regulations, the superintendent or the superintendent's designee may deny enrollment of the student. The parent or legal guardian, custodian, or the student may request an immediate hearing by the district. The district board or committee of the board appointed by the president and which shall have full authority to act in lieu of the board shall convene a hearing as soon as possible, but no later than forty-five days after receipt of the [waiver] **residency review and enrollment** request made under this subsection or the [waiver request] **student** shall be granted[. The district board or committee of the board may grant the request for a waiver of any requirement of subsection 2 of this section. The district board or committee of the board may also reject the request for a waiver in which case the pupil shall not be allowed to register] **enrollment.** Any person aggrieved by a decision of a district board or committee of the board on a **residency review and enrollment** request [for a waiver under this subsection] may appeal such decision to the circuit court in the county where the school district is located.

4. Any person who knowingly submits false information to satisfy any requirement of subsection 2 of this section is guilty of a class A misdemeanor.

5. In addition to any other penalties authorized by law, a district board may file a civil action to recover, from the parent, military guardian or legal guardian of the pupil, the costs of school attendance for any pupil who was enrolled at a school in the district and whose parent, military guardian or legal guardian filed false information

to satisfy any requirement of subsection 2 of this section.

6. Subsection 2 of this section shall not apply to a pupil who is a homeless child or youth, or a pupil attending a school not in the pupil's district of residence as a participant in an interdistrict transfer program established under a court-ordered desegregation program, a pupil who is a ward of the state and has been placed in a residential care facility by state officials, a pupil who has been placed in a residential care facility due to a mental illness or developmental disability, a pupil attending a school pursuant to sections 167.121 and 167.151, a pupil placed in a residential facility by a juvenile court, a pupil with a disability identified under state eligibility criteria if the student is in the district for reasons other than accessing the district's educational program, or a pupil attending a regional or cooperative alternative education program or an alternative education program on a contractual basis.

7. Within two business days of enrolling a pupil, the school official enrolling a pupil, including any special education pupil, shall request **all education records deemed necessary by the school official for enrollment, including but not limited to** those records required by district policy for student transfer, **individual education plans, health records,** and those discipline records required by subsection 9 of section 160.261, RSMo, from all schools previously attended by the pupil within the last twelve months. Any school district that receives a request for such records from another school district enrolling a pupil that had previously attended a school in such district shall respond to such request within five business days of receiving the request. School districts may report or disclose education records to law enforcement [and], juvenile justice authorities, **or other state or local officials** if the disclosure concerns law enforcement's or juvenile justice authorities' ability to effectively serve, prior to adjudication, the student whose records are released. The officials and authorities to whom

such information is disclosed must comply with applicable restrictions set forth in 20 U.S.C. Section 1232g (b)(1)(E).

167.022. Consistent with the provisions of section 167.020, within [forty-eight hours] **two business days** of enrolling a nonresident pupil placed pursuant to sections 210.481 to 210.536, RSMo, the school official enrolling a pupil, including any special education pupil, shall request **all education records deemed necessary by the school official for enrollment, including but not limited to** those records required by district policy for student transfer, **individual education plans, health records,** and those discipline records required by subsection [7] **9** of section 160.261, RSMo, from all schools and other facilities previously attended by the pupil and from other state agencies as enumerated in section 210.518, RSMo, and any entities involved with the placement of the student within the last twenty-four months. Any request for records under this section shall include, if applicable to the student, any records relating to an act of violence as defined under subsection [7] **9** of section [160.262] **160.261**, RSMo.

167.023. **1. When a student is found to have committed a reportable offense under subdivisions (1) to (23) of subsection 1 of section 160.261, RSMo, the school district shall attach notice of the commission of the reportable offense to the student's permanent record and to the student's academic transcript.**

2. Prior to admission to any public school, a school board may require the parent, guardian, or other person having control or charge of a child of school age to provide, upon enrollment, a sworn statement or affirmation indicating whether the student has been expelled from school attendance at any school, public or private, in this state or in any other state for an offense in violation of school board policies relating to weapons, alcohol or drugs, or for the willful infliction of injury to another person. Any person making a materially

false statement or affirmation shall be guilty upon conviction of a class B misdemeanor. The registration document shall be maintained as a part of the student's scholastic record.

167.029. [A public school district in any city not within a county shall determine whether] **Any school district that is classified as “unaccredited” or “provisionally accredited” by the state board of education shall adopt a dress code policy requiring pupils to wear a school uniform [is appropriate] at [any] every school [or schools] within such district[, and if it is so determined, shall adopt such a policy]. The school district may determine the style and color of the school uniform. In addition to any other enterprise created as part of the vocational enterprise program under sections 217.550 to 217.595, RSMo, the department of corrections shall provide school uniforms to the public school district under the provisions of this section. An individual school within any school district that is classified as “unaccredited” or “provisionally accredited” by the state board of education that has seventy percent or more of its students score proficient or advanced in both communication arts and math subjects on a statewide assessment as described in section 160.518, RSMo, and that have a number of suspensions in the bottom quartile of the district are exempt from the provisions of this section. Any school that is exempted from the provisions of this section may still adopt a dress code policy that meets the provisions of this section.**

167.115. 1. Notwithstanding any provision of chapter 211, RSMo, or chapter 610, RSMo, to the contrary, the juvenile officer, sheriff, chief of police or other appropriate law enforcement authority shall, as soon as reasonably practical, notify the superintendent, or the superintendent's designee, of the school district in which the pupil is enrolled when a petition is filed pursuant to subsection 1 of section 211.031, RSMo, alleging that the pupil has committed one of the following acts:

- (1) First degree murder under section 565.020, RSMo;
- (2) Second degree murder under section 565.021, RSMo;
- (3) Kidnapping under section 565.110, RSMo;
- (4) First degree assault under section 565.050, RSMo;
- (5) Forcible rape under section 566.030, RSMo;
- (6) Forcible sodomy under section 566.060, RSMo;
- (7) Burglary in the first degree under section 569.160, RSMo;
- (8) Robbery in the first degree under section 569.020, RSMo;
- (9) Distribution of drugs under section 195.211, RSMo;
- (10) Distribution of drugs to a minor under section 195.212, RSMo;
- (11) Arson in the first degree under section 569.040, RSMo;
- (12) Voluntary manslaughter under section 565.023, RSMo;
- (13) Involuntary manslaughter under section 565.024, RSMo;
- (14) Second degree assault under section 565.060, RSMo;
- (15) Sexual assault under section 566.040, RSMo;
- (16) Felonious restraint under section 565.120, RSMo;
- (17) Property damage in the first degree under section 569.100, RSMo;
- (18) The possession of a weapon under chapter 571, RSMo;
- (19) Child molestation in the first degree pursuant to section 566.067, RSMo;

(20) Deviate sexual assault pursuant to section 566.070, RSMo;

(21) Sexual misconduct involving a child pursuant to section 566.083, RSMo; or

(22) Sexual abuse pursuant to section 566.100, RSMo.

2. The notification shall be made orally or in writing, in a timely manner, no later than five days following the filing of the petition. If the report is made orally, written notice shall follow in a timely manner. The notification shall include a complete description of the conduct the pupil is alleged to have committed and the dates the conduct occurred but shall not include the name of any victim. Upon the disposition of any such case, the juvenile office or prosecuting attorney or their designee shall send a second notification to the superintendent providing the disposition of the case, including a brief summary of the relevant finding of facts, no later than five days following the disposition of the case.

3. The superintendent or the designee of the superintendent shall report such information to **all** teachers **at the student's attendance center** and **to any** other school district employees with a need to know while acting within the scope of their assigned duties. Any information received by school district officials pursuant to this section shall be received in confidence and used for the limited purpose of assuring that good order and discipline is maintained in the school. This information shall not be used as the sole basis for not providing educational services to a public school pupil.

4. The superintendent shall notify the appropriate division of the juvenile or family court upon any pupil's suspension for more than ten days or expulsion of any pupil that the school district is aware is under the jurisdiction of the court.

5. The superintendent or the superintendent's designee may be called to serve in a consultant capacity at any dispositional proceedings pursuant

to section 211.031, RSMo, which may involve reference to a pupil's academic treatment plan.

6. Upon the transfer of any pupil described in this section to any other school district in this state, the superintendent or the superintendent's designee shall forward the written notification given to the superintendent pursuant to subsection 2 of this section to the superintendent of the new school district in which the pupil has enrolled. Such written notification shall be required again in the event of any subsequent transfer by the pupil.

7. As used in this section, the terms "school" and "school district" shall include any charter, private or parochial school or school district, and the term "superintendent" shall include the principal or equivalent chief school officer in the cases of charter, private or parochial schools.

8. The superintendent or the designee of the superintendent or other school employee who, in good faith, reports information in accordance with the terms of this section and section 160.261, RSMo, shall not be civilly liable for providing such information.

167.161. 1. The school board of any district, after notice to parents or others having custodial care and a hearing upon charges preferred, may suspend or expel a pupil for conduct which is prejudicial to good order and discipline in the schools or which tends to impair the morale or good conduct of the pupils. In addition to the authority granted in section 167.171, a school board may authorize, by general rule, the immediate removal of a pupil upon a finding by the principal, superintendent, or school board that the pupil poses a threat of harm to such pupil or others, as evidenced by the prior conduct of such pupil. Prior disciplinary actions shall not be used as the sole basis for removal, suspension or expulsion of a pupil. Removal of any pupil who is a student with a disability is subject to state and federal procedural rights. At the hearing upon any such removal, suspension or expulsion, the board shall consider the evidence and statements that the

parties present and may consider records of past disciplinary actions, criminal court records or juvenile court records consistent with other provisions of the law, or the actions of the pupil which would constitute a criminal offense. The board may provide by general rule not inconsistent with this section for the procedure and conduct of such hearings. After meeting with the superintendent or his designee to discuss the expulsion, the parent, custodian or the student, if at least eighteen years of age, may, in writing, waive any right to a hearing before the board of education.

2. The school board of any district, after notice to parents or others having custodial care and a hearing upon the matter, may suspend **or expel** a pupil upon a finding that the pupil has been charged, convicted or pled guilty in a court of general jurisdiction for the commission of a felony criminal violation of state or federal law. At a hearing required by this subsection, the board shall consider statements that the parties present. The board may provide for the procedure and conduct of such hearings.

3. The school board shall make a good-faith effort to have the parents or others having custodial care present at any such hearing. Notwithstanding any other provision of law to the contrary, student discipline hearings or proceedings related to the rights of students to attend school or to receive academic credit shall not be required to comply with the requirements applicable to contested case hearings as provided in chapter 536, RSMo, provided that appropriate due process procedures shall be observed which shall include the right for a trial de novo by the circuit court.

167.164. 1. Any suspension **or expulsion** issued [pursuant to] **by a public school district under** section 167.161[, or this section[, or expulsion pursuant to section 167.161.] shall not relieve the state or the suspended student's parents or guardians of their responsibilities to educate the student. School districts are encouraged to provide

an in-school suspension system and to search for other acceptable discipline alternatives prior to using suspensions of more than ten days or expelling a student from the school. Each school district or special school district constituting the domicile of any child for whom alternative education programs are provided or procured under this section shall pay toward the per pupil costs for alternative education programs for such child. A school district which is not a special school district shall pay an amount equal to the average sum produced per child by the local tax effort of the district of domicile. A special school district shall pay an amount not to exceed the average sum produced per child by the local tax efforts of the domiciliary districts. When educational services have been provided by the school district or special school district in which a child actually resides, other than the district of domicile, the amounts as provided in subsection 2 of this section for which the domiciliary school district or special school district is responsible shall be paid by such district directly to the serving district. The school district, or special school district, as the case may be, shall send a written voucher for payment to the regular or special district constituting the domicile of the child served and the domiciliary school district or special school district receiving such voucher shall pay the district providing or procuring the services an amount not to exceed the average sum produced per child by the local tax efforts of the domiciliary districts. In the event the responsible district fails to pay the appropriate amount to the district within ninety days after a voucher is submitted, the state department of elementary and secondary education shall deduct the appropriate amount due from the next payments of any state financial aid due that district and shall pay the same to the appropriate district.

2. A school district may contract with other political subdivisions, public agencies, not-for-profit organizations, or private agencies for the provision of alternative education services for students whose demonstrated disruptive behavior

indicates that they cannot be adequately served in the traditional classroom setting. Such contracting may be included as part of a grant application pursuant to section 167.335 or conducted independent of the provisions of section 167.335.

167.335. 1. The state board of education shall establish a program to award grants to school districts that apply for assistance in providing alternative educational opportunities for students whose demonstrated disruptive behavior indicates that they cannot be adequately served in the traditional classroom setting. The board shall solicit applications from school districts and shall make grants from funds appropriated for that purpose in such amounts and on such terms as it determines best encourages the development of alternative education programs throughout the state. The board shall give preference to applications that demonstrate a need for alternative education services and stress:

(1) A comprehensive, kindergarten through grade twelve approach to preventing problems that result in the need for alternative education services;

(2) Rigorous instruction in core academic disciplines;

(3) Activities designed to enable the student to better perform in the regular classroom and to transition students back to the regular classroom when merited by their performance;

(4) A student-centered approach whereby activities are designed to meet the particular needs of individual students; and

(5) Collaboration with existing community-based service providers, such as cooperative education programs, school to work programs, parents- as-teachers programs, programs developed by the department of economic development and programs developed by local service delivery agencies, and other governmental and private agencies to address student needs beyond those traditionally addressed by schools.

2. School districts may submit joint applications and are encouraged to pursue regional approaches to alternative education where warranted. Area vocational learning centers shall be eligible to submit applications and are encouraged to pursue grants to expand and enhance existing alternative education programs established pursuant to sections 167.320 to 167.332, provided that any additional activities are compatible with subdivisions (1) to (5) of subsection 1 of this section.

3. In selecting school districts for grant awards, the state board of education shall promulgate selection priority criteria that give preference to districts that meet any of the following criteria:

(1) Joint applications and regional approaches to school safety;

(2) Regular and timely meetings of education and social service and law enforcement personnel; or

(3) Use of techniques developed or promulgated by the Missouri Center for Safe Schools at the University of Missouri-Kansas City or other safe school methods recognized by the state board of education.

The state board of education shall develop a method to evaluate applications for preventative approaches and ensure that a portion of grant funds are awarded to districts that are not in crisis mode.

4. The state board of education shall adopt rules necessary to implement the grant program established pursuant to this section, provided that no rule or portion of a rule promulgated pursuant to this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

167.621. 1. Persons providing health services under sections 167.600 to 167.621 shall obtain authorization from a parent or guardian of the child

before providing services as provided by section 431.061, RSMo.

2. No employee of any school district may be required to administer medication or medical services for which the employee is not qualified according to standard medical practices. No **unqualified** employee who refuses to [violate this provision] **administer medication or medical services** shall be subject to any disciplinary action for such refusal. Nothing herein shall be construed to prevent any employee from providing routine first aid, provided that any employee shall be held harmless **and immune** from any liability if such employee is following a proper procedure adopted by the local school board.

3. Any qualified employee shall be held harmless and immune from any civil liability for administering medication or medical services in good faith and according to standard medical practices.

167.624. Each school board in the state, if the school district does not presently have a program as described below, may develop and implement a program to train the students **and employees** of the district in the administration of cardiopulmonary resuscitation and other lifesaving methods, as they determine best, and may consult the department of public safety, the state fire marshal's office, the local fire protection authorities, and others as the board sees fit. The board may make completion of the program a requirement for graduation. **Any trained employee shall be held harmless and immune from any civil liability for administering cardiopulmonary resuscitation and other lifesaving methods in good faith and according to standard medical practices.**

167.627. 1. For purposes of this section, the following terms shall mean:

(1) "Medication", any medicine prescribed or ordered by a physician for the treatment of asthma or anaphylaxis, including without limitation inhaled bronchodilators and auto-injectible

epinephrine;

(2) "Self-administration", a pupil's discretionary use of medication prescribed by a physician or under a written treatment plan from a physician.

2. Each board of education and its employees and agents in this state shall grant any pupil in the school authorization for the possession and self-administration of medication to treat such pupil's **chronic health condition, including but not limited to** asthma or anaphylaxis if:

(1) A licensed physician prescribed or ordered such medication for use by the pupil and instructed such pupil in the correct and responsible use of such medication;

(2) The pupil has demonstrated to the pupil's licensed physician or the licensed physician's designee, and the school nurse, if available, the skill level necessary to use the medication and any device necessary to administer such medication prescribed or ordered;

(3) The pupil's physician has approved and signed a written treatment plan for managing **the pupil's chronic health condition, including** asthma or anaphylaxis episodes [of the pupil] and for medication for use by the pupil. Such plan shall include a statement that the pupil is capable of self-administering the medication under the treatment plan;

(4) The pupil's parent or guardian has completed and submitted to the school any written documentation required by the school, including the treatment plan required under subdivision (3) of this subsection and the liability statement required under subdivision (5) of this subsection; and

(5) The pupil's parent or guardian has signed a statement acknowledging that the school district and its employees or agents shall incur no liability as a result of any injury arising from the self-administration of medication by the pupil or the administration of such medication by school

staff. Such statement shall not be construed to release the school district and its employees or agents from liability for negligence.

3. An authorization granted under subsection 2 of this section shall:

(1) Permit such pupil to possess and self-administer such pupil's medication while in school, at a school-sponsored activity, and in transit to or from school or school-sponsored activity; and

(2) Be effective only for the same school and school year for which it is granted. Such authorization shall be renewed by the pupil's parent or guardian each subsequent school year in accordance with this section.

4. Any current duplicate prescription medication, if provided by a pupil's parent or guardian or by the school, shall be kept at a pupil's school in a location at which the pupil or school staff has immediate access in the event of an asthma or anaphylaxis emergency.

5. The information described in subdivisions (3) and (4) of subsection 2 of this section shall be kept on file at the pupil's school in a location easily accessible in the event of an [asthma or anaphylaxis] emergency.

167.630. 1. Each school board may authorize a school nurse licensed under chapter 335, RSMo, who is employed by the school district and for whom the board is responsible for to maintain an adequate supply of prefilled auto syringes of epinephrine with fifteen-hundredths milligram or three-tenths milligram delivery at the school. The nurse shall recommend to the school board the number of prefilled epinephrine auto syringes that the school should maintain.

2. To obtain prefilled epinephrine auto syringes for a school district, a prescription written by a licensed physician, a physician's assistant, or nurse practitioner is required. For such prescriptions, the school district shall be designated as the patient, the nurse's name shall be

required, and the prescription shall be filled at a licensed pharmacy.

3. A school nurse **or other school employee trained by and supervised by the nurse** shall have the discretion to use an epinephrine auto syringe on any student the school nurse **or trained employee** believes is having a life-threatening anaphylactic reaction based on the [nurse's] training in recognizing an acute episode of an anaphylactic reaction.

168.133. 1. The school district shall ensure that a criminal background check is conducted on any person employed after January 1, 2005, authorized to have contact with pupils and prior to the individual having contact with any pupil. Such persons include, but are not limited to, administrators, teachers, aides, paraprofessionals, assistants, secretaries, custodians, cooks, and nurses. The school district shall also ensure that a criminal background check is conducted for school bus drivers. The district may allow such drivers to operate buses pending the result of the criminal background check. For bus drivers, the background check shall be conducted on drivers employed by the school district or employed by a pupil transportation company under contract with the school district.

2. In order to facilitate the criminal history background check on any person employed after January 1, 2005, the applicant shall submit two sets of fingerprints collected pursuant to standards determined by the Missouri highway patrol. One set of fingerprints shall be used by the highway patrol to search the criminal history repository and the family care safety registry pursuant to sections 210.900 to 210.936, RSMo, and the second set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files.

3. The applicant shall pay the fee for the state criminal history record information pursuant to section 43.530, RSMo, and sections 210.900 to 210.936, RSMo, and pay the appropriate fee

determined by the Federal Bureau of Investigation for the federal criminal history record when he or she applies for a position authorized to have contact with pupils pursuant to this section. The department shall distribute the fees collected for the state and federal criminal histories to the Missouri highway patrol.

4. The school district may adopt a policy to provide for reimbursement of expenses incurred by an employee for state and federal criminal history information pursuant to section 43.530, RSMo.

5. If, as a result of the criminal history background check mandated by this section, it is determined that the holder of a certificate issued pursuant to section 168.021 has pled guilty or nolo contendere to, or been found guilty of a crime or offense listed in section 168.071, or a similar crime or offense committed in another state, the United States, or any other country, regardless of imposition of sentence, such information shall be reported to the department of elementary and secondary education.

6. Any school official making a report to the department of elementary and secondary education in conformity with this section shall not be subject to civil liability for such action.

7. For any teacher who is employed by a school district on a substitute or part-time basis within one year of such teacher's retirement from a Missouri school, the state of Missouri shall not require such teacher to be subject to any additional background checks prior to having contact with pupils. Nothing in this subsection shall be construed as prohibiting or otherwise restricting a school district from requiring additional background checks for such teachers employed by the school district.

8. **A criminal background check and fingerprint collection conducted under subsections 1 and 2 of this section shall be valid for a period of one year and transferrable from one school district to another district. A**

teacher's change in type of certification shall have no effect on the transferability of such records.

9. Nothing in this section shall be construed to alter the standards for suspension, denial, or revocation of a certificate issued pursuant to this chapter.

[9.] 10. The state board of education may promulgate rules for criminal history background checks made pursuant to this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 1, 2005, shall be invalid and void.

168.350. 1. The department of elementary and secondary education shall develop standards for high-quality mentoring for beginning teachers and beginning principals no later than June 30, 2008. The standards shall be applicable to all public schools.

2. Such standards shall be established for both of the required years of mentoring under subsection 3 of section 168.021 and shall be based upon, but not be limited to, the following principles:

(1) Every district shall have a teacher-driven mentor program in collaboration with and support of the administration;

(2) Guidance and support are required for all beginning teachers, regardless of when they enter the profession;

(3) Communication between mentors and

beginning teachers is open and confidential;

(4) Quality mentors are necessary to establish beginning teachers' trust and respect for their colleagues and profession; and

(5) All staff members provide informal support for beginning teachers.

3. Quality mentor programs shall include, but not be limited to, the following:

(1) An introduction to the cultural environment of the community and the school district;

(2) A systemic and ongoing evaluation by all stakeholders;

(3) An individualized plan for beginning teachers that aligns with the district's goals and needs;

(4) Appropriate criteria for selecting mentors;

(5) Comprehensive mentor training;

(6) A complete list of responsibilities for the mentor, beginning teacher, and administrators; and

(7) Sufficient time for mentors to observe beginning teachers and for the beginning teachers to observe master teachers.

4. In developing such standards, the department shall involve representatives from the state teacher organizations, administration and principal organizations, Missouri advisory council for the certification of educators as created by section 168.015, Missouri Staff Development Council, and from colleges and universities.

169.070. 1. The retirement allowance of a member whose age at retirement is sixty years or more and whose creditable service is five years or more, or whose sum of age and creditable service equals eighty years or more, or who has attained age fifty-five and whose creditable service is twenty-five years or more or whose creditable

service is thirty years or more regardless of age, may be the sum of the following items, not to exceed one hundred percent of the member's final average salary:

(1) Two and five-tenths percent of the member's final average salary for each year of membership service;

(2) Six-tenths of the amount payable for a year of membership service for each year of prior service not exceeding thirty years.

In lieu of the retirement allowance otherwise provided in subdivisions (1) and (2) of this subsection, a member may elect to receive a retirement allowance of:

(3) Between July 1, 1998, and July 1, [2008] **2013**, two and four-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-nine years or more but less than thirty years, and the member has not attained age fifty-five;

(4) Between July 1, 1998, and July 1, [2008] **2013**, two and thirty-five-hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-eight years or more but less than twenty-nine years, and the member has not attained age fifty-five;

(5) Between July 1, 1998, and July 1, [2008] **2013**, two and three-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-seven years or more but less than twenty-eight years, and the member has not attained age fifty-five;

(6) Between July 1, 1998, and July 1, [2008] **2013**, two and twenty-five-hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-six years or more but less than twenty-seven years, and the member has not attained age fifty-five;

(7) Between July 1, 1998, and July 1, [2008] **2013**, two and two-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-five years or more but less than twenty-six years, and the member has not attained age fifty-five;

(8) Between July 1, 2001, and July 1, [2008] **2013**, two and fifty-five hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is thirty-one years or more regardless of age.

2. In lieu of the retirement allowance provided in subsection 1 of this section, a member whose age is sixty years or more on September 28, 1975, may elect to have the member's retirement allowance calculated as a sum of the following items:

(1) Sixty cents plus one and five-tenths percent of the member's final average salary for each year of membership service;

(2) Six-tenths of the amount payable for a year of membership service for each year of prior service not exceeding thirty years;

(3) Three-fourths of one percent of the sum of subdivisions (1) and (2) of this subsection for each month of attained age in excess of sixty years but not in excess of age sixty-five.

3. (1) In lieu of the retirement allowance provided either in subsection 1 or 2 of this section, collectively called "option 1", a member whose creditable service is twenty-five years or more or who has attained the age of fifty-five with five or more years of creditable service may elect in the member's application for retirement to receive the actuarial equivalent of the member's retirement allowance in reduced monthly payments for life during retirement with the provision that:

Option 2. Upon the member's death the reduced retirement allowance shall be continued throughout the life of and paid to such person as

has an insurable interest in the life of the member as the member shall have nominated in the member's election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the retired member elected option 1;

OR

Option 3. Upon the death of the member three-fourths of the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the member elected option 1;

OR

Option 4. Upon the death of the member one-half of the reduced retirement allowance shall be continued throughout the life of, and paid to, such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance shall be increased to the amount the retired member would be receiving had the member elected option 1;

OR

Option 5. Upon the death of the member prior to the member having received one hundred twenty monthly payments of the member's reduced allowance, the remainder of the one hundred twenty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated

who survives the member for the remainder of the one hundred twenty monthly payments, the total of the remainder of such one hundred twenty monthly payments shall be paid to the estate of the last person to receive a monthly allowance. If the total of the one hundred twenty payments paid to the retired individual and the beneficiary of the retired individual is less than the total of the member's accumulated contributions, the difference shall be paid to the beneficiary in a lump sum;

OR

Option 6. Upon the death of the member prior to the member having received sixty monthly payments of the member's reduced allowance, the remainder of the sixty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the sixty monthly payments, the total of the remainder of such sixty monthly payments shall be paid to the estate of the last person to receive a monthly allowance. If the total of the sixty payments paid to the retired individual and the beneficiary of the retired individual is less than the total of the member's accumulated contributions, the difference shall be paid to the beneficiary in a lump sum.

(2) The election of an option may be made only in the application for retirement and such application must be filed prior to the date on which the retirement of the member is to be effective. If either the member or the person nominated to receive the survivorship payments dies before the effective date of retirement, the option shall not be effective, provided that:

(a) If the member or a person retired on disability retirement dies after acquiring twenty-five or more years of creditable service or after attaining the age of fifty-five years and acquiring five or more years of creditable service and before retirement, except retirement with

disability benefits, and the person named by the member as the member's beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either survivorship benefits under option 2 or a payment of the accumulated contributions of the member. If survivorship benefits under option 2 are elected and the member at the time of death would have been eligible to receive an actuarial equivalent of the member's retirement allowance, the designated beneficiary may further elect to defer the option 2 payments until the date the member would have been eligible to receive the retirement allowance provided in subsection 1 or 2 of this section;

(b) If the member or a person retired on disability retirement dies before attaining age fifty-five but after acquiring five but fewer than twenty-five years of creditable service, and the person named as the member's beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either a payment of the member's accumulated contributions, or survivorship benefits under option 2 to begin on the date the member would first have been eligible to receive an actuarial equivalent of the member's retirement allowance, or to begin on the date the member would first have been eligible to receive the retirement allowance provided in subsection 1 or 2 of this section.

4. If the total of the retirement or disability allowance paid to an individual before the death of the individual is less than the accumulated contributions at the time of retirement, the difference shall be paid to the beneficiary of the individual, or to the (1) surviving spouse, (2) surviving children in equal shares, (3) surviving parents in equal shares, or (4) estate of the individual in that order of precedence. If an optional benefit as provided in option 2, 3 or 4 in subsection 3 of this section had been elected, and the beneficiary dies after receiving the optional benefit, and if the total retirement allowance paid

to the retired individual and the beneficiary of the retired individual is less than the total of the contributions, the difference shall be paid to the (1) surviving spouse, (2) surviving children in equal shares, (3) surviving parents in equal shares, or (4) estate of the beneficiary, in that order of precedence, unless the retired individual designates a different recipient with the board at or after retirement.

5. If a member dies before receiving a retirement allowance, the member's accumulated contributions at the time of the death of the member shall be paid to the beneficiary of the member or, if there is no beneficiary, to the (1) surviving spouse, (2) surviving children in equal shares, (3) surviving parents in equal shares, or (4) to the estate of the member in that order of precedence; except that, no such payment shall be made if the beneficiary elects option 2 in subsection 3 of this section, unless the beneficiary dies before having received benefits pursuant to that subsection equal to the accumulated contributions of the member, in which case the amount of accumulated contributions in excess of the total benefits paid pursuant to that subsection shall be paid to the (1) surviving spouse, (2) surviving children in equal shares, (3) surviving parents in equal shares, or (4) estate of the beneficiary, in that order of precedence.

6. If a member ceases to be a public school employee as herein defined and certifies to the board of trustees that such cessation is permanent, or if the membership of the person is otherwise terminated, the member shall be paid the member's accumulated contributions with interest.

7. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, if a member ceases to be a public school employee after acquiring five or more years of membership service in Missouri, the member may at the option of the member leave the member's contributions with the retirement system and claim a retirement allowance any time after reaching the minimum

age for voluntary retirement. When the member's claim is presented to the board, the member shall be granted an allowance as provided in sections 169.010 to 169.141 on the basis of the member's age, years of service, and the provisions of the law in effect at the time the member requests the member's retirement to become effective.

8. The retirement allowance of a member retired because of disability shall be nine-tenths of the allowance to which the member's creditable service would entitle the member if the member's age were sixty, or fifty percent of one-twelfth of the annual salary rate used in determining the member's contributions during the last school year for which the member received a year of creditable service immediately prior to the member's disability, whichever is greater, except that no such allowance shall exceed the retirement allowance to which the member would have been entitled upon retirement at age sixty if the member had continued to teach from the date of disability until age sixty at the same salary rate.

9. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, from October 13, 1961, the contribution rate pursuant to sections 169.010 to 169.141 shall be multiplied by the factor of two-thirds for any member of the system for whom federal Old Age and Survivors Insurance tax is paid from state or local tax funds on account of the member's employment entitling the person to membership in the system. The monetary benefits for a member who elected not to exercise an option to pay into the system a retroactive contribution of four percent on that part of the member's annual salary rate which was in excess of four thousand eight hundred dollars but not in excess of eight thousand four hundred dollars for each year of employment in a position covered by this system between July 1, 1957, and July 1, 1961, as provided in subsection 10 of this section as it appears in RSMo, 1969, shall be the sum of:

(1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for years of

membership service;

(2) For years of membership service after July 1, 1946, in which the full contribution rate was paid, full benefits under the formula in effect at the time of the member's retirement;

(3) For years of membership service after July 1, 1957, and prior to July 1, 1961, the benefits provided in this section as it appears in RSMo, 1959; except that if the member has at least thirty years of creditable service at retirement the member shall receive the benefit payable pursuant to that section as though the member's age were sixty-five at retirement;

(4) For years of membership service after July 1, 1961, in which the two-thirds contribution rate was paid, two-thirds of the benefits under the formula in effect at the time of the member's retirement.

10. The monetary benefits for each other member for whom federal Old Age and Survivors Insurance tax is or was paid at any time from state or local funds on account of the member's employment entitling the member to membership in the system shall be the sum of:

(1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for years of membership service;

(2) For years of membership service after July 1, 1946, in which the full contribution rate was paid, full benefits under the formula in effect at the time of the member's retirement;

(3) For years of membership service after July 1, 1957, in which the two-thirds contribution rate was paid, two-thirds of the benefits under the formula in effect at the time of the member's retirement.

11. Any retired member of the system who was retired prior to September 1, 1972, or beneficiary receiving payments under option 1 or option 2 of subsection 3 of this section, as such option existed prior to September 1, 1972, will be

eligible to receive an increase in the retirement allowance of the member of two percent for each year, or major fraction of more than one-half of a year, which the retired member has been retired prior to July 1, 1975. This increased amount shall be payable commencing with January, 1976, and shall thereafter be referred to as the member's retirement allowance. The increase provided for in this subsection shall not affect the retired member's eligibility for compensation provided for in section 169.580 or 169.585, nor shall the amount being paid pursuant to these sections be reduced because of any increases provided for in this section.

12. If the board of trustees determines that the cost of living, as measured by generally accepted standards, increases two percent or more in the preceding fiscal year, the board shall increase the retirement allowances which the retired members or beneficiaries are receiving by two percent of the amount being received by the retired member or the beneficiary at the time the annual increase is granted by the board with the provision that the increases provided for in this subsection shall not become effective until the fourth January first following the member's retirement or January 1, 1977, whichever later occurs, or in the case of any member retiring on or after July 1, 2000, the increase provided for in this subsection shall not become effective until the third January first following the member's retirement, or in the case of any member retiring on or after July 1, 2001, the increase provided for in this subsection shall not become effective until the second January first following the member's retirement. Commencing with January 1, 1992, if the board of trustees determines that the cost of living has increased five percent or more in the preceding fiscal year, the board shall increase the retirement allowances by five percent. The total of the increases granted to a retired member or the beneficiary after December 31, 1976, may not exceed eighty percent of the retirement allowance established at retirement or as previously adjusted by other subsections. If the cost of living increases less than five percent, the

board of trustees may determine the percentage of increase to be made in retirement allowances, but at no time can the increase exceed five percent per year. If the cost of living decreases in a fiscal year, there will be no increase in allowances for retired members on the following January first.

13. The board of trustees may reduce the amounts which have been granted as increases to a member pursuant to subsection 12 of this section if the cost of living, as determined by the board and as measured by generally accepted standards, is less than the cost of living was at the time of the first increase granted to the member; except that, the reductions shall not exceed the amount of increases which have been made to the member's allowance after December 31, 1976.

14. Any application for retirement shall include a sworn statement by the member certifying that the spouse of the member at the time the application was completed was aware of the application and the plan of retirement elected in the application.

15. Notwithstanding any other provision of law, any person retired prior to September 28, 1983, who is receiving a reduced retirement allowance under option 1 or option 2 of subsection 3 of this section, as such option existed prior to September 28, 1983, and whose beneficiary nominated to receive continued retirement allowance payments under the elected option dies or has died, shall upon application to the board of trustees have his or her retirement allowance increased to the amount he or she would have been receiving had the option not been elected, actuarially adjusted to recognize any excessive benefits which would have been paid to him or her up to the time of application.

16. Benefits paid pursuant to the provisions of the public school retirement system of Missouri shall not exceed the limitations of Section 415 of Title 26 of the United States Code except as provided pursuant to this subsection. Notwithstanding any other law to the contrary, the

board of trustees may establish a benefit plan pursuant to Section 415(m) of Title 26 of the United States Code. Such plan shall be created solely for the purpose described in Section 415(m)(3)(A) of Title 26 of the United States Code. The board of trustees may promulgate regulations necessary to implement the provisions of this subsection and to create and administer such benefit plan.

17. Notwithstanding any other provision of law to the contrary, any person retired before, on, or after May 26, 1994, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties the person shall receive an amount based on the person's years of service so that the total amount received pursuant to sections 169.010 to 169.141 shall be at least the minimum amounts specified in subdivisions (1) to (4) of this subsection. In determining the minimum amount to be received, the amounts in subdivisions (3) and (4) of this subsection shall be adjusted in accordance with the actuarial adjustment, if any, that was applied to the person's retirement allowance. In determining the minimum amount to be received, beginning September 1, 1996, the amounts in subdivisions (1) and (2) of this subsection shall be adjusted in accordance with the actuarial adjustment, if any, that was applied to the person's retirement allowance due to election of an optional form of retirement having a continued monthly payment after the person's death. Notwithstanding any other provision of law to the contrary, no person retired before, on, or after May 26, 1994, and no beneficiary of such a person, shall receive a retirement benefit pursuant to sections 169.010 to 169.141 based on the person's years of service less than the following amounts:

(1) Thirty or more years of service, one thousand two hundred dollars;

(2) At least twenty-five years but less than thirty years, one thousand dollars;

(3) At least twenty years but less than twenty-five years, eight hundred dollars;

(4) At least fifteen years but less than twenty years, six hundred dollars.

18. Notwithstanding any other provisions of law to the contrary, any person retired prior to May 26, 1994, and any designated beneficiary of such a retired member who was deceased prior to July 1, 1999, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement or aging and upon request shall give written or oral opinions to the board in response to such requests. Beginning September 1, 1996, as compensation for such service, the member shall have added, pursuant to this subsection, to the member's monthly annuity as provided by this section a dollar amount equal to the lesser of sixty dollars or the product of two dollars multiplied by the member's number of years of creditable service. Beginning September 1, 1999, the designated beneficiary of the deceased member shall as compensation for such service have added, pursuant to this subsection, to the monthly annuity as provided by this section a dollar amount equal to the lesser of sixty dollars or the product of two dollars multiplied by the member's number of years of creditable service. The total compensation provided by this section including the compensation provided by this subsection shall be used in calculating any future cost-of-living adjustments provided by subsection 12 of this section.

19. Any member who has retired prior to July 1, 1998, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties the person shall receive a payment equivalent to eight

and seven-tenths percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 12 and 13 of this section for the purposes of the limit on the total amount of increases which may be received.

20. Any member who has retired shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such request. As compensation for such duties, the beneficiary of the retired member, or, if there is no beneficiary, the (1) surviving spouse, (2) surviving children in equal shares, (3) surviving parents in equal shares, or (4) estate of the retired member, in that order of precedence, shall receive as a part of compensation for these duties a death benefit of five thousand dollars.

21. Any member who has retired prior to July 1, 1999, and the designated beneficiary of a retired member who was deceased prior to July 1, 1999, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall have added, pursuant to this subsection, to the monthly annuity as provided by this section a dollar amount equal to five dollars times the member's number of years of creditable service.

22. Any member who has retired prior to July 1, 2000, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall receive a payment equivalent to three and five-tenths percent of the previous

month's benefit, which shall be added to the member or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 12 and 13 of this section for the purposes of the limit on the total amount of increases which may be received.

23. Any member who has retired prior to July 1, 2001, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall receive a dollar amount equal to three dollars times the member's number of years of creditable service, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 12 and 13 of this section for the purposes of the limit on the total amount of increases which may be received.

169.466. 1. Any retired member with fifteen or more years of creditable service at retirement receiving [a pension] **retirement benefits** on August 28, 1997, shall receive on January first of each year, commencing on January 1, 1998, an increase in the amount of [pension] **benefits** received by the retired member pursuant to sections 169.410 to 169.540 during the preceding year of one hundred percent of the increase in the consumer price index calculated in the manner provided in this section; except that, no such increase in [pension] **retirement** benefits shall be paid for any year if such increase in the consumer price index is less than one percent. Such annual [pension] **retirement benefit** increase, however, shall not exceed three percent [and the total increases in the amount of pension benefits received by any retired member shall not, in the aggregate, exceed ten percent of the pension benefits such retired member received during the year preceding January first of the first year the retired member is entitled to receive an increase

pursuant to this section]. A retired member qualified to receive an annual [pension] **retirement benefit** increase pursuant to this section shall not be eligible to receive an additional benefit until the January first after the first anniversary of the date on which he or she commenced receiving [a pension] **retirement benefits** pursuant to sections 169.410 to 169.540. Benefits shall not be decreased in the case of a decrease in the consumer price index for any year.

2. For the purpose of this section, any increase in the consumer price index shall be determined by the board of trustees in November of each year based on the consumer price index for the twelve-month period ended on September thirtieth of such year over the consumer price index for the twelve-month period ended on September thirtieth of the year immediately prior thereto. Any increase so determined shall be applied by the board of trustees in calculating increases in [pension] **retirement** benefits that become payable pursuant to this section for the twelve-month period beginning on the January first immediately following such determination.

3. An annual increase in [pension] **retirement** benefits, if any, shall be payable monthly with monthly installments of other [pension] **retirement** benefits pursuant to sections 169.410 to 169.540.

169.471. 1. The board of education is authorized from time to time, in its discretion, to increase the [pension] **retirement** benefits now or hereafter provided pursuant to sections 169.410 to 169.540 and to adopt and implement additional [pension] **retirement** benefits and plans, including without limitation, early retirement plans, deferred retirement option plans and cost-of-living adjustments, but excluding compensation to retired members pursuant to section 169.475, and for such purpose the contribution rate of members of the retirement system may be increased to provide part of the cost thereof, subject to the following conditions:

(1) Any such increase in [pension] **retirement** benefits and additional [pension] **retirement** benefits and plans shall be approved by the board of trustees;

(2) The board of trustees shall have presented to the board of education the projected increases in rates of contribution which will be required to be made by members and the board of education to the retirement system to pay the cost of such increases in [pension] **retirement** benefits and additional [pension] **retirement** benefits and plans; and

(3) Any increase in the contribution rate of members of the retirement system shall be approved by the board of trustees and shall be deducted from the compensation of each member by the employing board and transferred and credited to the individual account of each member from whose compensation the deduction was made, and shall be administered in accordance with sections 169.410 to 169.540; provided that, any such increase in the members' contribution rate shall not exceed one-half of one percent of compensation in any year for such increases to [pension] **retirement** benefits and additional [pension] **retirement** benefits and plans adopted during such year by the board of education pursuant to this section, and all such increases in the members' contribution rate shall, in the aggregate, not exceed two percent of compensation.

2. The board of trustees is authorized from time to time, in its discretion, to increase the retirement benefits, now or hereinafter provided under sections 169.410 to 169.540, and to adopt and implement additional retirement benefits for persons who have retired, including cost-of-living adjustments, provided that the board of trustees finds the additional benefit will not require an increase in the contribution rate required by the members, will not increase the contribution required from the board of education, and is actuarially sound. In the event

the board of trustees authorizes an increase under this section, it shall certify in writing to the board of education the findings, including but not limited to all actuarial assumptions, upon which the board of trustees determined that the increase in benefits would result in no increase in contributions by members or the board of education.

169.670. 1. The retirement allowance of a member whose age at retirement is sixty years or more and whose creditable service is five years or more, or whose sum of age and creditable service equals eighty years or more, or whose creditable service is thirty years or more regardless of age, shall be the sum of the following items:

(1) For each year of membership service, one and sixty-one hundredths percent of the member's final average salary;

(2) Six-tenths of the amount payable for a year of membership service for each year of prior service;

(3) Eighty-five one-hundredths of one percent of any amount by which the member's average compensation for services rendered prior to July 1, 1973, exceeds the average monthly compensation on which federal Social Security taxes were paid during the period over which such average compensation was computed, for each year of membership service credit for services rendered prior to July 1, 1973, plus six-tenths of the amount payable for a year of membership service for each year of prior service credit;

(4) In lieu of the retirement allowance otherwise provided by subdivisions (1) to (3) of this subsection, between July 1, 2001, and July 1, [2008] **2013**, a member may elect to receive a retirement allowance of:

(a) One and fifty-nine hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-nine years or more but less than thirty years and the member has not attained the

age of fifty-five;

(b) One and fifty-seven hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-eight years or more but less than twenty-nine years, and the member has not attained the age of fifty-five;

(c) One and fifty-five hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-seven years or more but less than twenty-eight years and the member has not attained the age of fifty-five;

(d) One and fifty-three hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-six years or more but less than twenty-seven years and the member has not attained the age of fifty-five;

(e) One and fifty-one hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-five years or more but less than twenty-six years and the member has not attained the age of fifty-five; and

(5) In addition to the retirement allowance provided in subdivisions (1) to (3) of this subsection, a member retiring on or after July 1, 2001, whose creditable service is thirty years or more or whose sum of age and creditable service is eighty years or more, shall receive a temporary retirement allowance equivalent to eight-tenths of one percent of the member's final average salary multiplied by the member's years of service until such time as the member reaches the minimum age for Social Security retirement benefits.

2. If the board of trustees determines that the cost of living, as measured by generally accepted standards, increases five percent or more in the preceding fiscal year, the board shall increase the retirement allowances which the retired members or beneficiaries are receiving by five percent of the

amount being received by the retired member or the beneficiary at the time the annual increase is granted by the board; provided that, the increase provided in this subsection shall not become effective until the fourth January first following a member's retirement or January 1, 1982, whichever occurs later, and the total of the increases granted to a retired member or the beneficiary after December 31, 1981, may not exceed eighty percent of the retirement allowance established at retirement or as previously adjusted by other provisions of law. If the cost of living increases less than five percent, the board of trustees may determine the percentage of increase to be made in retirement allowances, but at no time can the increase exceed five percent per year. If the cost of living decreases in a fiscal year, there will be no increase in allowances for retired members on the following January first.

3. The board of trustees may reduce the amounts which have been granted as increases to a member pursuant to subsection 2 of this section if the cost of living, as determined by the board and as measured by generally accepted standards, is less than the cost of living was at the time of the first increase granted to the member; provided that, the reductions shall not exceed the amount of increases which have been made to the member's allowance after December 31, 1981.

4. (1) In lieu of the retirement allowance provided in subsection 1 of this section, called "option 1", a member whose creditable service is twenty-five years or more or who has attained age fifty-five with five or more years of creditable service may elect, in the application for retirement, to receive the actuarial equivalent of the member's retirement allowance in reduced monthly payments for life during retirement with the provision that:

Option 2. Upon the member's death, the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member as the member shall have nominated in the

member's election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the member elected option 1;

OR

Option 3. Upon the death of the member three-fourths of the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the member elected option 1;

OR

Option 4. Upon the death of the member one-half of the reduced retirement allowance shall be continued throughout the life of, and paid to, such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance shall be increased to the amount the retired member would be receiving had the member elected option 1;

OR

Option 5. Upon the death of the member prior to the member having received one hundred twenty monthly payments of the member's reduced allowance, the remainder of the one hundred twenty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the one hundred twenty monthly payments, the reserve

for the remainder of such one hundred twenty monthly payments shall be paid to the estate of the last person to receive a monthly allowance. If the total of the one hundred twenty payments paid to the retired individual and the beneficiary of the retired individual is less than the total of the member's accumulated contributions, the difference shall be paid to the beneficiary in a lump sum;

OR

Option 6. Upon the death of the member prior to the member having received sixty monthly payments of the member's reduced allowance, the remainder of the sixty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the sixty monthly payments, the reserve for the remainder of such sixty monthly payments shall be paid to the estate of the last person to receive a monthly allowance. If the total of the sixty payments paid to the retired individual and the beneficiary of the retired individual is less than the total of the member's accumulated contributions, the difference shall be paid to the beneficiary in a lump sum;

OR

Option 7. A plan of variable monthly benefit payments which provides, in conjunction with the member's retirement benefits under the federal Social Security laws, level or near-level retirement benefit payments to the member for life during retirement, and if authorized, to an appropriate beneficiary designated by the member. Such a plan shall be actuarially equivalent to the retirement allowance under option 1 and shall be available for election only if established by the board of trustees under duly adopted rules.

(2) The election of an option may be made only in the application for retirement and such

application must be filed prior to the date on which the retirement of the member is to be effective. If either the member or the person nominated dies before the effective date of retirement, the option shall not be effective, provided that:

(a) If the member or a person retired on disability retirement dies after attaining age fifty-five and acquiring five or more years of creditable service or after acquiring twenty-five or more years of creditable service and before retirement, except retirement with disability benefits, and the person named by the member as the member's beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either survivorship payments under option 2 or a payment of the member's accumulated contributions. If survivorship benefits under option 2 are elected and the member at the time of death would have been eligible to receive an actuarial equivalent of the member's retirement allowance, the designated beneficiary may further elect to defer the option 2 payments until the date the member would have been eligible to receive the retirement allowance provided in subsection 1 of this section.

(b) If the member or a person retired on disability retirement dies before attaining age fifty-five but after acquiring five but fewer than twenty-five years of creditable service, and the person named as the beneficiary has an insurable interest in the life of the deceased member or disability retiree, the designated beneficiary may elect to receive either a payment of the person's accumulated contributions, or survivorship benefits under option 2 to begin on the date the member would first have been eligible to receive an actuarial equivalent of the person's retirement allowance, or to begin on the date the member would first have been eligible to receive the retirement allowance provided in subsection 1 of this section.

5. If the total of the retirement or disability allowances paid to an individual before the

person's death is less than the person's accumulated contributions at the time of the person's retirement, the difference shall be paid to the person's beneficiary or, if there is no beneficiary, to the (1) surviving spouse, (2) surviving children in equal shares, (3) surviving parents in equal shares, or (4) person's estate in that order of precedence; provided, however, that if an optional benefit, as provided in option 2, 3 or 4 in subsection 4, had been elected and the beneficiary dies after receiving the optional benefit, then, if the total retirement allowances paid to the retired individual and the individual's beneficiary are less than the total of the contributions, the difference shall be paid to the (1) surviving spouse, (2) surviving children in equal shares, (3) surviving parents in equal shares, or (4) estate of the beneficiary, in that order of precedence, unless the retired individual designates a different recipient with the board at or after retirement.

6. If a member dies before receiving a retirement allowance, the member's accumulated contributions at the time of the member's death shall be paid to the member's beneficiary or, if there is no beneficiary, to the (1) surviving spouse, (2) surviving children in equal shares, (3) surviving parents in equal shares, or (4) to the member's estate; provided, however, that no such payment shall be made if the beneficiary elects option 2 in subsection 4 of this section, unless the beneficiary dies before having received benefits pursuant to that subsection equal to the accumulated contributions of the member, in which case the amount of accumulated contributions in excess of the total benefits paid pursuant to that subsection shall be paid to the (1) surviving spouse, (2) surviving children in equal shares, (3) surviving parents in equal shares, or (4) estate of the beneficiary, in that order of precedence.

7. If a member ceases to be an employee as defined in section 169.600 and certifies to the board of trustees that such cessation is permanent or if the person's membership is otherwise terminated, the person shall be paid the person's

accumulated contributions with interest.

8. Notwithstanding any provisions of sections 169.600 to 169.715 to the contrary, if a member ceases to be an employee as defined in section 169.600 after acquiring five or more years of creditable service, the member may, at the option of the member, leave the member's contributions with the retirement system and claim a retirement allowance any time after the member reaches the minimum age for voluntary retirement. When the member's claim is presented to the board, the member shall be granted an allowance as provided in sections 169.600 to 169.715 on the basis of the member's age and years of service.

9. The retirement allowance of a member retired because of disability shall be nine-tenths of the allowance to which the member's creditable service would entitle the member if the member's age were sixty.

10. Notwithstanding any provisions of sections 169.600 to 169.715 to the contrary, any member who is a member prior to October 13, 1969, may elect to have the member's retirement allowance computed in accordance with sections 169.600 to 169.715 as they existed prior to October 13, 1969.

11. Any application for retirement shall include a sworn statement by the member certifying that the spouse of the member at the time the application was completed was aware of the application and the plan of retirement elected in the application.

12. Notwithstanding any other provision of law, any person retired prior to August 14, 1984, who is receiving a reduced retirement allowance under option 1 or 2 of subsection 4 of this section, as the option existed prior to August 14, 1984, and whose beneficiary nominated to receive continued retirement allowance payments under the elected option dies or has died, shall upon application to the board of trustees have the person's retirement allowance increased to the amount the person

would have been receiving had the person not elected the option, actuarially adjusted to recognize any excessive benefits which would have been paid to the person up to the time of the application.

13. Benefits paid pursuant to the provisions of the public education employee retirement system of Missouri shall not exceed the limitations of Section 415 of Title 26 of the United States Code, except as provided under this subsection. Notwithstanding any other law, the board of trustees may establish a benefit plan under Section 415(m) of Title 26 of the United States Code. Such plan shall be credited solely for the purpose described in Section 415(m)(3)(A) of Title 26 of the United States Code. The board of trustees may promulgate regulations necessary to implement the provisions of this subsection and to create and administer such benefit plan.

14. Any member who has retired prior to July 1, 1999, and the designated beneficiary of a deceased retired member upon request shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging. As compensation for such duties the person shall receive a payment equivalent to seven and four-tenths percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 2 and 3 of this section for the purposes of the limit on the total amount of increases which may be received.

15. Any member who has retired prior to July 1, 2000, and the designated beneficiary of a deceased retired member upon request shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging. As compensation for such duties the person shall receive a payment equivalent to three and four-tenths percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of

subsections 2 and 3 of this section for the purposes of the limit on the total amount of increases which may be received.

16. Any member who has retired prior to July 1, 2001, and the designated beneficiary of a deceased retired member upon request shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging. As compensation for such duties the person shall receive a payment equivalent to seven and one-tenth percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 2 and 3 of this section for the purposes of the limit on the total amount of increases which may be received.

190.092. 1. A person or entity who acquires an automated external defibrillator shall ensure that:

(1) Expected defibrillator users receive training by the American Red Cross or American Heart Association in cardiopulmonary resuscitation and the use of automated external defibrillators, or an equivalent nationally recognized course in defibrillator use and cardiopulmonary resuscitation;

(2) The defibrillator is maintained and tested according to the manufacturer's operational guidelines;

(3) Any person who renders emergency care or treatment on a person in cardiac arrest by using an automated external defibrillator activates the emergency medical services system as soon as possible; and

(4) Any person or entity that owns an automated external defibrillator that is for use outside of a health care facility shall have a physician review and approve the clinical protocol for the use of the defibrillator, review and advise regarding the training and skill maintenance of the intended users of the defibrillator and assure proper review of all situations when the

defibrillator is used to render emergency care.

2. Any person or entity who acquires an automated external defibrillator shall notify the emergency communications district or the ambulance dispatch center of the primary provider of emergency medical services where the automated external defibrillator is to be located.

3. Any person [who has had appropriate training, including a course in cardiopulmonary resuscitation, has demonstrated a proficiency in the use of an automated external defibrillator, and] who gratuitously and in good faith renders emergency care when medically appropriate by use of or provision of an automated external defibrillator[, without objection of the injured victim or victims thereof,] shall [not be held liable for any civil damages] **be held harmless and immune from civil liability** as a result of such care or treatment, where the person acts as an ordinarily reasonable, prudent person would have acted under the same or similar circumstances. The person or entity who provides appropriate training to the person using an automated external defibrillator, the person or entity responsible for the site where the automated external defibrillator is located, and the licensed physician who reviews and approves the clinical protocol shall likewise not be held liable for civil damages resulting from the use of an automated external defibrillator[, provided that all other requirements of this section have been met. Nothing in this section shall affect any claims brought pursuant to chapter 537 or 538, RSMo].

4. The provisions of this section shall apply in all counties within the state and any city not within a county.

210.102. 1. It shall be the duty of the Missouri children's services commission to:

(1) Make recommendations which will encourage greater interagency coordination, cooperation, more effective utilization of existing resources and less duplication of effort in activities

of state agencies which affect the legal rights and well-being of children in Missouri;

(2) Develop an integrated state plan for the care provided to children in this state through state programs;

(3) Develop a plan to improve the quality of children's programs statewide. Such plan shall include, but not be limited to:

(a) Methods for promoting geographic availability and financial accessibility for all children and families in need of such services;

(b) Program recommendations for children's services which include child development, education, supervision, health and social services;

(4) Design and implement evaluation of the activities of the commission in fulfilling the duties as set out in this section;

(5) Report annually to the governor with five copies each to the house of representatives and senate about its activities including, but not limited to the following:

(a) A general description of the activities pertaining to children of each state agency having a member on the commission;

(b) A general description of the plans and goals, as they affect children, of each state agency having a member on the commission;

(c) Recommendations for statutory and appropriation initiatives to implement the integrated state plan;

(d) A report from the commission regarding the state of children in Missouri;

(6) On or before July 1, 2008, develop recommendations for best practices in sharing relevant agency information relating to school-aged children receiving state services in order to permit the best degree of coordination in the delivery of such services while protecting the privacy of the involved student and family.

2. There is hereby established within the

children's services commission the "Coordinating Board for Early Childhood", which shall constitute a body corporate and politic, and shall include but not be limited to the following members:

(1) A representative from the governor's office;

(2) A representative from each of the following departments: health and senior services, mental health, social services, and elementary and secondary education;

(3) A representative of the judiciary;

(4) A representative of the family and community trust board (FACT);

(5) A representative from the head start program;

(6) Nine members appointed by the governor with the advice and consent of the senate who are representatives of the groups, such as business, philanthropy, civic groups, faith-based organizations, parent groups, advocacy organizations, early childhood service providers, and other stakeholders.

The coordinating board may make all rules it deems necessary to enable it to conduct its meetings, elect its officers, and set the terms and duties of its officers. The coordinating board shall elect from amongst its members a chairperson, vice chairperson, a secretary-reporter, and such other officers as it deems necessary. Members of the board shall serve without compensation but may be reimbursed for actual expenses necessary to the performance of their official duties for the board.

3. The coordinating board for early childhood shall have the power to:

(1) Develop a comprehensive statewide long-range strategic plan for a cohesive early childhood system;

(2) Confer with public and private entities for the purpose of promoting and improving the

development of children from birth through age five of this state;

(3) Identify legislative recommendations to improve services for children from birth through age five;

(4) Promote coordination of existing services and programs across public and private entities;

(5) Promote research-based approaches to services and ongoing program evaluation;

(6) Identify service gaps and advise public and private entities on methods to close such gaps;

(7) Apply for and accept gifts, grants, appropriations, loans, or contributions to the coordinating board for early childhood fund from any source, public or private, and enter into contracts or other transactions with any federal or state agency, any private organizations, or any other source in furtherance of the purpose of subsections 2 and 3 of this section, and take any and all actions necessary to avail itself of such aid and cooperation;

(8) Direct disbursements from the coordinating board for early childhood fund as provided in this section;

(9) Administer the coordinating board for early childhood fund and invest any portion of the moneys not required for immediate disbursement in obligations of the United States or any agency or instrumentality of the United States, in obligations of the state of Missouri and its political subdivisions, in certificates of deposit and time deposits, or other obligations of banks and savings and loan associations, or in such other obligations as may be prescribed by the board;

(10) Purchase, receive, take by grant, gift, devise, bequest or otherwise, lease, or otherwise acquire, own, hold, improve, employ, use, and otherwise deal with real or personal property or any interests therein, wherever situated;

(11) Sell, convey, lease, exchange, transfer or otherwise dispose of all or any of its property or

any interest therein, wherever situated;

(12) Employ and fix the compensation of an executive director and such other agents or employees as it considers necessary;

(13) Adopt, alter, or repeal by its own bylaws, rules, and regulations governing the manner in which its business may be transacted;

(14) Adopt and use an official seal;

(15) Assess or charge fees as the board determines to be reasonable to carry out its purposes;

(16) Make all expenditures which are incident and necessary to carry out its purposes;

(17) Sue and be sued in its official name;

(18) Take such action, enter into such agreements, and exercise all functions necessary or appropriate to carry out the duties and purposes set forth in this section.

4. There is hereby created the “Coordinating Board for Early Childhood Fund” which shall consist of the following:

(1) Any moneys appropriated by the general assembly for use by the board in carrying out the powers set out in subsections 2 and 3 of this section;

(2) Any moneys received from grants or which are given, donated, or contributed to the fund from any source;

(3) Any moneys received as fees authorized under subsections 2 and 3 of this section;

(4) Any moneys received as interest on deposits or as income on approved investments of the fund;

(5) Any moneys obtained from any other available source.

Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the coordinating board for early childhood fund at the end of the biennium shall not revert to the

credit of the general revenue fund.

475.060. Any person may file a petition for the appointment of himself or some other qualified person as guardian of a minor or guardian of an incapacitated person. Such petition shall state:

(1) The name, age, domicile, actual place of residence and post office address of the minor or incapacitated person if known and if any of these facts is unknown, the efforts made to ascertain that fact;

(2) The estimated value of his real and personal property;

(3) If the minor or incapacitated person has no domicile or place of residence in this state, the county in which the property or major part thereof of the minor or incapacitated person is located;

(4) The name and address of the parents of the minor or incapacitated person and whether they are living or dead;

(5) The name and address of the spouse, and the names, ages and addresses of all living children of the minor or incapacitated person;

(6) The name and address of the person having custody of the person of the minor or incapacitated person;

(7) The name and address of any guardian of the person or conservator of the estate of the minor or incapacitated person appointed in this or any other state;

(8) If appointment is sought for a natural person, other than the public administrator, the names and addresses of wards and disabled persons for whom such person is already guardian or conservator;

(9) In the case of an incapacitated person, the fact that the person for whom guardianship is sought is unable by reason of some specified physical or mental condition to receive and evaluate information or to communicate decisions to such an extent that the person lacks capacity to

meet essential requirements for food, clothing, shelter, safety or other care such that serious physical injury, illness or disease is likely to occur;

(10) The reasons why the appointment of a guardian is sought;

(11) A petition for the appointment of a guardian of a minor may be filed for the sole and specific purpose of school registration or medical insurance coverage. Such a petition shall clearly set out this limited request and shall not be combined with a petition for conservatorship. **This appointment shall not be used to circumvent current law requiring the student to be a resident of the school district.**”; and

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted.

Senator Mayer assumed the Chair.

Senator Smith offered **SA 1 to SA 19**, which was read:

**SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 19**

Amend Senate Amendment No. 19 to House Bill No. 265, Page 39, Section 167.029, Lines 21-24, by striking all of said lines from the amendment; and further amend line 25 of said page by striking “section.”.

Senator Smith moved that the above amendment be adopted, which motion prevailed.

Senator Engler assumed the Chair.

Senator Days offered **SA 2 to SA 19**, which was read:

**SENATE AMENDMENT NO. 2 TO
SENATE AMENDMENT NO. 19**

Amend Senate Amendment No. 19 to House Bill No. 265, Pages 22-23, Section 161.660, by striking said section from the amendment.

Senator Days moved that the above

amendment be adopted.

Senator Days offered **SSA 1** for **SA 2** to **SA 19**, which was read:

**SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 2 TO
SENATE AMENDMENT NO. 19**

Amend Senate Amendment No. 19 to House Bill No. 265, Pages 22-23, Section 161.660, by striking all of said section from the amendment; and

Further amend said amendment, pages 31-32, section 162.1162 by striking all of said section from the amendment.

Senator Days moved that the above substitute amendment be adopted, which motion failed.

SA 2 to SA 19 was again taken up.

Senator Days moved that the above amendment be adopted, which motion failed.

Senator Bray offered **SA 3** to **SA 19**:

**SENATE AMENDMENT NO. 3 TO
SENATE AMENDMENT NO. 19**

Amend Senate Amendment No. 19 to House Bill No. 265, Page 11, Section 160.261, Lines 20-21, by striking said lines and inserting in lieu thereof, the following:

“10. Spanking, when administered by certificated personnel of a”;

and further amend said section, page 12, line 13, by striking said line and inserting in lieu thereof: “spanking by” and further amend line 14 by striking the opening bracket “[” before the word “certificated” and the closing bracket “]” after the word “certificated” and further amend lines 24-25, by striking said lines and inserting in lieu thereof “arose out of or is related to a spanking administered by certificated”.

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by

Senators Days, Crowell, McKenna and Kennedy.

SA 3 to SA 19 failed of adoption by the following vote:

YEAS—Senators

Bray	Coleman	Days	Graham
Justus	Smith	Wilson—7	

NAYS—Senators

Barnitz	Bartle	Callahan	Clemens
Crowell	Engler	Gibbons	Goodman
Green	Griesheimer	Gross	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Stouffer—25			

Absent—Senators

Champion	Vogel—2
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Absent with leave—Senators—None

Vacancies—None

Senator Loudon offered **SA 4** to **SA 19**, which was read:

**SENATE AMENDMENT NO. 4 TO
SENATE AMENDMENT NO. 19**

Amend Senate Amendment No. 19 to House Bill No. 265, Page 16, Section 160.400, Line 15, by striking line 15 and inserting in lieu thereof the following:

“(4) In a metropolitan school district the mayor of a city not within a county; or

(5) **The school board of another school district authorized by the state board of education under this subdivision. The board of a school district in which charter schools are not permitted to operate may petition the state board of education for authority to sponsor a charter school in a district where charter schools are permitted. Within ninety days of the petition, the state board of education shall make a determination of the suitability of the**

petitioning school district to be a charter school sponsor and notify the district of its determination. The determination shall consider the school district's fiscal responsibility, educational performance, technical and logistical capacity, and other criteria that the board deems necessary for a charter school sponsor."

Senator Loudon moved that the above amendment be adopted.

Senator Shields offered **SSA 1** for **SA 4** to **SA 19**, which was read:

**SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 4 TO
SENATE AMENDMENT NO. 19**

Amend Senate Amendment No. 19 to House Bill No. 265, Page 16, Section 160.400, Line 15, by striking line 15 and inserting in lieu thereof the following:

"(4) In a metropolitan school district the mayor of a city not within a county; or"

Senator Shields moved that the above substitute amendment be adopted.

At the request of Senator Shields, the above substitute amendment was withdrawn.

Senator Coleman offered **SSA 2** for **SA 4** to **SA 19**:

**SENATE SUBSTITUTE AMENDMENT NO. 2
FOR SENATE AMENDMENT NO. 4 TO
SENATE AMENDMENT NO. 19**

Amend Senate Amendment No. 19 to House Bill No. 265, Page 16, Section 160.400, Line 15, by striking said line from the amendment.

Senator Coleman moved that the above substitute amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bray, Callahan, Days and Wilson.

SSA 2 for **SA 4** to **SA 19** failed of adoption by

the following vote:

YEAS—Senators

Bray	Callahan	Coleman	Days
Green	Justus	Shoemyer	Wilson—8

NAYS—Senators

Barnitz	Bartle	Champion	Crowell
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Kennedy	Koster
Lager	Loudon	Mayer	McKenna
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Smith	Stouffer—24

Absent—Senators

Clemens	Vogel—2
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Absent with leave—Senators—None

Vacancies—None

SA 4 to **SA 19** was again taken up.

Senator Loudon moved that the above amendment be adopted, which motion failed.

At the request of Senator Rupp, **HB 265**, with **SA 19**, as amended, was placed on the Informal Calendar.

REFERRALS

President Pro Tem Gibbons referred **HCS** for **HB 827**, with **SCS**; **HCS** for **HB 948**; **HCS** for **HB 98**; and **HCS** for **HB 159**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

RESOLUTIONS

Senator McKenna offered Senate Resolution No. 1234, regarding Matthew Joseph Mayer, Sr., Arnold, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Crowell introduced to the Senate, Miss Missouri Amber Marie Seyer, her mother, Sherry Seyer and her cousin, Tori St. Cin, Oran.

Senator Shields introduced to the Senate,

Representative Jason Brown, Platte City.

Senator Engler introduced to the Senate, his son, Joseph, Farmington.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-SEVENTH DAY—TUESDAY, MAY 8, 2007

FORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| 1. SB 571-Mayer, with SCS | 7. SB 484-Stouffer, with SCS |
| 2. SB 652-Coleman and Gibbons, with SCS | 8. SBs 348, 626 & 461-Koster, et al, with SCS |
| 3. SB 699-Lager, with SCS | 9. SJR 15-Green |
| 4. SB 11-Coleman, with SCS | 10. SB 629-Smith, with SCS |
| 5. SB 536-Lager, with SCS | 11. SB 122-Bray and Days, with SCS |
| 6. SB 552-Bartle | 12. SB 491-Ridgeway |

HOUSE BILLS ON THIRD READING

- | | |
|---|---|
| 1. HCS for HB 74 (Scott)
(In Fiscal Oversight) | 10. HCS for HB 98 (Scott)
(In Fiscal Oversight) |
| 2. HCS for HB 845 (Crowell) | 11. HB 482-Walton, et al (Goodman) |
| 3. HCS for HB 818, with SCS (Loudon) | 12. HCS for HB 583, with SCS |
| 4. HCS for HB 245 (Stouffer) | 13. HCS for HB 431, with SCS (Goodman) |
| 5. HCS for HB 820 (Engler) | 14. HB 42-Portwood, with SCS (Koster) |
| 6. HB 527-Cooper (120) (Scott) | 15. HCS for HB 159, with SCS
(In Fiscal Oversight) |
| 7. HCS for HB 329, with SCS (Scott) | 16. HB 801-Kraus, et al, with SCS (Engler) |
| 8. HCS for HB 827, with SCS (Justus)
(In Fiscal Oversight) | |
| 9. HCS for HB 948 (Shields)
(In Fiscal Oversight) | |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SB 303-Loudon
SS#4 for SCS for SB 430-Shields

SS for SB 570-Clemens

SENATE BILLS FOR PERFECTION

SB 2-Gibbons, with SCS	SBs 370, 375 & 432-Scott and Koster,
SB 17-Shields, with SCS	with SCS & SA 5 (pending)
SB 20-Griesheimer, with SCS	SBs 372 & 366-Justus and Koster, with SCS
SB 27-Bartle and Koster	SB 385-Gibbons, with SCS
SB 53-Koster and Engler, with SCS	SB 388-Mayer, with SCS
SB 101-Mayer	SB 400-Crowell, et al
SB 131-Rupp	SB 444-Goodman
SB 153-Engler, et al, with SCS	SB 453-Scott, with SCS
SB 155-Engler, with SCS & SS for SCS	SB 458-Gibbons
(pending)	SB 476-Crowell
SB 160-Rupp, with SCS	SB 480-Ridgeway, et al, with SCS
SB 168-Mayer and Crowell, with SCS, SS	SB 492-Crowell
for SCS & SA 1 (pending)	SB 499-Engler and Clemens, with SCS
SB 169-Rupp, with SCS, SS for SCS & SA 3	SB 511-Scott, with SCS
(pending)	SB 521-Lager, et al, with SCS
SB 205-Stouffer and Gibbons, with SCS	SB 523-Scott, with SCS
SB 212-Goodman	SB 531-Gibbons, with SCS
SB 213-McKenna	SB 534-Nodler
SB 242-Nodler, with SCS	SB 537-Lager
SB 250-Ridgeway and Vogel	SB 542-Scott, with SCS
SB 252-Ridgeway and McKenna	SBs 555 & 38-Gibbons, with SCS
SB 254-Nodler, et al, with SCS	SB 563-Lager, with SCS & SS for SCS
SBs 260 & 71-Koster, et al, with SCS	(pending)
SB 274-Shields	SB 572-Vogel
SB 282-Griesheimer, with SCS & SS for	SB 586-Crowell, with SCS
SCS (pending)	SB 592-Scott, with SCS
SB 287-Crowell and Vogel, with SS (pending)	SB 599-Engler, with SCS
SB 292-Mayer	SB 627-Ridgeway
SB 297-Loudon, with SCS	SB 635-Loudon, with SCS
SB 300-Bartle	SB 644-Griesheimer
SB 341-Goodman, with SCS	SBs 660, 553, 557, 167, 258, 114 &
SB 363-Bartle	378-Mayer, with SCS
SB 364-Koster, with SCS, SS for SCS,	SB 698-Ridgeway, et al, with SCS
SA 1 & SSA 1 for SA 1 (pending)	

HOUSE BILLS ON THIRD READING

HCS#2 for HB 28 (Mayer)	HB 125-Franz, with SCS (Shoemyer)
HCS for HB 39, with SCS (Koster)	HB 134-Guest, et al (Nodler)
HB 46-Viebrock and Stevenson (Stouffer)	HCS for HB 135, with SCS (Koster)
HB 69-Day, with SCS (Barnitz)	HB 155-Dusenbergh, et al (Ridgeway)

HCS for HB 165, with SCS
 HCS for HB 181 (Rupp)
 HCS for HB 182 (Stouffer)
 HCS for HB 184 (Rupp)
 HB 220-Stevenson (Nodler)
 HCS for HB 221 (Loudon)
 HB 265-Cunningham (86), with SA 19
 (pending) (Rupp)
 HB 267-Jones (117) and Cunningham (86),
 with SA 5 (pending) (Rupp)
 HB 269-Nolte, et al (Ridgeway)
 HCS for HB 272 (Goodman)
 HCS for HB 298, with SCS (Engler)
 HCS for HB 346 (Clemens)
 SS#2 for SCS for HCS for HBs 444, 217,
 225, 239, 243, 297, 402 & 172 (Crowell)
 (In Fiscal Oversight)
 HB 454-Jetton, et al (Mayer)
 HB 462-Munzlinger, et al (Purgason)

HCS for HB 469, with SCS (Crowell)
 HB 489-Baker (123), et al, with SCS (Shields)
 HB 526-Pratt (Loudon)
 HCS for HB 551, with SCS (Koster)
 HB 579-Dempsey, et al (Shields)
 HB 596-St. Onge, with SCS (Stouffer)
 HCS for HB 620, with SCS (Ridgeway)
 HCS for HBs 654 & 938 (Crowell)
 HB 686-Smith (150) and Tilley (Stouffer)
 HCS for HB 741 (Koster)
 HCS for HB 774 (Crowell)
 HCS for HB 780, with SCS (Scott)
 HB 875-Franz, with SCS (Purgason)
 HCS for HB 894, with SCS (Days)
 HB 1014-Wright, et al, with SCS (Mayer)
 HCS for HB 1055, with SCA 1 (Scott)
 HCS for HJR 1, with SCS (Rupp)
 HJR 7-Nieves, et al, with SCS (pending) (Engler)
 HJR 19-Bearden, et al (Ridgeway)

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Reported 2/15

SB 8-Kennedy

Reported 3/8

SB 185-Green

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SBs 62 & 41-Goodman and Koster,
 with HCS, as amended

SRB 613-Goodman, with HCS

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

<p>SB 25-Champion, with HCS, as amended</p> <p>SB 30-Nodler and Ridgeway, with HCS, as amended</p> <p>SCS for SB 64-Goodman and Koster, with HCS, as amended</p> <p>SB 81-Griesheimer, with HCS, as amended</p> <p>SCS for SB 198-Mayer, with HCS</p> <p>SB 233-Crowell, with HAs 1, 2, 3, 4 & 5</p> <p>SCS for SB 308-Crowell, et al, with HCS, as amended</p> <p>SB 406-Crowell, with HCS#2, as amended</p> <p>HB 1 (Icet), with SCS (Gross)</p> <p>HCS for HB 2, with SCS (Gross)</p> <p>HCS for HB 3, with SCS (Gross)</p> <p>HCS for HB 4, with SCS (Gross)</p> <p>HCS for HB 5, with SCS (Gross)</p>	<p>HCS for HB 6, with SCS (Gross)</p> <p>HCS for HB 7, with SCS (Gross)</p> <p>HCS for HB 8, with SCS (Gross)</p> <p>HCS for HB 9, with SCS (Gross)</p> <p>HCS for HB 10, with SCS (Gross)</p> <p>HCS for HB 11, with SCS, as amended (Gross)</p> <p>HCS for HB 12, with SCS (Gross)</p> <p>HCS for HB 13, with SCS (Gross)</p> <p>HCS for HB 327, with SS for SCS, as amended (Griesheimer)</p> <p>(House requests Senate adopt CCR and pass CCS)</p> <p>HB 574-St. Onge, with SA 1 & SA 3 (Stouffer)</p> <p>HB 665-Ervin, et al, with SS, as amended (Ridgeway)</p>
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Requests to Recede or Grant Conference

<p>SCS for SB 82-Griesheimer, with HCS, as amended</p> <p>(Senate requests House recede or grant conference)</p> <p>SB 84-Champion, with HCS, as amended</p> <p>(Senate requests House recede or grant conference)</p>	<p>SB 166-Griesheimer, with HCS</p> <p>(Senate requests House recede and take up and pass the bill)</p> <p>SB 416-Goodman, with HCS</p> <p>(Senate requests House recede or grant conference)</p>
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RESOLUTIONS

Reported from Committee

<p>HCR 15-Threlkeld, et al, with SCS (Shields)</p> <p>SCR 10-Koster and Shields</p> <p>HCR 25-Yates, et al (Bartle)</p> <p>HCR 30-Pratt, et al (Koster)</p>	<p>HCR 11-Ervin and Flook (Ridgeway)</p> <p>HCR 8-Loehner, et al (Barnitz)</p> <p>SCR 9-Crowell</p> <p>SCR 20-Crowell</p>
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Journal of the Senate

FIRST REGULAR SESSION

SIXTY-SEVENTH DAY—TUESDAY, MAY 8, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Comfort ye, comfort ye my people, says your God.” (Isaiah 40:1)

Merciful God, we hear Your words of care and need what You want to give as the tension grows among us and hard work may not be completed and lonely hours seem wasted and cannot be recalled. Yet we trust You will be with us and guide us through these closing days and our efforts bear good fruits. And we pray that You will comfort our neighbors in Kansas whose homes were destroy and lives lost and be with those who in St. Joseph and along the Missouri river whose property and lives are threatened and destroy. It is truly a time when we need Your comfort O God. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell

Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Justus offered Senate Resolution No. 1235, regarding Anna M. Koepfel, which was adopted.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 156**, entitled:

An Act to repeal sections 135.800, 135.805,

142.028, 142.031, 144.030, 261.035, 261.230, 261.235, 261.239, 263.232, 265.200, 340.335, 340.337, 340.339, 340.341, 340.343, 340.345, 340.347, 348.430, 348.432, 348.434, 348.505, and 414.420, RSMo, and to enact in lieu thereof forty new sections relating to agriculture, with an emergency clause for a certain section.

With House Amendment No. 1 to House Amendment No. 1, House Amendment No. 1, as amended, House Amendment Nos. 2, 3, 6, House Amendment No. 1 to House Amendment No. 7, House Amendment No. 7, as amended and House Amendment No. 9.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 156, Page 1, Line 4, by inserting immediately after said line the following:

Further amend said Bill, Page 20, Section 144.030, Line 279, by inserting immediately after said line the following:

“144.051. 1. As used in this section, “machinery and equipment” means new or used farm tractors and such other new or used machinery and equipment and repair or replacement parts thereon, and supplies and lubricants used exclusively, solely, and directly for the planting, harvesting, processing, or transporting of a forestry product, and the purchase of motor fuel, as defined in section 142.800, RSMo, therefor which is:

(1) Used exclusively for forestry purposes;

(2) Used on land owned or leased for the purpose of planting, harvesting, processing, or transporting forestry products; and

(3) Used directly in planting, harvesting, processing, or transporting forestry products.

2. Notwithstanding any other provision of law to the contrary, for purposes of department

of revenue administrative interpretation, all machinery and equipment used solely for the planting, harvesting, processing, or transporting of a forestry product shall be considered farm machinery, and shall be exempt from state and local sales and use tax, as provided for other farm machinery in section 144.030.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 156, Section 144.030, Page 19, Line 273, by deleting all of said line and inserting in lieu thereof the following:

“or sections 238.010 to 238.100, RSMo; and”; and

Further amend said Bill, Section 263.232, Page 24, Line 13, by deleting all of said line and inserting in lieu thereof the following:

“(3) To control the spread of spotted knapweed (Cetaurea”; and

Further amend said Bill, Section, and Page, Line 17, by deleting all of said line and inserting in lieu thereof the following:

“(4) To control the spread of sericea lespedeza (Lespedeza cuneata),”; and

Further amend said Bill, Section 414.420, Page 40, Lines 9 thru 11, by deleting all of said lines and inserting in lieu thereof the following:

“to,] shall be persons engaged in [the ethanol production industry] industries that produce alternative fuels, wholesale alternative fuels, or retail alternative fuels, and no more than two of such members shall represent an alternative fuel producer, retailer, or wholesaler and no more than three of such members shall be of the same political party. The members appointed by the governor shall be appointed”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 156, Page 18, Section 144.030, Lines 234 and 235, by deleting all of said lines and inserting in lieu thereof the following:

“(33) Tangible personal property **and utilities** purchased for use or consumption directly or exclusively in the research and development of **agricultural/biotechnology and plant genomics products and** prescription pharmaceuticals consumed by humans or”; and

Further amend said bill, Page 19, Section 144.030, Line 260, by deleting all of said line and inserting in lieu thereof the following:

“(37) [Tangible personal property purchased for use or consumption directly or exclusively”; and

Further amend said bill, Page 19, Section 144.030, Line 270, by deleting all of said line and inserting in lieu thereof the following:

“(38)] All sales or other transfers of tangible personal property to a lessor who leases the”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 156, Pages 10 to 12, Section 142.031, Lines 1 to 71, by deleting all of said lines and inserting in lieu thereof the following:

“142.031. 1. As used in this section the following terms shall mean:

(1) “Biodiesel”, fuel as defined in ASTM Standard D-6751 or its subsequent standard specifications for biodiesel fuel (B100) blend stock for distillate fuels;

(2) “Missouri qualified biodiesel producer”, a facility that produces biodiesel, is registered with the United States Environmental Protection Agency according to the requirements of 40 CFR 79, and:

(a) Is at least fifty-one percent owned by agricultural producers who are residents of this state and who are actively engaged in agricultural production for commercial purposes; or

(b) At least eighty percent of the feedstock used by the facility originates in the state of Missouri. For purposes of this section, “feedstock” means [a Missouri agricultural product as defined in section 348.400, RSMo] **an agricultural, horticultural, viticultural, vegetable, aquacultural, livestock, forestry, or poultry product either in its natural or processed state.**

2. The “Missouri Qualified Biodiesel Producer Incentive Fund” is hereby created and subject to appropriations shall be used to provide economic subsidies to Missouri qualified biodiesel producers pursuant to this section. The director of the department of agriculture shall administer the fund pursuant to this section.

3. A Missouri qualified biodiesel producer shall be eligible for a monthly grant from the fund provided that one hundred percent of the feedstock originates in the United States. However, the director may waive the feedstock requirements on a month-to-month basis if the facility provides verification that adequate feedstock is not available. A Missouri qualified biodiesel producer shall only be eligible for the grant for a total of sixty months unless such producers during the sixty months fail, due to a lack of appropriations, to receive the full amount from the fund for which the producers were eligible, in which case such producers shall continue to be eligible for up to twenty-four additional months or until they have received the maximum amount of funding for which such producers were eligible during the original sixty-month time period. The amount of the grant is determined by calculating the

estimated gallons of qualified biodiesel produced during the preceding month from [Missouri agricultural products] **feedstock**, as certified by the department of agriculture, and applying such figure to the per-gallon incentive credit established in this subsection. Each Missouri qualified biodiesel producer shall be eligible for a total grant in any fiscal year equal to thirty cents per gallon for the first fifteen million gallons of qualified biodiesel produced from [Missouri agricultural products] **feedstock** in the fiscal year plus ten cents per gallon for the next fifteen million gallons of qualified biodiesel produced from [Missouri agricultural products] **feedstock** in the fiscal year. All such qualified biodiesel produced by a Missouri qualified biodiesel producer in excess of thirty million gallons shall not be applied to the computation of a grant pursuant to this subsection. The department of agriculture shall pay all grants for a particular month by the fifteenth day after receipt and approval of the application described in subsection 4 of this section.

4. In order for a Missouri qualified biodiesel producer to obtain a grant from the fund, an application for such funds shall be received no later than fifteen days following the last day of the month for which the grant is sought. The application shall include:

(1) The location of the Missouri qualified biodiesel producer;

(2) The average number of citizens of Missouri employed by the Missouri qualified biodiesel producer in the preceding month, if applicable;

(3) The number of bushel equivalents of Missouri [agricultural commodities] **feedstock and out-of-state feedstock** used by the Missouri qualified biodiesel producer in the production of biodiesel in the preceding month;

(4) The number of gallons of qualified biodiesel the producer manufactures during the month for which the grant is applied;

(5) A copy of the qualified biodiesel producer license required pursuant to subsection 5 of this section, name and address of surety company, and amount of bond to be posted pursuant to subsection 5 of this section; and

(6) Any other information deemed necessary by the department of agriculture to adequately ensure that such grants shall be made only to Missouri qualified biodiesel producers.

5. The director of the department of agriculture, in consultation with the department of revenue, shall promulgate rules and regulations necessary for the administration of the provisions of this section.

6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

7. This section shall expire on December 31, 2009. However, Missouri qualified biodiesel producers receiving any grants awarded prior to December 31, 2009, shall continue to be eligible for the remainder of the original sixty-month time period under the same terms and conditions of this section unless such producer during such sixty months failed, due to a lack of appropriations, to receive the full amount from the fund for which he or she was eligible. In such case, such producers shall continue to be eligible for up to twenty-four additional months or until they have received the maximum amount of funding for which they were eligible during the original sixty-month time period.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 156, Section 135.633, Page 4, Line 83 by inserting after all of said line the following:

“135.660. 1. This section shall be known and may be cited as the “Qualified Beef Tax Credit Act”.

2. As used in this section, the following terms mean:

(1) “Agricultural property”, any real and personal property, including but not limited to buildings, structures, improvements, equipment, and livestock, that is used in or is to be used in this state by residents of this state for:

(a) The operation of a farm or ranch; and

(b) Grazing, feeding, or the care of livestock;

(2) “Authority”, the agricultural and small business development authority established in chapter 348, RSMo;

(3) “Qualifying beef animal”, any beef animal that is certified by the authority, that was born in this state after August 28, 2007, that was raised and backgrounded or finished in this state by the taxpayer, and that weighs more than four hundred fifty pounds, excluding any beef animal more than thirty months of age;

(4) “Qualifying sale”, the first time a qualifying beef animal is sold in this state after the qualifying beef animal's weight reaches four hundred fifty pounds, and a subsequent sale if the weight of the qualifying beef animal at the time of the subsequent sale is greater than the weight of the qualifying beef animal at the time of the first qualifying sale of such beef animal;

(5) “Tax credit”, a credit against the tax

otherwise due under chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, or otherwise due under chapter 147, RSMo;

(6) “Taxpayer”, any individual or entity who:

(a) Is subject to the tax imposed in chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, or the tax imposed in chapter 147, RSMo;

(b) In the case of an individual, is a resident of this state; and

(c) Owns or rents agricultural property.

3. For all taxable years beginning on or after January 1, 2009, but ending on or before December 31, 2016, a taxpayer shall be allowed a tax credit for each qualifying sale of a qualifying beef animal. The tax credit amount shall be based on the qualifying beef animal's weight at the time of the first qualifying sale, and shall be equal to ten cents per pound above four hundred fifty pounds and for a subsequent qualifying sale, ten cents per pound above the weight of the qualifying beef animal at the time of the first qualifying sale of such beef animal or four hundred fifty pounds, whichever weight is greater.

4. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year for which the credit is claimed. No tax credit claimed under this section shall be refundable. The tax credit shall be claimed in the taxable year in which the qualifying sale of the qualifying beef occurred, but any amount of credit that the taxpayer is prohibited by this section from claiming in a taxable year may be carried forward to any of the taxpayer's five subsequent taxable years and carried backward to any of the taxpayer's three previous taxable years. The amount of tax credits that may be issued to all eligible applicants claiming tax credits

authorized in this section in a fiscal year shall not exceed ten million dollars, and the cumulative amount of tax credits that may be issued to all eligible applicants claiming all tax credits authorized in this section shall not exceed thirty million dollars.

5. To claim the tax credit allowed under this section, the taxpayer shall submit to the authority an application for the tax credit on a form provided by the authority. The application shall be filed with the authority at the end of each calendar year in which a qualified sale was made and for which a tax credit is claimed under this section. The application shall include any documentation and information required by the authority. All required information obtained by the authority shall be confidential and not disclosed except by court order or as otherwise provided by law. If the taxpayer and the qualified sale meets all criteria required by this section and is approved by the authority, the authority shall issue a tax credit certificate in the appropriate amount. Tax credit certificates issued under this section may be assigned, transferred, sold, or otherwise conveyed, and the new owner of the tax credit certificate shall have the same rights in the tax credit as the original taxpayer. Whenever a tax credit certificate is assigned, transferred, sold or otherwise conveyed, a notarized endorsement shall be filed with the authority specifying the name and address of the new owner of the tax credit certificate or the value of the tax credit.

6. Any information provided under this section shall be confidential information, to be shared with no one except state and federal animal health officials, and shall not be subject to subpoena or other compulsory production.

7. The department of agriculture and the authority may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the

authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

8. This section shall not be subject to the Missouri sunset act, sections 23.250 to 23.298, RSMo.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 7

Amend House Amendment No. 7 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 156, Page 1, Line 7, by deleting all of said line and inserting in lieu thereof the following:

“shall be construed as prohibiting the department of agriculture from issuing voluntary premise identification and participating in any Missouri”; and

Further amend said amendment and page, line 15, by inserting immediately after said line the following:

“(4) No services, licenses, permits, certifications, special consideration, or incentives nor other essential services that may be offered by the state, shall be denied, revoked, or limited based solely on lack of participation in an animal identification program.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references

accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 156, Section 265.525, Page 27, Line 110, by inserting immediately after said line the following:

“267.165. 1. The department of agriculture shall not participate in any national animal identification system (NAIS) administered program by the United States Department of Agriculture without specific authorization from the general assembly.

2. Notwithstanding the provisions of subsection 1 of this section, nothing in this section shall be construed as prohibiting the department of agriculture from participating in any Missouri voluntary or private animal identification program that verifies the health of Missouri livestock required for interstate export, marketing, and livestock movement.

3. Any Missouri voluntary animal identification program administered by the department of agriculture shall be subject to the following conditions:

(1) The department shall provide participants all relevant program information;

(2) Program participants shall be permitted to withdraw from the program at any time;

(3) The department of agriculture shall not require participation in a Missouri specific source verification program for cattle or for any other species of livestock; and

4. Failure to participate in an animal identification program or the providing of services to persons who are not participants in an animal identification program shall not be deemed a crime, nor evidence of any negligence or gross negligence on the part of any livestock owner or provider of goods and services.”; and

Further amend said bill by amending the title,

enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 156, Page 41, Section 414.420, Line 36, by inserting after all of said line the following:

“Section 1. No grants received by the department of agriculture shall be used to pay legal settlements or judgments, and all legal settlements and judgments arising out of legal claims against the department of agriculture or its agents or employees shall be paid from the state legal expense fund.”; and

Further amend said title, enacting clause and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 24**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 20**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR HOUSE CONCURRENT RESOLUTION NO. 20

WHEREAS, in May 2005, the United States Congress enacted the REAL ID Act of 2005 as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief Act (PL 109-13), which was signed by President Bush on May 11, 2005, and which becomes effective May

11, 2008; and

WHEREAS, some of the requirements of the REAL ID Act are that states shall:

(1) Issue a driver's license or state identification card in a uniform format, containing uniform information, as prescribed by the federal Department of Homeland Security;

(2) Verify the issuance, validity, and completeness of all primary documents used to issue a driver's license, such as those showing that the bearer is a United States citizen or a lawful alien, a lawful refugee, or a person holding a valid visa;

(3) Provide for secure storage of all primary documents that are used to issue a federally approved driver's license or state identification card;

(4) Provide fraudulent document recognition training to all persons engaged in issuing driver's licenses or state identification cards; and

(5) Issue a driver's license or state identification card in a prescribed format if it is a license or card that does not meet the criteria provided for a federally approved license or identification card; and

WHEREAS, use of the federal minimum standards for state driver's licenses and state-issued identification cards will be necessary for any type of federally regulated activity for which an identification card must be displayed, including flying in a commercial airplane, making transactions with a federally licensed bank, entering a federal building, or making application for federally supported public assistance benefits, including Social Security; and

WHEREAS, some of the intended privacy requirements of the REAL ID Act, such as the use of common machine-readable technology and state maintenance of a database that can be shared with the United States government and agencies of other states, may actually make it more likely that a federally required driver's license or state identification card, or the information about the bearer on which the license or card is based, will be stolen, sold, or otherwise used for purposes that were never intended or that are criminally related than if the REAL ID Act had not been enacted; and

WHEREAS, these potential breaches in privacy that could result directly from compliance with the REAL ID Act may violate the right to privacy secured in the Missouri Constitution, for thousands of residents of Missouri; and

WHEREAS, the American Association of Motor Vehicle Administrators, the National Governors' Association, and the National Conference of State Legislatures have estimated, in an impact analysis dated September 2006, that the cost to the states to implement the REAL ID Act will be more than \$11 billion over 5 years, and it is estimated that the implementation of the REAL ID Act will cost Missouri millions to fully implement the Act, none of such costs being paid for by the federal government; and

WHEREAS, for all of these reasons, the American

Association of Motor Vehicle Administrators, the National Governors' Association, and the National Conference of State Legislatures, in a letter dated March 17, 2005, to the majority and minority leaders of the United States Senate, opposed the adoption of the REAL ID Act, but the opposition of those groups, and the groups' request that Congress rely on driver's license security provisions already passed by Congress in the Intelligence Reform and Terrorism Prevention Act of 2004, was largely ignored by Congress; and

WHEREAS, the regulations that are to be adopted by the U.S. Department of Homeland Security to implement the requirements of the REAL ID Act have yet to be adopted and, in reality, will probably not become effective until the Spring of 2007, effectively giving the states only one year in which to become familiar with the implementing regulations and comply with those regulations and the requirements of the REAL ID Act; and

WHEREAS, the mandate to the states, through federal legislation that provides no funding for its requirements, to issue what is, in effect, a national identification card appears to be an attempt to "commandeer" the political machinery of the states and to require the states to be agents of the federal government, in violation of the principles of federalism contained in the Tenth Amendment to the United States Constitution, as interpreted by the United States Supreme Court in *New York v. United States*, 488 U.S. 1041 (1992), *United States v. Lopez*, 514 U.S. 549 (1995), and *Printz v. United States*, 521 U.S. 898 (1997);

WHEREAS, state legislatures in Georgia, Massachusetts, Montana, New Mexico, New Hampshire, and Washington, have, through legislation or resolutions, opposed the implementation of the REAL ID Act; and

WHEREAS, the Missouri General Assembly affirms its abhorrence of and opposition to global terrorism, and affirms its commitment to protecting the civil rights and civil liberties of all Missouri residents and opposes any measures, including the REAL ID Act, that unconstitutionally infringe upon those civil rights and civil liberties:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives, Ninety-Fourth General Assembly, First Regular Session, the Senate concurring therein, hereby calls on Congress to repeal the REAL ID Act; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution and be immediately transmitted to the Honorable George W. Bush, President of the United States; the President of the United States Senate; the Speaker of the House of Representatives; and each member of Congress from the State of Missouri.

President Pro Tem Gibbons assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HCS** for **SCS** for **SB 288** and **SB 152** and **SCS** for **SB 115**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

REPORTS OF STANDING COMMITTEES

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS No. 2** for **SCS** for **HCS** for **HBs 444, 217, 225, 239, 243, 297, 402** and **172**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 914**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HBs 619** and **118**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

HOUSE BILLS ON THIRD READING

HCS for **HB 221**, entitled:

An Act to repeal sections 407.1200, 407.1203,

407.1206, 407.1209, 407.1212, 407.1215, 407.1218, 407.1221, 407.1224, 407.1225, and 407.1227, RSMo, and to enact in lieu thereof twenty-two new sections relating to service contracts, with an effective date.

Was called from the Informal Calendar and taken up by Senator Loudon.

On motion of Senator Loudon, **HCS** for **HB 221** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senator Shoemyer—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for **HB 272**, entitled:

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the designation of the official state reptile.

Was called from the Informal Calendar and taken up by Senator Goodman.

On motion of Senator Goodman, **HCS** for **HB 272** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Scott	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—31	

NAYS—Senators

Graham	Ridgeway	Rupp—3
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 134, introduced by Representative Guest, et al, entitled:

An Act to repeal section 172.287, RSMo, and to enact in lieu thereof one new section relating to equipment grants for engineering programs.

Was called from the Informal Calendar and taken up by Senator Nodler.

Senator Nodler offered **SS** for **HB 134**, entitled:

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 134

An Act to repeal section 172.287, RSMo, and

to enact in lieu thereof one new section relating to equipment grants for engineering programs.

Senator Nodler moved that **SS** for **HB 134** be adopted, which motion prevailed.

On motion of Senator Nodler, **SS** for **HB 134** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Rupp
Scott	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—31	

NAYS—Senators

Purgason	Ridgeway—2
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Absent—Senator Days—1

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Goodman moved that **SRB 613**, with **HCS** be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SRB 613**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE REVISION BILL NO. 613

An Act to repeal sections 7.240, 8.835,

21.435, 21.770, 32.069, 32.379, 32.380, 32.382, 32.384, 33.831, 42.160, 44.237, 52.276, 58.755, 72.424, 82.1050, 94.580, 103.081, 105.268, 128.350, 128.352, 128.354, 128.356, 128.358, 128.360, 128.362, 128.364, 128.366, 128.345, 128.346, 135.095, 137.423, 138.236, 140.015, 143.122, 143.172, 143.1010, 143.1011, 143.1012, 144.014, 144.030, 144.036, 144.041, 144.048, 144.514, 144.749, 160.300, 160.302, 160.304, 160.306, 160.308, 160.310, 160.312, 160.314, 160.316, 160.318, 160.320, 160.322, 160.324, 160.326, 160.328, 160.510, 161.205, 161.655, 169.710, 191.938, 197.121, 198.014, 198.540, 205.380, 205.390, 205.400, 205.410, 205.420, 205.430, 205.440, 205.450, 205.900, 208.177, 208.307, 208.574, 210.879, 210.930, 253.561, 260.037, 260.038, 260.826, 263.263, 277.200, 277.201, 277.202, 277.206, 277.209, 277.212, 277.215, 292.040, 292.150, 292.170, 292.260, 292.270, 292.550, 302.295, 302.782, 313.301, 311.178, 313.055, 313.300, 319.022, 319.023, 321.121, 339.860, 351.025, 354.065, 375.065, 375.700, 376.530, 376.550, 376.1399, 382.410, 388.650, 391.030, 391.040, 391.050, 391.080, 391.090, 391.100, 391.110, 391.120, 391.140, 391.150, 391.160, 391.170, 391.180, 391.190, 391.250, 391.260, 400.9-629, 415.430, 417.066, 442.050, 447.721, 454.808, 454.997, 476.016, 493.050, 516.060, 516.065, 537.040, 600.094, 620.528, 620.1310, 632.484, 643.360, 644.102, and 650.216, RSMo, and to enact in lieu thereof twenty new sections for the sole purpose of repealing expired, sunset, terminated, and ineffective provisions of law.

Was taken up.

Senator Goodman moved that **HCS** for **SRB 613** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross

Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Goodman, **HCS** for **SRB 613** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

CONFERENCE COMMITTEE REPORTS

Senator Crowell, on behalf of the conference committee appointed to act with a like committee from the House on **SB 233**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 233

The Conference Committee appointed on Senate Bill No. 233, with House Amendments Nos. 1, 2, 3, 4, and 5, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Bill No. 233, as amended;

2. That the Senate recede from its position on Senate Bill No. 233;

3. That the attached Conference Committee Substitute for Senate Bill No. 233, be Third Read and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Jason Crowell	/s/ Bryan P. Stevenson
/s/ Scott Rupp	/s/ Steven Tilley
/s/ Jack A.L. Goodman	/s/ Jerry Nolte
/s/ Ryan McKenna	/s/ Jason Holsman
/s/ Wes Shoemyer	/s/ Clint Zweifel

Senator Crowell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator Smith—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Crowell, **CCS** for **SB 233**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 233

An Act to repeal sections 67.797, 67.1003, 100.050, and 100.059, RSMo, and to enact in lieu thereof seven new sections relating to local taxes.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator Rupp—1

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the

table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 845** was placed on the Informal Calendar.

HCS for **HB 818**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 245** was placed on the Informal Calendar.

HCS for **HB 820**, entitled:

An Act to repeal section 546.720, RSMo, and to enact in lieu thereof one new section relating to administration of the death penalty, with penalty provisions.

Was taken up by Senator Engler.

Senator Bray offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 820, Page 2, Section 546.720, Line 11, by striking the following: “members of the execution team” and inserting in lieu thereof the following: “**those persons of the execution team who administer lethal gas or lethal chemicals**”.

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Bray offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend House Committee Substitute for House Bill No. 820, Page 2, Section 546.720, Line 18, by inserting immediately after “person” the following: “**employed by the state of Missouri**”.

Senator Bray moved that the above amendment be adopted.

Senator Justus offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 2

Amend House Committee Substitute for House Bill No. 820, Page 2, Section 546.720, Line 18, by striking the word “person” and inserting in lieu thereof the following: “**state employee or**

person contracting with the state for employment”.

Senator Justus moved that the above substitute amendment be adopted.

At the request of Senator Engler, **HCS** for **HB 820**, with **SA 2** and **SSA 1** for **SA 2** (pending), was placed on the Informal Calendar.

SENATE BILLS FOR THIRD READING

Senator Loudon moved that **SS** for **SB 303** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Loudon, **SS** for **SB 303** was placed on the Informal Calendar.

BILLS DELIVERED TO THE GOVERNOR

HCS for **SCS** for **SB 288** and **SB 152** and **SCS** for **SB 115**, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

On motion of Senator Shields, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Koster.

HOUSE BILLS ON THIRD READING

HB 220, introduced by Representative Stevenson, entitled:

An Act to repeal section 456.5-501, RSMo, and to enact in lieu thereof one new section relating to the Missouri uniform trust code.

Was called from the Informal Calendar and taken up by Senator Nodler.

On motion of Senator Nodler, **HB 220** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon

Mayer	McKenna	Nodler	Rupp
Scott	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—31	

NAYS—Senator Purgason—1

Absent—Senators

Gross Ridgeway—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Kennedy offered Senate Resolution No. 1236, regarding the 1977 Oakville Senior High School Soccer Team, South St. Louis County, which was adopted.

Senator Kennedy offered Senate Resolution No. 1237, regarding the 1977 Oakville Senior High School Football Team, South St. Louis County, which was adopted.

Senator McKenna offered Senate Resolution No. 1238, regarding Timothy Joseph “T.J.” McKenna, which was adopted.

Senator Barnitz offered Senate Resolution No. 1239, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Vernon Higgins, Cuba, which was adopted.

Senator Lager offered Senate Resolution No. 1240, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Nolan Long, Chillicothe, which was adopted.

Senator Lager offered Senate Resolution

No. 1241, regarding the One Hundredth Birthday of Mae Belle Hill, Cameron, which was adopted.

Senator Lager offered Senate Resolution No. 1242, regarding the One Hundredth Birthday of Alta Marie Shannon Martin, Plattsburg, which was adopted.

Senator Lager offered Senate Resolution No. 1243, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Larry Witte, Brookfield, which was adopted.

Senator Wilson, joined by the entire membership, offered the following resolution, which was read:

SENATE RESOLUTION NO. 1244

Whereas, the members of the Missouri Senate are deeply saddened by the news of the recent passing of former Missouri State Senator Phil B. Curls, Sr.; and

Whereas, a native of Kansas City, Missouri, Phil B. Curls, Sr. was first elected to the Missouri House of Representatives in 1972 and served in that legislative body for eleven years; and

Whereas, Phil B. Curls, Sr. was elected in a special election to represent the Ninth Senatorial District in 1983, and he served in the Missouri Senate until 1998; and

Whereas, Phil B. Curls, Sr. was Chairman of the Interstate Cooperation Committee, Chairman of Insurance and Housing Committee, and a member of the Senate Appropriations Committee, Corrections and General Laws, and the Health and Welfare Committee; and

Whereas, Phil B. Curls, Sr. sponsored major legislation affecting the economic development of Kansas City and throughout Missouri, and he was an advocate and friend of Kansas City on the issues of housing, child and family services, health care and insurance; and

Whereas, Phil B. Curls, Sr., as Chairman of the Insurance and Housing Committee, spearheaded a housing coalition of advocates, community leaders, businesses, insurance companies, the real estate industry, and developers to evaluate and provide solutions to Missouri’s housing shortage, and in order to increase the supply of affordable housing, Phil B. Curls, Sr. sponsored a list of legislation that stands as his legacy to this day; and

Whereas, as the senior member of the Kansas City delegation in Jefferson City, Senator Curls was known as the consensus builder and was well respected among his peers and constituents; and

Whereas, Phil B. Curls, Sr. was instrumental in the passage of legislation establishing the funding mechanism to allow the state to provide monies through the budget process to projects such as

Bartle Hall and the Truman Sports Complex, which developed and continues to maintain sports, convention, exhibition and trade facilities within Kansas City; and

Whereas, Phil B. Curls, Sr. earned additional distinction as President of Freedom Incorporated, where he ushered in Kansas City's first black congressman and first black mayor, and he was committed to the development of the Missouri Legislative Black Caucus Foundation, which has been responsible for giving more than one million dollars in scholarships to Missouri youth; and

Whereas, former Senator Curls is survived by his wife of 43 years, Councilwoman and former Missouri State Representative Melba Curls; a daughter, Monica, and four sons, Phil, Jr., Michael, Louis, and Quincy; his father, Fred A. Curls; and two brothers, Darwin Curls and Darrel Curls; two sisters, Janice Parker and Karen Curls; and a host of other family and friends:

Now, Therefore, Be It Resolved that we, the members of the Missouri Senate, Ninety-fourth General Assembly, extend our deepest and most sincere condolences to the family of the Honorable Phil B. Curls, Sr. on this sad occasion; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the family of former Missouri Senator Phil B. Curls, Sr.

On motion of Senator Wilson, **SR 1244** was adopted.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 54**, entitled:

An Act to repeal sections 260.200, 260.250, 414.420, and 643.079, RSMo, and to enact in lieu thereof ten new sections relating to environmental regulation, with an effective date.

With House Amendment Nos. 1 and 5.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 54, Page 1, Section A, Line 3, by inserting after all of said line the following:

“256.700. 1. Any operator desiring to

engage in surface mining who applies for a permit under section 444.772, RSMo, shall in addition to all other fees authorized under such section, annually submit a geologic resources fee. Such fee shall be deposited in the geologic resources fund established and expended under section 256.705. For any operator of a gravel mining operation where the annual tonnage of gravel mined by such operator is less than five thousand tons, there shall be no fee under this section.

2. The director of the department of natural resources may require a geologic resources fee for each permit not to exceed one hundred dollars. The director may also require a geologic resources fee for each site listed on a permit not to exceed one hundred dollars for each site. The director may also require a geologic resources fee for each acre permitted by the operator under section 444.772, RSMo, not to exceed ten dollars per acre. If such fee is assessed, the fee per acre on all acres bonded by a single operator that exceeds a total of three hundred acres shall be reduced by fifty percent. In no case shall the geologic resources fee portion for any permit issued under section 444.772, RSMo, be more than three thousand five hundred dollars.

3. Beginning August 28, 2007, the geologic resources fee shall be set at a permit fee of fifty dollars, a site fee of fifty dollars, and an acre fee of six dollars. Fees may be raised as allowed in this subsection by a regulation change promulgated by the director of the department of natural resources. Prior to such a regulation change, the director shall consult the industrial minerals advisory council created under section 256.710 in order to determine the need for such an increase in fees.

4. Fees imposed under this section shall become effective August 28, 2007, and shall expire on December 31, 2020. No other provisions of sections 256.700 to 256.710 shall

expire.

5. The department of natural resources may promulgate rules to implement the provisions of sections 256.700 to 256.710. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly under chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

256.705. 1. All sums received through the payment of fees under section 256.700 shall be placed in the state treasury and credited to the "Geologic Resources Fund" which is hereby created.

2. After appropriation by the general assembly, the money in such fund shall be expended to collect, process, manage, and distribute geologic and hydrologic resource information pertaining to mineral resource potential in order to assist the mineral industry and for no other purpose. Such funds shall be utilized by the division of geology and land survey within the department of natural resources.

3. Any portion of the fund not immediately needed for the purposes authorized shall be invested by the state treasurer as provided by the constitution and laws of this state. All income from such investments shall, unless otherwise prohibited by the constitution of this state, be deposited in the geologic resources fund. The provisions of section 33.080, RSMo, relating to the transfer of unexpended balances

in various funds to the general revenue fund at the end of each biennium shall not apply to funds in the geologic resources fund.

4. General revenue of the state or other state funds may be appropriated or expended for the administration of sections 256.700 to 256.710. The state geologist may enter into a memorandum of understanding or other agreement that allows for state or federal funds to supplement the geologic resources fund.

256.710. 1. There is hereby created an advisory council to the state geologist known as the "Industrial Minerals Advisory Council". The council shall be composed of nine members as follows:

(1) The director of the department of transportation or his or her designee;

(2) Eight representatives of the following industries appointed by the director of the department of natural resources:

(a) Three representing the limestone quarry operators;

(b) One representing the clay mining industry;

(c) One representing the sandstone mining industry;

(d) One representing the sand and gravel mining industry;

(e) One representing the barite mining industry; and

(f) One representing the granite mining industry.

The director of the department of natural resources or his or her designee shall act as chairperson of the council and convene the council as needed.

2. The advisory council shall:

(1) Meet at least once each year;

(2) Annually review with the state geologist

the income received and expenditures made under sections 256.700 and 256.705;

(3) Consider all information and advise the director of the department of natural resources in determining the method and amount of fees to be assessed;

(4) In performing its duties under this subsection, represent the best interests of the Missouri mining industry;

(5) Serve in an advisory capacity in all matters pertaining to the administration of this section and section 256.700;

(6) Serve in an advisory capacity in all other matters brought before the council by the director of the department of natural resources.

3. All members of the advisory council, with the exception of the director of the department of transportation or his or her designee who shall serve indefinitely, shall serve for terms of three years and until their successors are duly appointed and qualified; except that, of the members first appointed:

(1) One member who represents the limestone quarry operators, the representative of the clay mining industry, and the representative of the sandstone mining industry shall serve terms of three years;

(2) One member who represents the limestone quarry operators, the representative of the sand and gravel mining industry, and the representative of the barite mining industry shall serve terms of two years; and

(3) One member who represents the limestone quarry operators, and the representative of the granite mining industry shall serve a term of one year.

4. All members shall be residents of this state. Any member may be reappointed.

5. All members shall be reimbursed for reasonable expenses incurred in the

performance of their official duties in accordance with the reimbursement policy set by the director. All reimbursements paid under this section shall be paid from fees collected under section 256.700.

6. Every vacancy on the advisory council shall be filled by the director of the department of natural resources. The person selected to fill any such vacancy shall possess the same qualifications required by this section as the member he or she replaces and shall serve until the end of the unexpired term of his or her predecessor.”; and

Further amend said bill, Page 2, Section 260.200, Line 28, by inserting after all of said line the following:

“9. “Construction and demolition waste”, waste materials from the construction and demolition of residential, industrial, or commercial structures, but shall not include materials defined as clean fill under this section;”; and

Further amend said section, Page 4, Line 89 by inserting after all of said line the following:

“(28) “Plasma arc technology”, a process that converts electrical energy into thermal energy. This electric arc is created when an ionized gas transfers electric power between two or more electrodes;”; and

Further amend said section, Page 5, Line 151 by inserting after all of said Line the following:

“(d) A plasma arc technology facility;”; and

Further amend said section, Pages 1 through 6 by changing all numerical references as necessary; and

Further amend said bill, Page 6, Section 260.200, Line 173, by inserting after all of said line the following:

“260.211. 1. A person commits the offense of criminal disposition of demolition waste [in the

first degree] if he purposely or knowingly disposes of or causes the disposal of more than two thousand pounds or four hundred cubic feet of such waste [in violation of section 260.210] **on property in this state other than in a solid waste processing facility or solid waste disposal area having a permit as required by section 260.205; provided that, this subsection shall not prohibit the use or require a solid waste permit for the use of solid wastes in normal farming operations or in the processing or manufacturing of other products in a manner that will not create a public nuisance or adversely affect public health and shall not prohibit the disposal of or require a solid waste permit for the disposal by an individual of solid wastes resulting from his or her own residential activities on property owned or lawfully occupied by him or her when such wastes do not thereby create a public nuisance or adversely affect the public health.** Demolition waste shall not include clean fill or vegetation. Criminal disposition of demolition waste [in the first degree] is a class [A misdemeanor] **D felony**. In addition to other penalties prescribed by law, a person convicted of criminal disposition of demolition waste [in the first degree] is subject to a fine not to exceed twenty thousand dollars, except as provided below. The magnitude of the fine shall reflect the seriousness or potential seriousness of the threat to human health and the environment posed by the violation, but shall not exceed twenty thousand dollars, except that if a court of competent jurisdiction determines that the person responsible for illegal disposal of demolition waste under this subsection did so for remuneration as a part of an ongoing commercial activity, the court shall set a fine which reflects the seriousness or potential threat to human health and the environment which at least equals the economic gain obtained by the person, and such fine may exceed the maximum established herein.

2. Any person who purposely or knowingly disposes of or causes the disposal of more than

two thousand pounds or four hundred cubic feet of his or her personal construction or demolition waste on his or her own property shall be guilty of a class C misdemeanor. If such person receives any amount of money, goods, or services in connection with permitting any other person to dispose of construction or demolition waste on his or her property, such person shall be guilty of a class D felony.

3. The court shall order any person convicted of illegally disposing of demolition waste upon his own property for remuneration to clean up such waste and, if he fails to clean up the waste or if he is unable to clean up the waste, the court may notify the county recorder of the county containing the illegal disposal site. The notice shall be designed to be recorded on the record.

[3. Any person who pleads guilty or is convicted of criminal disposition of demolition waste in the first degree a second or subsequent time shall be guilty of a class D felony, and subject to the penalties provided in subsection 1 of this section in addition to those penalties prescribed by law.

4. A person commits the offense of criminal disposition of demolition waste in the second degree if he purposely or knowingly disposes of or causes the disposal of less than the amount of demolition waste specified in subsection 1 of this section in violation of section 260.210. Criminal disposition of demolition waste in the second degree is a class C misdemeanor.

5. In addition to other penalties prescribed by law, a person convicted of criminal disposition of demolition waste in the second degree is subject to a fine, and the magnitude of the fine shall reflect the seriousness or potential seriousness of the threat to human health and the environment posed by the violation, but shall not exceed two thousand dollars.

6. Any person who pleads guilty or is convicted of criminal disposition of demolition

waste in the second degree a second or subsequent time shall be guilty of a class D felony, and subject to the penalties provided in subsection 5 of this section in addition to those penalties prescribed by law.

7.] **4.** The court may order restitution by requiring any person convicted under this section to clean up any demolition waste he illegally dumped and the court may require any such person to perform additional community service by cleaning up and properly disposing of demolition waste illegally dumped by other persons.

[8.] **5.** The prosecutor of any county or circuit attorney of any city not within a county may, by information or indictment, institute a prosecution for any violation of the provisions of this section.

6. Any person shall be guilty of conspiracy as defined in section 564.016, RSMo, if he or she knows or should have known that his or her agent or employee has committed the acts described in sections 260.210 to 260.212 while engaged in the course of employment.

260.212. 1. A person commits the offense of criminal disposition of solid waste [in the first degree] if he purposely or knowingly disposes of or causes the disposal of more than five hundred pounds or one hundred cubic feet of commercial or residential solid waste [on any property in this state other than a sanitary landfill in violation of section 260.210] **on property in this state other than a solid waste processing facility or solid waste disposal area having a permit as required by section 260.205; provided that, this subsection shall not prohibit the use or require a solid waste permit for the use of solid wastes in normal farming operations or in the processing or manufacturing of other products in a manner that will not create a public nuisance or adversely affect public health and shall not prohibit the disposal of or require a solid waste permit for the disposal by an individual of solid wastes resulting from his or her own residential activities on property owned**

or lawfully occupied by him or her when such wastes do not thereby create a public nuisance or adversely affect the public health. Criminal disposition of solid waste [in the first degree] is a class [A misdemeanor] **D felony**. In addition to other penalties prescribed by law, a person convicted of criminal disposition of solid waste [in the first degree] is subject to a fine, and the magnitude of the fine shall reflect the seriousness or potential seriousness of the threat to human health and the environment posed by the violation, but shall not exceed twenty thousand dollars, except that if a court of competent jurisdiction determines that the person responsible for illegal disposal of solid waste under this subsection did so for remuneration as a part of an ongoing commercial activity, the court shall set a fine which reflects the seriousness or potential threat to human health and the environment which at least equals the economic gain obtained by the person, and such fine may exceed the maximum established herein.

2. The court shall order any person convicted of illegally disposing of solid waste upon his own property for remuneration to clean up such waste and, if he fails to clean up the waste or if he is unable to clean up the waste, the court may notify the county recorder of the county containing the illegal disposal site. The notice shall be designed to be recorded on the record.

3. [Any person who pleads guilty or is convicted of criminal disposition of solid waste in the first degree a second or subsequent time shall be guilty of a class D felony. If a court of competent jurisdiction determines that the person responsible for illegal disposal of solid waste under this subsection did so for remuneration as a part of an ongoing commercial activity, the court shall set a fine which reflects the seriousness or potential threat to human health and the environment which equals at least three times the economic gain obtained by the person, and such fine may exceed the maximum established in this section.

4. A person commits the offense of criminal disposition of solid waste in the second degree if he purposely or knowingly disposes of or causes the disposal of less than the amount of commercial or residential solid waste specified in subsection 1 of this section on any property in this state other than a permitted sanitary landfill in violation of section 260.210. Criminal disposition of solid waste in the second degree is a class C misdemeanor.

5. In addition to other penalties prescribed by law, a person convicted of criminal disposition of solid waste in the second degree is subject to a fine, and the magnitude of the fine shall reflect the seriousness or potential seriousness of the threat to human health and the environment posed by the violation, but shall not exceed two thousand dollars.

6. Any person who pleads guilty or is convicted of criminal disposition of solid waste in the second degree a second or subsequent time shall be guilty of a class D felony. If a court of competent jurisdiction determines that the person responsible for illegal disposal of solid waste under this subsection did so for remuneration as a part of an ongoing commercial activity, the court shall set a fine which reflects the seriousness or potential threat to human health and the environment which equals at least three times the economic gain obtained by the person, and such fine may exceed the maximum established in this subsection.

7.] The court may order restitution by requiring any person convicted under this section to clean up any commercial or residential solid waste he illegally dumped and the court may require any such person to perform additional community service by cleaning up commercial or residential solid waste illegally dumped by other persons.

[8.] 4. The prosecutor of any county or circuit attorney of any city not within a county may, by information or indictment, institute a prosecution for any violation of the provisions of this section.

[9.] 5. Any person shall be guilty of conspiracy as defined in section 564.016, RSMo, if he knows or should have known that his agent or employee has committed the acts described in sections 260.210 to 260.212 while engaged in the course of employment.

260.240. 1. In the event the director determines that any provision of sections 260.200 to 260.245 **and 260.330** or any standard, rule, regulation, final order or approved plan promulgated pursuant thereto is being, was, or is in imminent danger of being violated, the director may, in addition to those remedies provided in section 260.230, cause to have instituted a civil action in any court of competent jurisdiction for injunctive relief to prevent any such violation or further violation or in the case of violations concerning a solid waste disposal area or a solid waste processing facility, for the assessment of a penalty not to exceed one thousand dollars per day for each day, or part thereof, the violation occurred and continues to occur, or both, as the court deems proper **or in the case of violations concerning a solid waste disposal area and in the case of a violation of section 260.330 by a solid waste processing facility, for the assessment of a penalty not to exceed five thousand dollars per day, or part thereof, the violation occurred and continues to occur, or both, as the court deems proper.** A civil monetary penalty under this section shall not be assessed for a violation where an administrative penalty was assessed under section 260.249. The director may request either the attorney general or a prosecuting attorney to bring any action authorized in this section in the name of the people of the state of Missouri. Suit can be brought in any county where the defendant's principal place of business is located or where the violation occurred. Any offer of settlement to resolve a civil penalty under this section shall be in writing, shall state that an action for imposition of a civil penalty may be initiated by the attorney general or a prosecuting attorney representing the department under authority of this section, and

shall identify any dollar amount as an offer of settlement which shall be negotiated in good faith through conference, conciliation and persuasion.

2. Any rule, regulation, standard or order of a county commission, adopted pursuant to the provisions of sections 260.200 to 260.245, may be enforced in a civil action for mandatory or prohibitory injunctive relief or for the assessment of a penalty not to exceed [one] **five** hundred dollars per day for each day, or part thereof, that a violation of such rule, regulation, standard or order of a county commission occurred and continues to occur, or both, as the commission deems proper. The county commission may request the prosecuting attorney or other attorney to bring any action authorized in this section in the name of the people of the state of Missouri.

3. The liabilities imposed by this section shall not be imposed due to any violation caused by an act of God, war, strike, riot or other catastrophe.

260.247. 1. Any city **or political subdivision** which annexes an area or enters into or expands solid waste collection services into an area where the collection of solid waste is presently being provided by one or more private entities, **for commercial or residential services**, shall notify the private entity or entities of its intent to provide solid waste collection services in the area by certified mail.

2. A city **or political subdivision** shall not commence solid waste collection in such area for at least two years from the effective date of the annexation or at least two years from the effective date of the notice that the city **or political subdivision** intends to enter into the business of solid waste collection or to expand existing solid waste collection services into the area, unless the city **or political subdivision** contracts with the private entity or entities to continue such services for that period. **If for any reason the city or political subdivision does not exercise its option to provide for or contract for the provision of services within an affected area within three**

years from the effective date of the notice, then the city or political subdivision shall renotify under subsection 1 of this section.

3. If the services to be provided under a contract with the city **or political subdivision** pursuant to subsection 2 of this section are substantially the same as the services rendered in the area prior to the decision of the city to annex the area or to enter into or expand its solid waste collection services into the area, the amount paid by the city shall be at least equal to the amount the private entity or entities would have received for providing such services during that period.

4. Any private entity or entities which provide collection service in the area which the city **or political subdivision** has decided to annex or enter into or expand its solid waste collection services into shall make available upon written request by the city not later than thirty days following such request, all information in its possession or control which pertains to its activity in the area necessary for the city to determine the nature and scope of the potential contract.

5. The provisions of this section shall apply to private entities that service fifty or more residential accounts or [fifteen or more] **any** commercial accounts in the area in question.

260.249. 1. In addition to any other remedy provided by law, upon a determination by the director that a provision of sections 260.200 to 260.281, or a standard, limitation, order, rule or regulation promulgated pursuant thereto, or a term or condition of any permit has been violated, the director may issue an order assessing an administrative penalty upon the violator under this section. An administrative penalty shall not be imposed until the director has sought to resolve the violations through conference, conciliation and persuasion and shall not be imposed for minor violations of sections 260.200 to 260.281 or minor violation of any standard, limitation, order, rule or regulation promulgated pursuant to sections 260.200 to 260.281 or minor violations of any term

or condition of a permit issued pursuant to sections 260.200 to 260.281 or any violations of sections 260.200 to 260.281 by any person resulting from mismanagement of solid waste generated and managed on the property of the place of residence of the person. If the violation is resolved through conference, conciliation and persuasion, no administrative penalty shall be assessed unless the violation has caused, or has the potential to cause, a risk to human health or to the environment, or has caused or has potential to cause pollution, or was knowingly committed, or is defined by the United States Environmental Protection Agency as other than minor. Any order assessing an administrative penalty shall state that an administrative penalty is being assessed under this section and that the person subject to the penalty may appeal as provided by section 260.235. Any such order that fails to state the statute under which the penalty is being sought, the manner of collection or rights of appeal shall result in the state's waiving any right to collection of the penalty.

2. The department shall promulgate rules and regulations for the assessment of administrative penalties. The amount of the administrative penalty assessed per day of violation for each violation under this section shall not exceed the amount of the civil penalty specified in section [260.230] **260.240**. Such rules shall reflect the criteria used for the administrative penalty matrix as provided for in the Resource Conservation and Recovery Act, 42 U.S.C. 6928(a), Section 3008(a), and the harm or potential harm which the violation causes, or may cause, the violator's previous compliance record, and any other factors which the department may reasonably deem relevant. An administrative penalty shall be paid within sixty days from the date of issuance of the order assessing the penalty. Any person subject to an administrative penalty may appeal as provided in section 260.235. Any appeal will stay the due date of such administrative penalty until the appeal is resolved. Any person who fails to pay an administrative penalty by the

final due date shall be liable to the state for a surcharge of fifteen percent of the penalty plus ten percent per annum on any amounts owed. Any administrative penalty paid pursuant to this section shall be handled in accordance with section 7 of article IX of the state constitution. An action may be brought in the appropriate circuit court to collect any unpaid administrative penalty, and for attorney's fees and costs incurred directly in the collection thereof.

3. An administrative penalty shall not be increased in those instances where department action, or failure to act, has caused a continuation of the violation that was a basis for the penalty. Any administrative penalty must be assessed within two years following the department's initial discovery of such alleged violation, or from the date the department in the exercise of ordinary diligence should have discovered such alleged violation.

4. The state may elect to assess an administrative penalty, or, in lieu thereof, to request that the attorney general or prosecutor file an appropriate legal action seeking a civil penalty in the appropriate circuit court.

5. Any final order imposing an administrative penalty is subject to judicial review upon the filing of a petition pursuant to section 536.100, RSMo, by any person subject to the administrative penalty.”; and

Further amend said bill, Section 260.250 by inserting after all of said section the following:

“260.330. 1. Except as otherwise provided in subsection 6 of this section, effective October 1, 1990, each operator of a solid waste sanitary landfill shall collect a charge equal to one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted and each operator of the solid waste demolition landfill shall collect a charge equal to one dollar per ton or its volumetric equivalent of solid waste accepted. Each operator shall submit the charge, less collection costs, to the

department of natural resources for deposit in the “Solid Waste Management Fund” which is hereby created. On October 1, 1992, and thereafter, the charge imposed herein shall be adjusted annually by the same percentage as the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor or its successor agency. No annual adjustment shall be made to the charge imposed under this subsection during October 1, 2005, to October 1, [2009] **2014**, except an adjustment amount consistent with the need to fund the operating costs of the department and taking into account any annual percentage increase in the total of the volumetric equivalent of solid waste accepted in the prior year at solid waste sanitary landfills and demolition landfills and solid waste to be transported out of this state for disposal that is accepted at transfer stations. No annual increase during October 1, 2005, to October 1, [2009] **2014**, shall exceed the percentage increase measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor or its successor agency and calculated on the percentage of revenues dedicated under subdivision (1) of subsection 2 of section 260.335. Any such annual adjustment shall only be made at the discretion of the director, subject to appropriations. Collection costs shall be established by the department and shall not exceed two percent of the amount collected pursuant to this section.

2. The department shall, by rule and regulation, provide for the method and manner of collection.

3. The charges established in this section shall be enumerated separately from the disposal fee charged by the landfill and may be passed through to persons who generated the solid waste. Moneys shall be transmitted to the department shall be no less than the amount collected less collection costs

and in a form, manner and frequency as the department shall prescribe. The provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys in the account shall not lapse to general revenue at the end of each biennium. Failure to collect the charge does not relieve the operator from responsibility for transmitting an amount equal to the charge to the department.

4. The department may examine or audit financial records and landfill activity records and measure landfill usage to verify the collection and transmittal of the charges established in this section. The department may promulgate by rule and regulation procedures to ensure and to verify that the charges imposed herein are properly collected and transmitted to the department.

5. Effective October 1, 1990, any person who operates a transfer station in Missouri shall transmit a fee to the department for deposit in the solid waste management fund which is equal to one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted. Such fee shall be applicable to all solid waste to be transported out of the state for disposal. On October 1, 1992, and thereafter, the charge imposed herein shall be adjusted annually by the same percentage as the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor or its successor agency. No annual adjustment shall be made to the charge imposed under this subsection during October 1, 2005, to October 1, [2009] **2014**, except an adjustment amount consistent with the need to fund the operating costs of the department and taking into account any annual percentage increase in the total of the volumetric equivalent of solid waste accepted in the prior year at solid waste sanitary landfills and demolition landfills and solid waste to be transported out of this state for disposal that is accepted at transfer stations. No annual increase during October 1, 2005, to October 1,

[2009] **2014**, shall exceed the percentage increase measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor or its successor agency and calculated on the percentage of revenues dedicated under subdivision (1) of subsection 2 of section 260.335. Any such annual adjustment shall only be made at the discretion of the director, subject to appropriations. The department shall prescribe rules and regulations governing the transmittal of fees and verification of waste volumes transported out of state from transfer stations. Collection costs shall also be established by the department and shall not exceed two percent of the amount collected pursuant to this subsection. A transfer station with the sole function of separating materials for recycling or resource recovery activities shall not be subject to the fee imposed in this subsection.

6. Each political subdivision which owns an operational solid waste disposal area may designate, pursuant to this section, up to two free disposal days during each calendar year. On any such free disposal day, the political subdivision shall allow residents of the political subdivision to dispose of any solid waste which may be lawfully disposed of at such solid waste disposal area free of any charge, and such waste shall not be subject to any state fee pursuant to this section. Notice of any free disposal day shall be posted at the solid waste disposal area site and in at least one newspaper of general circulation in the political subdivision no later than fourteen days prior to the free disposal day.

260.335. 1. Each fiscal year eight hundred thousand dollars from the solid waste management fund shall be made available, upon appropriation, to the department and the environmental improvement and energy resources authority to fund activities that promote the development and maintenance of markets for recovered materials. Each fiscal year up to two hundred thousand dollars from the solid waste management fund be

used by the department upon appropriation for grants to solid waste management districts for district grants and district operations. Only those solid waste management districts that are allocated fewer funds under subsection 2 of this section than if revenues had been allocated based on the criteria in effect in this section on August 27, 2004, are eligible for these grants. An eligible district shall receive a proportionate share of these grants based on that district's share of the total reduction in funds for eligible districts calculated by comparing the amount of funds allocated under subsection 2 of this section with the amount of funds that would have been allocated using the criteria in effect in this section on August 27, 2004. The department and the authority shall establish a joint interagency agreement with the department of economic development to identify state priorities for market development and to develop the criteria to be used to judge proposed projects. Additional moneys may be appropriated in subsequent fiscal years if requested. The authority shall establish a procedure to measure the effectiveness of the grant program under this subsection and shall provide a report to the governor and general assembly by January fifteenth of each year regarding the effectiveness of the program.

2. All remaining revenues deposited into the fund each fiscal year after moneys have been made available under subsection 1 of this section shall be allocated as follows:

(1) Thirty-nine percent of the revenues shall be dedicated, upon appropriation, to the elimination of illegal solid waste disposal, to identify and prosecute persons disposing of solid waste illegally, to conduct solid waste permitting activities, to administer grants and perform other duties imposed in sections 260.200 to 260.345 and section 260.432. In addition to the thirty-nine percent of the revenues, the department may receive any annual increase in the charge during October 1, 2005, to October 1, [2009] **2014**, under section 260.330 and such increases shall be used solely to fund the operating costs of the

department;

(2) Sixty-one percent of the revenues, except any annual increases in the charge under section 260.330 during October 1, 2005, to October 1, [2009] **2014**, which shall be used solely to fund the operating costs of the department, shall be allocated through grants, upon appropriation, to participating cities, counties, and districts. Revenues to be allocated under this subdivision shall be divided as follows: forty percent shall be allocated based on the population of each district in the latest decennial census, and sixty percent shall be allocated based on the amount of revenue generated within each district. For the purposes of this subdivision, revenue generated within each district shall be determined from the previous year's data. No more than fifty percent of the revenue allocable under this subdivision may be allocated to the districts upon approval of the department for implementation of a solid waste management plan and district operations, and at least fifty percent of the revenue allocable to the districts under this subdivision shall be allocated to the cities and counties of the district or to persons or entities providing solid waste management, waste reduction, recycling and related services in these cities and counties. Each district shall receive a minimum of seventy-five thousand dollars under this subdivision. After August 28, 2005, each district shall receive a minimum of ninety-five thousand dollars under this subdivision for district grants and district operations. Each district receiving moneys under this subdivision shall expend such moneys pursuant to a solid waste management plan required under section 260.325, and only in the case that the district is in compliance with planning requirements established by the department. Moneys shall be awarded based upon grant applications. Any moneys remaining in any fiscal year due to insufficient or inadequate applications may be reallocated pursuant to this subdivision;

(3) Except for the amount up to one-fourth of the department's previous fiscal year expense, any

remaining unencumbered funds generated under subdivision (1) of this subsection in prior fiscal years shall be reallocated under this section;

(4) Funds may be made available under this subsection for the administration and grants of the used motor oil program described in section 260.253;

(5) The department and the environmental improvement and energy resources authority shall conduct sample audits of grants provided under this subsection.

3. The advisory board created in section 260.345 shall recommend criteria to be used to allocate grant moneys to districts, cities and counties. These criteria shall establish a priority for proposals which provide methods of solid waste reduction and recycling. The department shall promulgate criteria for evaluating grants by rule and regulation. Projects of cities and counties located within a district which are funded by grants under this section shall conform to the district solid waste management plan.

4. The funds awarded to the districts, counties and cities pursuant to this section shall be used for the purposes set forth in sections 260.300 to 260.345, and shall be used in addition to existing funds appropriated by counties and cities for solid waste management and shall not supplant county or city appropriated funds.

5. The department, in conjunction with the solid waste advisory board, shall review the performance of all grant recipients to ensure that grant moneys were appropriately and effectively expended to further the purposes of the grant, as expressed in the recipient's grant application. The grant application shall contain specific goals and implementation dates, and grant recipients shall be contractually obligated to fulfill same. The department may require the recipient to submit periodic reports and such other data as are necessary, both during the grant period and up to five years thereafter, to ensure compliance with

this section. The department may audit the records of any recipient to ensure compliance with this section. Recipients of grants under sections 260.300 to 260.345 shall maintain such records as required by the department. If a grant recipient fails to maintain records or submit reports as required herein, refuses the department access to the records, or fails to meet the department's performance standards, the department may withhold subsequent grant payments, if any, and may compel the repayment of funds provided to the recipient pursuant to a grant.

6. The department shall provide for a security interest in any machinery or equipment purchased through grant moneys distributed pursuant to this section.

7. If the moneys are not transmitted to the department within the time frame established by the rule promulgated, interest shall be imposed on the moneys due the department at the rate of ten percent per annum from the prescribed due date until payment is actually made. These interest amounts shall be deposited to the credit of the solid waste management fund.

260.360. When used in sections 260.350 to 260.430 and in standards, rules and regulations adopted pursuant to sections 260.350 to 260.430, the following words and phrases mean:

(1) "Cleanup", all actions necessary to contain, collect, control, treat, disburse, remove or dispose of a hazardous waste;

(2) "Commission", the hazardous waste management commission of the state of Missouri created by sections 260.350 to 260.430;

(3) "Conference, conciliation and persuasion", a process of verbal or written communications consisting of meetings, reports, correspondence or telephone conferences between authorized representatives of the department and the alleged violator. The process shall, at a minimum, consist of one offer to meet with the alleged violator tendered by the department. During any such

meeting, the department and the alleged violator shall negotiate in good faith to eliminate the alleged violation and shall attempt to agree upon a plan to achieve compliance;

(4) "Department", the Missouri department of natural resources;

(5) "Detonation", an explosion in which chemical transformation passes through the material faster than the speed of sound, which is 0.33 kilometers per second at sea level;

(6) "Director", the director of the Missouri department of natural resources;

(7) "Disposal", the discharge, deposit, injection, dumping, spilling, leaking, or placing of any waste into or on any land or water so that such waste, or any constituent thereof, may enter the environment or be emitted into the air or be discharged into the waters, including groundwaters;

(8) "Final disposition", the location, time and method by which hazardous waste loses its identity or enters the environment, including, but not limited to, disposal, resource recovery and treatment;

(9) "Generation", the act or process of producing waste;

(10) "Generator", any person who produces waste;

(11) "Hazardous waste", any waste or combination of wastes, as determined by the commission by rules and regulations, which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness, or pose a present or potential threat to the health of humans or the environment;

(12) "Hazardous waste facility", any property that is intended or used for hazardous waste management including, but not limited to, storage,

treatment and disposal sites;

(13) “Hazardous waste management”, the systematic recognition and control of hazardous waste from generation to final disposition including, but not limited to, its identification, containerization, labeling, storage, collection, transfer or transportation, treatment, resource recovery or disposal;

(14) “Infectious waste”, waste in quantities and characteristics as determined by the department by rule and regulation, including the following wastes known or suspected to be infectious: isolation wastes, cultures and stocks of etiologic agents, contaminated blood and blood products, other contaminated surgical wastes, wastes from autopsy, contaminated laboratory wastes, sharps, dialysis unit wastes, discarded biologicals and antineoplastic chemotherapeutic materials; provided, however, that infectious waste does not mean waste treated to department specifications;

(15) “Manifest”, a department form accompanying hazardous waste from point of generation, through transport, to final disposition;

(16) “Minor violation”, a violation which possesses a small potential to harm the environment or human health or cause pollution, was not knowingly committed, and is not defined by the United States Environmental Protection Agency as other than minor;

(17) “Person”, an individual, partnership, copartnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision or any agency, board, department or bureau of the state or federal government or any other legal entity whatever which is recognized by law as the subject of rights and duties;

(18) **“Plasma arc technology”, a process that converts electrical energy into thermal energy. The plasma arc is created when a voltage is established between two points;**

(19) “Resource recovery”, the reclamation of energy or materials from waste, its reuse or its transformation into new products which are not wastes;

[(19)] (20) “Storage”, the containment or holding of waste at a designated location in such manner or for such a period of time, as determined in regulations adopted hereunder, so as not to constitute disposal of such waste;

[(20)] (21) “Treatment”, the processing of waste to remove or reduce its harmful properties or to contribute to more efficient or less costly management or to enhance its potential for resource recovery including, but not limited to, existing or future procedures for biodegradation, concentration, reduction in volume, detoxification, fixation, incineration, **plasma arc technology**, or neutralization;

[(21)] (22) “Waste”, any material for which no use or sale is intended and which will be discarded or any material which has been or is being discarded. “Waste” shall also include certain residual materials, to be specified by the rules and regulations, which may be sold for purposes of energy or materials reclamation, reuse or transformation into new products which are not wastes;

[(22)] (23) “Waste explosives”, any waste which has the potential to detonate, or any bulk military propellant which cannot be safely disposed of through other modes of treatment.

“260.470. 1. When the director places a site on the registry as provided in section 260.440, and after the resolution of any appeal under section 260.455, he shall file with the county recorder of deeds the period during which the site was used as a hazardous waste disposal area. When the director finds that a site on the registry has been properly closed under subdivision (5) of subsection 3 of section 260.445 with no evidence of potential adverse impact, he shall file this finding with the county recorder of deeds. The county recorder of

deeds shall file this information so that any purchaser will be given notice that the site has been placed on, or removed from, the registry.

2. Any owner of a registry site may petition the department to remove the site from the registry provided that:

(1) Corrective actions have addressed the contamination at the site in accordance with a department-approved risk-based corrective action plan;

(2) The department has issued a letter indicating that no further actions are required to address current risk from contaminants for the site; and

(3) An environmental covenant for the property that meets the requirements of sections 260.1000 to 260.1039 has been filed with the county recorder of deeds.

3. The department shall approve such a request unless the department determines that removal from the registry would result in significant current or future risk of harm to human health, public welfare, or the environment. In making such a determination, the department shall provide a written justification that considers the amount, toxicity, and persistence of any contaminants left in place and the stability of current site conditions. Any denial under this subsection may be appealed to the commission in the manner provided in section 260.460.

260.800. As used in sections 260.800 to 260.815, the following terms shall mean:

(1) “Governing body”, any city, municipality, county or combination thereof, or an authority or agency created by intergovernmental compact;

(2) “Solid waste”, garbage, refuse and other discarded materials including, but not limited to, solid and semisolid waste materials resulting from industrial, commercial, agricultural, governmental and domestic activities, but does not include

overburden, rock, tailings, matte, slag or other waste material resulting from mining, milling or smelting;

(3) “Waste to energy facility”, any facility, including plasma arc technology, with the electric generating capacity of up to eighty megawatts which is fueled by solid waste.

260.1000. Sections 260.1000 to 260.1039 shall be cited as the “Missouri Environmental Covenants Act”.

260.1003. As used in sections 260.1000 to 260.1039, the following terms shall mean:

(1) “Activity and use limitations”, restrictions or obligations with respect to real property created under sections 260.1000 to 260.1039;

(2) “Department”, the Missouri department of natural resources or any other state or federal department that determines or approves the environmental response project under which the environmental covenant is created;

(3) “Common interest community”, a condominium, cooperative, or other real property with respect to which a person, by virtue of the person's ownership of a parcel of real property, is obligated to pay property taxes, insurance premiums, maintenance, or improvement of other real property described in a recorded covenant that creates the common interest community;

(4) “Environmental covenant”, a servitude arising under an environmental response project that imposes activity and use limitations;

(5) “Environmental response project”, a plan or work performed for environmental remediation of real property and conducted:

(a) Under a federal or state program governing environmental remediation of real property, including but not limited to the Missouri hazardous waste management law as

specified in this chapter;

(b) Incident to closure of a solid or hazardous waste management unit, if the closure is conducted with approval of the department; or

(c) Under a state voluntary cleanup program authorized in the Missouri hazardous waste management law as specified in this chapter;

(6) “Holder”, the grantee of an environmental covenant as specified in section 260.1006;

(7) “Person”, an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, governmental subdivision, department, or instrumentality, or any other legal or commercial entity;

(8) “Record”, information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form;

(9) “State”, a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

260.1006. 1. Any person, including a person that owns an interest in the real property, the department, or a municipality or other unit of local government, may be a holder. An environmental covenant may identify more than one holder. The interest of a holder is an interest in real property.

2. The rights of a department under sections 260.1000 to 260.1039 or under an environmental covenant, other than a right as a holder, is not an interest in real property.

3. A department is bound by any obligation it assumes in an environmental covenant, but a department does not assume obligations merely

by signing an environmental covenant. Any other person that signs an environmental covenant is bound by the obligations the person assumes in the covenant, but signing the covenant does not change obligations, rights, or protections granted or imposed under law other than sections 260.1000 to 260.1039 except as provided in the covenant.

4. The following rules apply to interests in real property in existence at the time an environmental covenant is created or amended:

(1) An interest that has priority under other law is not affected by an environmental covenant unless the person that owns the interest subordinates that interest to the covenant;

(2) Sections 260.1000 to 260.1039 do not require a person that owns a prior interest to subordinate that interest to an environmental covenant or to agree to be bound by the covenant;

(3) A subordination agreement may be contained in an environmental covenant covering real property or in a separate record. If the environmental covenant covers commonly owned property in a common interest community, the record may be signed by any person authorized by the governing board of the owners association;

(4) An agreement by a person to subordinate a prior interest to an environmental covenant affects the priority of that person's interest but shall not by itself impose any affirmative obligation on the person with respect to the environmental covenant.

260.1009. 1. An environmental covenant shall:

(1) State that the instrument is an environmental covenant executed under sections 260.1000 to 260.1039;

(2) Contain a legally sufficient description

of the real property subject to the covenant;

(3) Describe the activity and use limitations on the real property;

(4) Identify every holder;

(5) Be signed by the department, every holder, and unless waived by the department, every owner of the fee simple of the real property subject to the covenant; and

(6) Identify the name and location of any administrative record for the environmental response project reflected in the environmental covenant.

2. In addition to the information required by subsection 1 of this section, an environmental covenant may contain other information, restrictions, and requirements agreed to by the persons who signed it, including any:

(1) Requirements for notice following transfer of a specified interest in, or concerning proposed changes in use of, applications for building permits for, or proposals for any site work affecting the contamination on, the property subject to the covenant;

(2) Requirements for periodic reporting describing compliance with the covenant;

(3) Rights of access to the property granted in connection with implementation or enforcement of the covenant;

(4) A brief narrative description of the contamination and remedy, including the contaminants of concern, the pathways of exposure, limits on exposure, and the location and extent of the contamination;

(5) Limitation on amendment or termination of the covenant in addition to those contained in sections 260.1024 and 260.1027; and

(6) Rights of the holder in addition to its right to enforce the covenant under section 260.1030.

3. In addition to other conditions for its approval of an environmental covenant, the department may require those persons specified by the department who have interests in the real property to sign the covenant.

260.1012. 1. An environmental covenant that complies with sections 260.1000 to 260.1039 runs with the land.

2. An environmental covenant that is otherwise effective is valid and enforceable even if:

(1) It is not appurtenant to an interest in real property;

(2) It can be or has been assigned to a person other than the original holder;

(3) It is not of a character that has been recognized traditionally at common law;

(4) It imposes a negative burden;

(5) It imposes an affirmative obligation on a person having an interest in the real property or on the holder;

(6) The benefit or burden does not touch or concern real property;

(7) There is no privity of estate or contract;

(8) The holder dies, ceases to exist, resigns, or is replaced; or

(9) The owner of an interest subject to the environmental covenant and the holder are the same person.

3. An instrument that creates restrictions or obligations with respect to real property that would qualify as activity and use limitations except for the fact that the instrument was recorded before the effective date of sections 260.1000 to 260.1039 is not invalid or unenforceable because of any of the limitations on enforcement of interests described in subsection 2 of this section or because it was identified as an easement, servitude, deed restriction, or other interest. Sections 260.1000

to 260.1039 shall not apply in any other respect to such an instrument.

4. Sections 260.1000 to 260.1039 shall not invalidate or render unenforceable any interest, whether designated as an environmental covenant or other interest, that is otherwise enforceable under the laws of this state.

260.1015. Sections 260.1000 to 260.1039 shall not authorize a use of real property that is otherwise prohibited by zoning, by law other than sections 260.1000 to 260.1039 regulating use of real property, or by a recorded instrument that has priority over the environmental covenant. An environmental covenant may prohibit or restrict uses of real property which are authorized by zoning or by laws other than sections 260.1000 to 260.1039.

260.1018. 1. A copy of an environmental covenant shall be provided by the persons and in the manner required by the department to:

- (1) Each person that signed the covenant;
- (2) Each person holding a recorded interest in the real property subject to the covenant;
- (3) Each person in possession of the real property subject to the covenant;
- (4) Each municipality or other unit of local government in which real property subject to the covenant is located; and
- (5) Any other person the department requires.

2. The validity of a covenant is not affected by failure to provide a copy of the covenant as required under this section.

260.1021. 1. An environmental covenant and any amendment or termination of the covenant shall be recorded in every county or city not within a county in which any portion of the real property subject to the covenant is located. For purposes of indexing, a holder shall be treated as a grantee.

2. Except as otherwise provided in section 260.1024, an environmental covenant is subject to the laws of this state governing recording and priority of interests in real property.

260.1024. 1. An environmental covenant is perpetual unless it is:

- (1) By its terms, limited to a specific duration or terminated by the occurrence of a specific event;
- (2) Terminated by consent under section 260.1027;
- (3) Terminated by subsection 2 of this section;
- (4) Terminated by foreclosure of an interest that has priority over the environmental covenant; or
- (5) Terminated or modified in an eminent domain proceeding, but only if:
 - (a) The department that signed the covenant is a party to the proceeding;
 - (b) All persons identified in section 260.1027 are given notice of the pendency of the proceeding; and
 - (c) The court determines, after hearing, that the termination or modification will not adversely affect human health, public welfare, or the environment.

2. If the department that signed an environmental covenant has determined that the intended benefits of the covenant can no longer be realized, a court, under the doctrine of changed circumstances, in an action in which all persons identified in section 260.1027 have been given notice, may terminate the covenant or reduce its burden on the real property subject to the covenant. The department's determination or its failure to make a determination upon request is subject to review under chapter 536, RSMo.

3. Except as otherwise provided in

subsections 1 and 2 of this section, an environmental covenant may not be extinguished, limited, or impaired through issuance of a tax deed, foreclosure of a tax lien, or application of the doctrine of adverse possession, prescription, abandonment, waiver, lack of enforcement, or acquiescence, or any similar doctrine.

4. An environmental covenant may not be extinguished, limited, or impaired by the application of chapter 442, RSMo, or chapter 444, RSMo.

260.1027. 1. An environmental covenant may be amended or terminated by consent only if the amendment or termination is signed by:

(1) The department;

(2) Unless this requirement is waived by the department, the current owner of the fee simple of the real property subject to the covenant;

(3) Each person that originally signed the covenant, unless the person waived in a signed record the right to consent or a court finds that the person no longer exists or cannot be located or identified with the exercise of reasonable diligence; and

(4) The holder, except as otherwise provided in subsection 4 of this section.

2. If an interest in real property is subject to an environmental covenant, the interest is not affected by an amendment of the covenant unless the current owner of the interest consents to the amendment or has waived in a signed record the right to consent to amendments.

3. Except for an assignment undertaken under a governmental reorganization, assignment of an environmental covenant to a new holder is an amendment.

4. Except as otherwise provided in an environmental covenant:

(1) A holder may not assign its interest

without consent of the other parties;

(2) A holder may be removed and replaced by agreement of the other parties specified in subsection 1 of this section.

5. A court of competent jurisdiction may fill a vacancy in the position of holder.

260.1030. 1. A civil action for injunctive or other equitable relief for violation of an environmental covenant may be maintained by:

(1) A party to the covenant;

(2) The department;

(3) Any person to whom the covenant expressly grants power to enforce;

(4) A person whose interest in the real property or whose collateral or liability may be affected by the alleged violation of the covenant; or

(5) A municipality or other unit of local government in which the real property subject to the covenant is located.

2. Sections 260.1000 to 260.1039 do not limit the regulatory authority of the department under law other than sections 260.1000 to 260.1039 with respect to an environmental response project.

3. A person is not responsible for or subject to liability for environmental remediation solely because it has the right to enforce an environmental covenant.

260.1033. 1. The department shall establish an activity and use limitation information system and ensure that it is maintained, that provides readily accessible information on sites with known contamination, and records the creation, amendment, and termination of covenants. The activity and use limitation information system shall distinguish clearly between three categories of sites contaminated with hazardous substance contamination:

(1) Sites where no investigation or remedial

action has been performed, or where remedial actions are in progress but are not complete;

(2) Sites where remedial action has been taken to address known risks to human health, public welfare, and the environment and the site is suitable for certain land uses and the department has issued a letter indicating that the site is suitable for certain land uses and that further investigation and remedial action is not required;

(3) Sites where previous concerns about contamination should no longer be an issue because of removal of waste and contamination or investigation results that demonstrate that contamination is now below levels considered suitable for unrestricted use.

2. After an environmental covenant or an amendment or termination of a covenant is filed in the information system established under subsection 1 of this section, a notice of the covenant, amendment, or termination that complies with this section may be recorded in the land records in lieu of recording the entire covenant. Any such notice shall contain:

(1) A legally sufficient description and any available street address of the real property subject to the covenant;

(2) The name and address of the owner of the fee simple interest in the real property, the department, and the holder if other than the department;

(3) A statement that the covenant, amendment, or termination is available in an information system at the department, which discloses the method of any electronic access; and

(4) A statement that the notice is notification of an environmental covenant executed under sections 260.1000 to 260.1039.

3. A statement in substantially the following form, executed with the same formalities as a deed in this state, satisfies the requirements of

subsection 2 of this section:

“1. This notice is filed in the land records of the (political subdivision) of (insert name of jurisdiction in which the real property is located) under Sections 260.1000 to 260.1039, RSMo.

2. This notice and the covenant, amendment or termination to which it refers may impose significant obligations with respect to the property described below.

3. A legal description of the property is attached as Exhibit A to this notice. The address of the property that is subject to the environmental covenant is (insert address of property) (not available).

4. The name and address of the owner of the fee simple interest in the real property on the date of this notice is (insert name of current owner of the property and the owner's current address as shown on the tax records of the jurisdiction in which the property is located).

5. The environmental covenant, amendment or termination was signed by (insert name and address of the department).

6. The environmental covenant, amendment, or termination was filed in the information system on (insert date of filing).

7. The full text of the covenant, amendment or termination and any other information required by the department is on file and available for inspection and copying in the information system maintained for that purpose by the department at (insert address and room of

building in which the information system is maintained). The covenant, amendment or termination may be found electronically at (insert Internet address for covenant).”

260.1036. Sections 260.1000 to 260.1039 shall not apply to aboveground or underground storage tanks as defined in section 319.100, RSMo.

260.1039. As authorized in 15 U.S.C. 7002, as amended, sections 260.1000 to 260.1039 modifies, limits, or supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001, et seq., but do not modify, limit, or supersede 15 U.S.C. Section 7001(a), or authorize electronic delivery of any of the notices described in 15 U.S.C. Section 7003(b).”; and

Further amend said bill, Page 11, Section 414.420, Line 38, by inserting after all of said line the following:

“444.772. 1. Any operator desiring to engage in surface mining shall make written application to the director for a permit.

2. Application for permit shall be made on a form prescribed by the commission and shall include:

(1) The name of all persons with any interest in the land to be mined;

(2) The source of the applicant's legal right to mine the land affected by the permit;

(3) The permanent and temporary post office address of the applicant;

(4) Whether the applicant or any person associated with the applicant holds or has held any other permits pursuant to sections 444.500 to 444.790, and an identification of such permits;

(5) The written consent of the applicant and any other persons necessary to grant access to the commission or the director to the area of land

affected under application from the date of application until the expiration of any permit granted under the application and thereafter for such time as is necessary to assure compliance with all provisions of sections 444.500 to 444.790 or any rule or regulation promulgated pursuant to them. Permit applications submitted by operators who mine an annual tonnage of less than ten thousand tons shall be required to include written consent from the operator to grant access to the commission or the director to the area of land affected;

(6) A description of the tract or tracts of land and the estimated number of acres thereof to be affected by the surface mining of the applicant for the next succeeding twelve months; and

(7) Such other information that the commission may require as such information applies to land reclamation.

3. The application for a permit shall be accompanied by a map in a scale and form specified by the commission by regulation.

4. The application shall be accompanied by a bond, security or certificate meeting the requirements of section 444.778, **a geologic resources fee authorized under section 256.700, RSMo**, and a permit fee approved by the commission not to exceed [six hundred] **one thousand** dollars. The commission may also require a fee for each site listed on a permit not to exceed [three] **four** hundred dollars for each site. If mining operations are not conducted at a site for six months or more during any year, the fee for such site for that year shall be reduced by fifty percent. The commission may also require a fee for each acre bonded by the operator pursuant to section 444.778 not to exceed [ten] **twenty** dollars per acre. If such fee is assessed, the per-acre fee on all acres bonded by a single operator that exceed a total of [one] **two** hundred acres shall be reduced by fifty percent. In no case shall the total fee for any permit be more than [two] **three** thousand [five hundred] dollars. Permit and renewal fees

shall be established by rule, **except for the initial fees as set forth in this subsection**, and shall be set at levels that recover the cost of administering and enforcing sections 444.760 to 444.790, making allowances for grants and other sources of funds. The director shall submit a report to the commission and the public each year that describes the number of employees and the activities performed the previous calendar year to administer sections 444.760 to 444.790. For any operator of a gravel mining operation where the annual tonnage of gravel mined by such operator is less than five thousand tons, the total cost of submitting an application shall be three hundred dollars. The issued permit shall be valid from the date of its issuance until the date specified in the mine plan unless sooner revoked or suspended as provided in sections 444.760 to 444.790. **Beginning August 28, 2007, the fees shall be set at a permit fee of eight hundred dollars, a site fee of four hundred dollars, and an acre fee of ten dollars, with a maximum fee of three thousand dollars. Fees may be raised as allowed in this subsection after a regulation change that demonstrates the need for increased fees.**

5. An operator desiring to have his or her permit amended to cover additional land may file an amended application with the commission. Upon receipt of the amended application, and such additional fee and bond as may be required pursuant to the provisions of sections 444.760 to 444.790, the director shall, if the applicant complies with all applicable regulatory requirements, issue an amendment to the original permit covering the additional land described in the amended application.

6. An operation may withdraw any land covered by a permit, excepting affected land, by notifying the commission thereof, in which case the penalty of the bond or security filed by the operator pursuant to the provisions of sections 444.760 to 444.790 shall be reduced proportionately.

7. Where mining or reclamation operations on acreage for which a permit has been issued have not been completed, the permit shall be renewed. The operator shall submit a permit renewal form furnished by the director for an additional permit year and pay a fee equal to an application fee calculated pursuant to subsection 4 of this section, but in no case shall the renewal fee for any operator be more than [two] **three** thousand [five hundred] dollars. For any operator involved in any gravel mining operation where the annual tonnage of gravel mined by such operator is less than five thousand tons, the permit as to such acreage shall be renewed by applying on a permit renewal form furnished by the director for an additional permit year and payment of a fee of three hundred dollars. Upon receipt of the completed permit renewal form and fee from the operator, the director shall approve the renewal. With approval of the director and operator, the permit renewal may be extended for a portion of an additional year with a corresponding prorating of the renewal fee.

8. Where one operator succeeds another at any uncompleted operation, either by sale, assignment, lease or otherwise, the commission may release the first operator from all liability pursuant to sections 444.760 to 444.790 as to that particular operation if both operators have been issued a permit and have otherwise complied with the requirements of sections 444.760 to 444.790 and the successor operator assumes as part of his or her obligation pursuant to sections 444.760 to 444.790 all liability for the reclamation of the area of land affected by the former operator.

9. The application for a permit shall be accompanied by a plan of reclamation that meets the requirements of sections 444.760 to 444.790 and the rules and regulations promulgated pursuant thereto, and shall contain a verified statement by the operator setting forth the proposed method of operation, reclamation, and a conservation plan for the affected area including approximate dates and time of completion, and stating that the operation will meet the requirements of sections 444.760 to

444.790, and any rule or regulation promulgated pursuant to them.

10. At the time that a permit application is deemed complete by the director, the operator shall publish a notice of intent to operate a surface mine in any newspaper qualified pursuant to section 493.050, RSMo, to publish legal notices in any county where the land is located. If the director does not respond to a permit application within forty-five calendar days, the application shall be deemed to be complete. Notice in the newspaper shall be posted once a week for four consecutive weeks beginning no more than ten days after the application is deemed complete. The operator shall also send notice of intent to operate a surface mine by certified mail to the governing body of the counties or cities in which the proposed area is located, and to the last known addresses of all record landowners of contiguous real property or real property located adjacent to the proposed mine plan area. The notices shall include the name and address of the operator, a legal description consisting of county, section, township and range, the number of acres involved, a statement that the operator plans to mine a specified mineral during a specified time, and the address of the commission. The notices shall also contain a statement that any person with a direct, personal interest in one or more of the factors the commission may consider in issuing a permit may request a public meeting, a public hearing or file written comments to the director no later than fifteen days following the final public notice publication date.

11. The commission may approve a permit application or permit amendment whose operation or reclamation plan deviates from the requirements of sections 444.760 to 444.790 if it can be demonstrated by the operator that the conditions present at the surface mining location warrant an exception. The criteria accepted for consideration when evaluating the merits of an exception or variance to the requirements of sections 444.760 to 444.790 shall be established by regulations.

12. Fees imposed pursuant to this section shall become effective August 28, [2001] **2007**, and shall expire on December 31, [2007] **2013**. No other provisions of this section shall expire.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 54, Page 6, Section 260.250, Line 14, by inserting after all of said line the following:

“386.890. 1. This section shall be known and may be cited as the “Net Metering and Easy Connection Act”.

2. As used in this section, the following terms shall mean:

(1) “Avoided fuel cost”, the current average cost of fuel for the entity generating electricity, as defined by the governing body with jurisdiction over any municipal electric utility, rural electric cooperative as provided in chapter 394, RSMo, or electrical corporation as provided in chapter 386, RSMo;

(2) “Commission”, the public service commission of the state of Missouri;

(3) “Customer-generator”, the owner or operator of a qualified electric energy generation unit which:

(a) Is powered by a renewable energy resource;

(b) Has an electrical generating system with a capacity of not more than one hundred kilowatts;

(c) Is located on a premises owned, operated, leased, or otherwise controlled by the customer-generator;

(d) Is interconnected and operates in parallel phase and synchronization with a retail electric supplier and has been approved by said

retail electric supplier;

(e) Is intended primarily to offset part or all of the customer-generator's own electrical energy requirements;

(f) Meets all applicable safety, performance, interconnection, and reliability standards established by the National Electrical Code, the National Electrical Safety Code, the Institute of Electrical and Electronics Engineers, Underwriters Laboratories, the Federal Energy Regulatory Commission, and any local governing authorities; and

(g) Contains a mechanism that automatically disables the unit and interrupts the flow of electricity back onto the supplier's electricity lines in the event that service to the customer-generator is interrupted;

(4) "Department", the department of natural resources;

(5) "Net metering", using metering equipment sufficient to measure the difference between the electrical energy supplied to a customer-generator by a retail electric supplier and the electrical energy supplied by the customer-generator to the retail electric supplier over the applicable billing period;

(6) "Renewable energy resources", electrical energy produced from wind, solar thermal sources, hydroelectric sources, photovoltaic cells and panels, fuel cells using hydrogen produced by one of the above-named electrical energy sources, and other sources of energy that become available after August 28, 2007, and are certified as renewable by the department;

(7) "Retail electric supplier" or "supplier", any municipal utility, electrical corporation regulated under this chapter, or rural electric cooperative under chapter 394, RSMo, that provides retail electric service in this state.

3. A retail electric supplier shall:

(1) Make net metering available to customer-generators on a first-come, first-served basis until the total rated generating capacity of net metering systems equals five percent of the utility's single-hour peak load during the previous year, after which the commission for a public utility or the governing body for other electric utilities may increase the total rated generating capacity of net metering systems to an amount above five percent. However, in a given calendar year, no retail electric supplier shall be required to approve any application for interconnection if the total rated generating capacity of all applications for interconnection already approved to date by said supplier in said calendar year equals or exceeds one percent of said supplier's single-hour peak load for the previous calendar year;

(2) Offer to the customer-generator a tariff or contract that is identical in electrical energy rates, rate structure, and monthly charges to the contract or tariff that the customer would be assigned if the customer were not an eligible customer-generator but shall not charge the customer-generator any additional standby, capacity, interconnection, or other fee or charge that would not otherwise be charged if the customer were not an eligible customer-generator; and

(3) Disclose annually the availability of the net metering program to each of its customers with the method and manner of disclosure being at the discretion of the supplier.

4. A customer-generator's facility shall be equipped with sufficient metering equipment that can measure the net amount of electrical energy produced or consumed by the customer-generator. If the customer-generator's existing meter equipment does not meet these requirements or if it is necessary for the electric supplier to install additional distribution equipment to accommodate the customer-generator's facility, the customer-generator

shall reimburse the retail electric supplier for the costs to purchase and install the necessary additional equipment. At the request of the customer-generator, such costs may be initially paid for by the retail electric supplier, and any amount up to the total costs and a reasonable interest charge may be recovered from the customer-generator over the course of up to twelve billing cycles. Any subsequent meter testing, maintenance or meter equipment change necessitated by the customer-generator shall be paid for by the customer-generator.

5. Consistent with the provisions in this section, the net electrical energy measurement shall be calculated in the following manner:

(1) For a customer-generator, a retail electric supplier shall measure the net electrical energy produced or consumed during the billing period in accordance with normal metering practices for customers in the same rate class, either by employing a single, bidirectional meter that measures the amount of electrical energy produced and consumed, or by employing multiple meters that separately measure the customer-generator's consumption and production of electricity;

(2) If the electricity supplied by the supplier exceeds the electricity generated by the customer-generator during a billing period, the customer-generator shall be billed for the net electricity supplied by the supplier in accordance with normal practices for customers in the same rate class;

(3) If the electricity generated by the customer-generator exceeds the electricity supplied by the supplier during a billing period, the customer-generator shall be billed for the appropriate customer charges for that billing period in accordance with subsection 3 of this section and shall be credited an amount at least equal to the avoided fuel cost of the excess kilowatt-hours generated during the billing period, with this credit applied to the following

billing period;

(4) Any credits granted by this subsection shall expire without any compensation at the earlier of either twelve months after their issuance or when the customer-generator disconnects service or terminates the net metering relationship with the supplier;

(5) For any rural electric cooperative under chapter 394, RSMo, or municipal utility, upon agreement of the wholesale generator supplying electric energy to the retail electric supplier, at the option of the retail electric supplier, the credit to the customer-generator may be provided by the wholesale generator.

6. (1) Each qualified electric energy generation unit used by a customer-generator shall meet all applicable safety, performance, interconnection, and reliability standards established by any local code authorities, the National Electrical Code, the National Electrical Safety Code, the Institute of Electrical and Electronics Engineers, and Underwriters Laboratories for distributed generation. No supplier shall impose any fee, charge, or other requirement not specifically authorized by this section or the rules promulgated under subsection 9 of this section unless the fee, charge, or other requirement would apply to similarly situated customers who are not customer-generators, except that a retail electric supplier may require that a customer-generator's system contain a switch, circuit breaker, fuse, or other easily accessible device or feature located in immediate proximity to the customer-generator's metering equipment that would allow a utility worker the ability to manually and instantly disconnect the unit from the utility's electric distribution system;

(2) For systems of ten kilowatts or less, a customer-generator whose system meets the standards and rules under subdivision (1) of this subsection shall not be required to install additional controls, perform or pay for

additional tests or distribution equipment, or purchase additional liability insurance beyond what is required under subdivision (1) of this subsection and subsection 4 of this section;

(3) For customer-generator systems of greater than ten kilowatts, the commission for public utilities and the governing body for other utilities shall, by rule or equivalent formal action by each respective governing body:

(a) Set forth safety, performance, and reliability standards and requirements; and

(b) Establish the qualifications for exemption from a requirement to install additional controls, perform or pay for additional tests or distribution equipment, or purchase additional liability insurance.

7. (1) Applications by a customer-generator for interconnection of a qualified electric energy generation unit meeting the requirements of subdivision (3) of subsection 2 of this section to the distribution system shall be accompanied by the plan for the customer-generator's electrical generating system, including but not limited to, a wiring diagram and specifications for the generating unit, and shall be reviewed and responded to by the retail electric supplier within thirty days of receipt for systems ten kilowatts or less and within ninety days of receipt for all other systems. Prior to the interconnection of the qualified generation unit to the supplier's system, the customer-generator will furnish the retail electric supplier a certification from a qualified professional electrician or engineer that the installation meets the requirements of subdivision (1) of subsection 6 of this section. If the application for interconnection is approved by the retail electric supplier and the customer-generator does not complete the interconnection within one year after receipt of notice of the approval, the approval shall expire and the customer-generator shall be responsible for filing a new application.

(2) Upon the change in ownership of a qualified electric energy generation unit, the new customer-generator shall be responsible for filing a new application under subdivision (1) of this subsection.

8. Each commission-regulated supplier shall submit an annual net metering report to the commission, and all other non-regulated suppliers shall submit the same report to their respective governing body and make said report available to a consumer of the supplier upon request, including the following information for the previous calendar year:

(1) The total number of customer-generator facilities;

(2) The total estimated generating capacity of its net-metered customer-generators; and

(3) The total estimated net kilowatt-hours received from customer-generators.

9. The commission shall, within nine months of the effective date of this section, promulgate initial rules necessary for the administration of this section for public utilities, which shall include regulations ensuring that simple contracts will be used for interconnection and net metering. For systems of ten kilowatts or less, the application process shall use an all-in-one document that includes a simple interconnection request, simple procedures, and a brief set of terms and conditions. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly under chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the

grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

10. The governing body of a rural electric cooperative or municipal utility shall, within nine months of the effective date of this section, adopt policies establishing a simple contract to be used for interconnection and net metering. For systems of ten kilowatts or less, the application process shall use an all-in-one document that includes a simple interconnection request, simple procedures, and a brief set of terms and conditions.

11. For any cause of action relating to any damages to property or person caused by the generation unit of a customer-generator or the interconnection thereof, the retail electric supplier shall have no liability absent clear and convincing evidence of fault on the part of the supplier.

12. The estimated generating capacity of all net metering systems operating under the provisions of this section shall count towards the respective retail electric supplier's accomplishment of any renewable energy portfolio target or mandate adopted by the Missouri general assembly.

13. The sale of qualified electric generation units to any customer-generator shall be subject to the provisions of sections 407.700 to 407.720, RSMo. The attorney general shall have the authority to promulgate in accordance with the provisions of chapter 536, RSMo, rules regarding mandatory disclosures of information by sellers of qualified electric generation units. Any interested person who believes that the seller of any electric generation unit is misrepresenting the safety or performance standards of any such systems, or who believes that any electric generation unit poses a danger to any property or person, may report the same to the attorney general, who shall be authorized to investigate such claims and take any

necessary and appropriate actions.

14. Any costs incurred under this act by a retail electric supplier shall be recoverable in that utility's rate structure.

15. No consumer shall connect or operate an electric generation unit in parallel phase and synchronization with any retail electric supplier without written approval by said supplier that all of the requirements under subdivision (1) of subsection 7 of this section have been met. For a consumer who violates this provision, a supplier may immediately and without notice disconnect the electric facilities of said consumer and terminate said consumer's electric service.

16. The manufacturer of any electric generation unit used by a customer-generator may be held liable for any damages to property or person caused by a defect in the electric generation unit of a customer-generator.

17. The seller, installer, or manufacturer of any electric generation unit who knowingly misrepresents the safety aspects of an electric generation unit may be held liable for any damages to property or person caused by the electric generation unit of a customer-generator.”; and

Further amend said bill, Page 14, Section 1, Line 3, by inserting after all of said line the following:

“[386.887. 1. This section shall be known and may be cited as the “Consumer Clean Energy Act”.

2. As used in this section, the following terms mean:

(1) “Commission”, the public service commission of the state of Missouri;

(2) “Customer-generator”, a consumer of electric energy who purchases electric energy from a retail electric energy supplier and is the owner

of a qualified net metering unit;

(3) “Local distribution system”, facilities for the distribution of electric energy to the ultimate consumer thereof;

(4) “Net energy metering”, a measurement of the difference between the electric energy supplied to a customer-generator by a retail electric supplier and the electric energy generated by a customer-generator that is delivered to a local distribution system at the same point of interconnection;

(5) “Qualified net metering unit”, an electric generation unit which:

(a) Is owned by a customer-generator;

(b) Is a hydrogen fuel cell or is powered by sun, wind or biomass;

(c) Has an electrical generating system with a capacity of not more than one hundred kilowatts;

(d) Is located on the premises that are owned, operated, leased or otherwise controlled by the customer-generator;

(e) Is interconnected and operates in parallel and in synchronization with a retail electric supplier; and

(f) Is intended primarily to offset part or all of the customer-generator's own electrical requirements;

(6) “Retail electric supplier” or “supplier”, any person that sells electric energy to the ultimate consumer thereof;

(7) “Value of electric energy”, the total resulting from the application of the appropriate rates, which may be time of use rates at the option of the supplier, to the quantity of electric energy produced from qualified net metering units or to the quantity of electric energy sold to customer-generators.

3. By August 28, 2003, each retail electric supplier shall adopt rates, charges, conditions and contract terms for the purchase from and the sale of electric energy to customer-generators. The commission, in consultation with the department and retail electric suppliers, shall develop a simple contract for such transactions and make it available to eligible customer-generators and retail electric suppliers. Upon agreement of the wholesale generator supplying electric energy to the retail electric supplier, at the option of the retail electric supplier, the purchase from the customer-generator may be by the wholesale generator. Any time of use or other rates charged for electric energy sold to customer-generators shall be the same as those made available to any other customers with the same net electric energy usage pattern including minimum bills and service availability charges. Rates for electric energy generated by the customer-generator from a qualified net generating unit and sold to the retail electric supplier or its wholesale generator shall be the avoided cost (time of use or nontime of use) of the generation used by the retail electric supplier to serve its other customers. Whenever a customer-generator with a qualified net generating unit uses any energy generation method entitled to eligibility under a minimum renewable energy generation requirement, the total amount of energy generated by that method shall be treated as generated by the generator providing electric energy to the retail electric supplier for purposes of such requirement. The wholesale generator, at the option of the retail electric supplier, shall receive credit for emissions avoided by the wholesale

generator because of electric energy purchased by the wholesale generator or the retail electric supplier from a qualified net metering unit. If the supplier is required to file tariffs with the commission, the commission shall review the reasonableness of the charges provided in such tariffs.

4. Each retail electric supplier shall calculate the net energy measurement for a customer-generator in the following manner:

(1) The retail electric supplier shall individually measure both the electric energy produced and the electric energy consumed by the customer-generator during each billing period using an electric metering capable of such function, either by a single meter capable of registering the flow of electricity in two directions or by using multiple meters;

(2) If the value of the electric energy supplied by the retail electric supplier exceeds the value of the electric energy delivered by the customer-generator to the retail electric supplier during a billing period, then the customer-generator shall be billed for the net value of the electric energy supplied by the retail electric supplier in accordance with the rates, terms and conditions established by the retail electric supplier for customer-generators; and

(3) If the value of the electric energy generated by the customer-generator exceeds the value of the electric energy supplied by the retail electric supplier, then the customer-generator:

(a) Shall be billed for the appropriate customer charges for that billing period; and

(b) Shall be credited for the excess value of the electric energy generated and supplied to the retail electric supplier during the billing period, with this credit appearing on the bill for the following billing period.

5. A retail electric supplier shall not be required to provide net metering service with respect to additional customer-generators after the date during any calendar year on which the total generating capacity of all customer-generators with qualified net metering units served by that retail electric supplier is equal to or in excess of the lesser of ten thousand kilowatts or one-tenth of one percent of the capacity necessary to meet the company's aggregate customer peak demand for the preceding calendar year.

6. Each retail electric supplier shall maintain and make available to the public records of the total generating capacity of customer-generators of the supplier that are using net metering, the type of generating systems and energy source used by the electric generating systems which customer-generators use. Each such retail electric supplier shall notify the commission when the total generating capacity of such customer-generators is equal to or in excess of the lesser of ten thousand kilowatts or one-tenth of one percent of the capacity necessary to meet the company's aggregate customer peak demand for the preceding calendar year.

7. Each qualified net metering unit used by a customer-generator shall meet all applicable safety, performance, synchronization, interconnection and reliability standards established by the commission, the National Electrical

Safety Code, National Electrical Code, the Institute of Electrical, Electronics Engineers, and Underwriters Laboratories. Each qualified net metering unit used by a customer-generator shall also meet all reasonable standards and requirements established by the retail electric supplier to enhance employee, consumer and public safety and the reliability of electric service to the customer-generator and other consumers receiving electric service from the retail electric supplier. Each qualified net metering unit used by a customer-generator shall also comply with all applicable local building, electrical and safety codes. The customer-generator shall obtain liability insurance coverage in amounts and coverage as set by the commission by rule applicable to all qualified net metering units.

8. The cost of meeting the standards of subsection 7 of this section and any cost to install additional controls, to install additional metering, to perform or pay for additional tests or analysis of the effect of the operation of the qualified net metering unit on the local distribution system shall be paid by the customer-generator.

9. Applications by a customer-generator for interconnection to the distribution system shall include a copy of the plans and specifications for the qualified net metering unit for review and acceptance by the retail electric supplier. Prior to connection of the qualified net metering unit to the distribution system, the customer-generator will furnish the retail electric supplier a certification from a qualified professional electrician or

engineer that the installation meets the requirements of subsection 7 of this section. Such applications shall be reviewed and responded to by the retail electric supplier within ninety days. If the application for interconnection is approved by the retail electric supplier, the retail electric supplier shall complete the interconnection within fifteen days if electric service already exists to the premises, unless a later date is mutually agreeable to both the customer-generator and the retail electric supplier.

10. The sale of qualified net metering units shall be subject to the provisions of sections 407.700 to 407.720, RSMo. The attorney general shall have the authority to promulgate in accordance with the provisions of chapter 536, RSMo, rules regarding mandatory disclosures of information by sellers of qualified net metering units. Such rules shall as a minimum require disclosure of the standards of subsection 7 of this section and potential liability of the owner or operator of a qualified net metering unit to third persons for personal injury or property damage as a result of negligent operation of a qualified net metering unit. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any

rule proposed or adopted after August 28, 2002, shall be invalid and void.]”; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON THIRD READING

HCS for **HB 298**, with **SCS**, entitled:

An Act to amend chapter 319, RSMo, by adding thereto seventeen new sections relating to blasting and excavation, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Engler.

SCS for **HCS** for **HB 298**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 298

An Act to amend chapter 319, RSMo, by adding thereto seventeen new sections relating to blasting and excavation, with penalty provisions.

Was taken up.

Senator Engler moved that **SCS** for **HCS** for **HB 298** be adopted, which motion prevailed.

On motion of Senator Engler, **SCS** for **HCS** for **HB 298** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senator Mayer—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Engler moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 156**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Goodman moved that **SCS** for **SBs 62** and **41**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SBs 62** and **41**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 62 and 41

An Act to repeal sections 476.083, 571.030, 571.080, 571.090, 571.095, and 571.111, RSMo, and to enact in lieu thereof seven new sections relating to the criminal justice system, with penalty provisions.

Was taken up.

Senator Gross assumed the Chair.

Senator Goodman moved that **HCS** for **SCS** for **SBs 62** and **41**, as amended, be adopted.

Senator Koster assumed the Chair.

At the request of Senator Goodman, the above

motion was withdrawn.

Senator Goodman moved that the Senate refuse to concur in **HCS** for **SCS** for **SBs 62 and 41**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS No. 2** for **SB 406**, as amended. Representatives: Wallace, Moore, Viebrock, Lampe and Yaeger.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HB 16** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 16**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 4**.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 4, Page 1, Section 198.439, Line 2 by deleting the number “**2009**” and inserting in lieu thereof the number “**2011**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Gross moved that **SCS** for **SB 4**, with **HA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Sentor Gross moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Wilson—33			

NAYS—Senators—None

Absent—Senator Vogel—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Gross, **SCS** for **SB 4**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer

Wilson—33

NAYS—Senators—None

Absent—Senator Vogel—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer

Wilson—33

NAYS—Senators—None

Absent—Senator Vogel—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

Senator Crowell moved that **SS No. 2** for **SCS** for **HCS** for **HBs 444, 217, 225, 239, 243, 297, 402** and **172** be called from the Informal Calendar

and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Crowell, **SS No. 2** for **SCS** for **HCS** for **HBs 444, 217, 225, 239, 243, 297, 402** and **172** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Graham	Green	Griesheimer
Gross	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Smith	Stouffer	Wilson—28

NAYS—Senators

Bray	Coleman	Days	Justus
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Shoemyer—5

Absent—Senator Vogel—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for **HB 818**, with **SCS**, entitled:

An Act to repeal sections 376.960, 376.961, 376.964, 376.966, 376.986, 376.989, 379.930, 379.938, 379.940, 379.942, 379.943, 379.944, and 379.952, RSMo, and to enact in lieu thereof seventeen new sections relating to portability and accessibility of health insurance.

Was called from the Informal Calendar and taken up by Senator Loudon.

SCS for **HCS** for **HB 818**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 818

An Act to repeal sections 143.782, 313.321, 376.960, 376.961, 376.964, 376.966, 376.986, 376.989, 379.930, 379.938, 379.940, 379.942, 379.943, 379.944, and 379.952, RSMo, and to enact in lieu thereof twenty new sections relating to health insurance.

Was taken up.

Senator Loudon moved that **SCS** for **HCS** for **HB 818** be adopted.

Senator Loudon offered **SS** for **SCS** for **HCS** for **HB 818**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 818

An Act to repeal sections 143.121, 143.782, 313.321, 376.426, 376.776, 376.960, 376.961, 376.964, 376.966, 376.986, 376.989, 379.930, 379.936, 379.938, 379.940, 379.942, 379.943, 379.944, and 379.952, RSMo, and to enact in lieu thereof forty-five new sections relating to health insurance, with an effective date for certain sections.

Senator Loudon moved that **SS** for **SCS** for **HCS** for **HB 818** be adopted.

At the request of Senator Loudon, **HCS** for **HB 818**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 47**, entitled:

An Act to repeal sections 320.200, 320.271,

and 320.310, RSMo, and to enact in lieu thereof seven new sections relating to fire protection.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 47, Page 4, Section 320.339, Line 8, by inserting after all of said line the following:

“Section 1. The inspection conducted under subsection 14 of section 190.105, RSMo, shall be limited to the verification of compliance with standards for renewal of an existing license, and shall not include the criteria set forth in subsection 3 of section 190.109, RSMo, or any other existing criteria required for the issuance of a license to a nonlicense holder or for a licensee seeking to expand its ambulance service area. Any licenses acquired upon a sale or transfer of any ground ambulance service ownership shall remain in full force and effect after the sale or transfer unless suspended or revoked for cause as provided in section 190.165, RSMo.”; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

RESOLUTIONS

Senator Barnitz offered Senate Resolution No. 1245, regarding Beth Groenke, which was adopted.

Senator Barnitz offered Senate Resolution No. 1246, regarding the University of Missouri-Rolla swimming program, which was adopted.

Senator Mayer offered Senate Resolution No. 1247, regarding Travis David Blaich, Poplar Bluff, which was adopted.

Senator Mayer offered Senate Resolution No. 1248, regarding Perry D. Salyer, Poplar Bluff, which was adopted.

Senator Justus offered Senate Resolution No. 1249, regarding Doug Bruce, which was adopted.

Senator Gross offered Senate Resolution No. 1250, regarding Paige Hendrix, which was adopted.

Senator Gross offered Senate Resolution No. 1251, regarding Andrew Engler, which was adopted.

On motion of Senator Shields, the Senate recessed until 8:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Nodler.

HOUSE BILLS ON THIRD READING

HCS for **HB 182**, entitled:

An Act to amend chapter 190, RSMo, by adding thereto eight new sections relating to outside the hospital do-not-resuscitate orders, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Stouffer.

On motion of Senator Stouffer, **HCS** for **HB 182** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Smith
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators

Coleman	Griesheimer	Shoemyer—3
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 579, introduced by Representative Dempsey, et al, entitled:

An Act to repeal section 44.045 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 58, ninety-third general assembly, first regular session and section 44.045 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 420 & 344, ninety-third general assembly, first regular session, and to enact in lieu thereof one new section relating to civil defense, with an emergency clause.

Was called from the Informal Calendar and taken up by Senator Shields.

Senator Shields offered **SS** for **HB 579**, entitled:

SENATE SUBSTITUTE FOR HOUSE BILL NO. 579

An Act to repeal sections 44.020, 44.024, and 44.100, RSMo, section 44.045 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 58, ninety-third general assembly, first regular session and section 44.045 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 420 & 344, ninety-third general assembly, first regular

session, and to enact in lieu thereof five new sections relating to emergency management, with an emergency clause.

Senator Shields moved that **SS** for **HB 579** be adopted, which motion prevailed.

Senator Mayer assumed the Chair.

On motion of Senator Shields, **SS** for **HB 579** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 181**, entitled:

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to captioning of electronic video instructional materials.

Was called from the Informal Calendar and taken up by Senator Rupp.

On motion of Senator Rupp, **HCS** for **HB 181** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for HB 551, with **SCS**, entitled:

An Act to amend chapter 287, RSMo, by adding thereto one new section relating to compensation to public safety workers.

Was called from the Informal Calendar and taken up by Senator Koster.

SCS for HCS for HB 551, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 551**

An Act to amend chapter 287, RSMo, by adding thereto two new sections relating to compensation for public safety workers killed in the line of duty.

Was taken up.

Senator Koster moved that **SCS for HCS for HB 551** be adopted.

Senator Koster offered **SS for SCS for HCS for HB 551**, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 551**

An Act to amend chapter 287, RSMo, by adding thereto two new sections relating to compensation for public safety workers killed in the line of duty.

Senator Koster moved that **SS for SCS for HCS for HB 551** be adopted.

Senator Graham offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 551, Page 4, Section 287.243, Line 3, by inserting after the second use of “policeman”, the following: “, **member of the Missouri national guard**”.

Senator Graham moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Callahan, Days and Wilson.

Senator Engler assumed the Chair.

SA 1 was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators

Green Griesheimer—2

Absent with leave—Senators—None

Vacancies—None

Senator Scott assumed the Chair.

Senator Coleman offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 551, Page 1, Section A, Line 3, by inserting immediately after said line the following:

“191.224. 1. For purposes of this section, the following terms shall mean:

(1) “First responder”, any person providing medical or health, law enforcement, peace keeping, evacuation, rescue or crowd control services within twenty-four hours of a natural disaster or terrorist attack, including volunteer services;

(2) “Natural disaster”, a disaster caused in whole or in part by natural forces where such disaster leads to property damage in excess of one million dollars or leads to more than ten deaths;

(3) “Terrorist attack”, an attack using violence and destruction to cause a change in any public policy or business policy where such attack leads to property damage in excess of one million dollars or leads to more than ten deaths.

2. The department of health and senior services shall provide health care coverage to any first responder to a terrorist attack or natural disaster for injuries caused in responding to the attack or disaster, including internal diseases and occupational diseases. State assistance under this section shall be available to an applicant only after the applicant has shown that he or she has exhausted all benefits from third party payers, including but not limited to, health insurers, domestic health services corporations, health maintenance organizations, Medicare, Medicaid, other government assistance programs, or workers' compensation. Nothing in this section shall be construed to prevent an applicant from receiving benefits who has previously settled a workers' compensation claim.

3. By January 1, 2008, and annually thereafter, each department of state government shall report to the general assembly on their respective preparedness for natural disasters and terrorist attacks. The report shall include a response plan for the departments to continue to provide services in the event of disruption of transportation and

telecommunications equipment and operation. The report shall include the projections of how long such services will be unavailable to the citizens of Missouri.”; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted.

Senator Gross assumed the Chair.

At the request of Senator Koster, **HCS for HB 551**, with **SCS, SS for SCS and SA 2** (pending), was placed on the Informal Calendar.

HCS No. 2 for HB 28, entitled:

An Act to repeal section 390.030, RSMo, and to enact in lieu thereof two new sections relating to carriers of household goods.

Was called from the Informal Calendar and taken up by Senator Mayer.

On motion of Senator Mayer, **HCS No. 2 for HB 28** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SA 1** to **HB 488** and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 666**, entitled:

An Act to repeal sections 41.950 and 302.171, RSMo, and to enact in lieu thereof two new sections relating to license renewals for military.

With House Substitute Amendment No. 1 for House Amendment No. 1.

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 666, Page 5, Section 302.171, Line 86, by deleting all of said line and inserting in lieu thereof the following:

“instruction permit, or nondriver's license, an applicant who [is sixty-five years and older and who”]; and

Further amend said bill, Page 6, Section 302.171, Line 96, by deleting all of said line and inserting in lieu thereof the following: “producing proof of lawful presence] **has previously held for**

a period of twelve years a Missouri noncommercial driver's license, Missouri noncommercial instruction permit, or Missouri nondriver's license is exempt from showing proof of lawful presence.

10. Notwithstanding any other provision of this chapter that requires an applicant to provide proof of lawful presence for renewal of a noncommercial driver's license, noncommercial instruction permit, or nondriver's license, an applicant who submits a Certificate of Release or Discharge from Active Duty, DD Form 214, noting honorable discharge shall be exempt from showing proof of lawful presence. If any federal law or regulation prohibits or restricts such an exemption or would result in the loss of federal funding for this state, the director of revenue shall apply for any federal waiver necessary to allow veterans to utilize a Certificate of Release or Discharge from Active Duty in lieu of the requirements for submission of a birth certificate.”; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 82**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 84**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the

House refuses to recede from its position on **HCS** for **SB 416** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 156**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SBs 62** and **41**, as amended, and grants the Senate a conference thereon.

PRIVILEGED MOTIONS

Senator Stouffer moved that the Senate refuse to recede from its position on **SA 1** to **HB 488** and grant the House a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Koster moved that **HCS** for **HB 551**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 2 was again taken up.

At the request of Senator Coleman, **SA 2** was withdrawn.

Senator Graham offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 551, Page 4, Section 287.243, Line 3, by inserting after the second use of “policeman”, the following: “, **member of Missouri Task Force One**”.

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Koster, **HCS** for **HB 551**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Engler moved that **SCS** for **SB 47**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 47**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 47

An Act to repeal sections 320.200, 320.271, and 320.310, RSMo, and to enact in lieu thereof seven new sections relating to fire protection.

Was taken up.

Senator Engler moved that **HCS** for **SCS** for **SB 47**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator McKenna—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Engler, **HCS** for **SCS** for **SB 47**, as amended, was read the 3rd time and

passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 82**, as amended: Senators Griesheimer, Stouffer, Vogel, Days and Bray.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 84**, as amended: Senators Champion, Mayer, Scott, Justus and Days.

President Pro Tem Gibbons appointed the

following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 156**, as amended: Senators Engler, Purgason, Mayer, Barnitz and Shoemyer.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 416**: Senators Goodman, Engler, Koster, Callahan and Bray.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HB 488**, as amended: Senators Stouffer, Clemens, Lager, Callahan and Shoemyer.

REFERRALS

President Pro Tem Gibbons referred **HCS** for **HB 914** to the Committee on Governmental Accountability and Fiscal Oversight.

INTRODUCTIONS OF GUESTS

Senator Rupp introduced to the Senate, Breanne, Michael and Renae Novak and Jack Reid, St. Louis, and Breanne, Michael and Jack were made honorary pages.

Senator Coleman introduced to the Senate, Sarah and Thomas Schappe, Columbia; and Thomas was made an honorary page.

Senator Graham introduced to the Senate, the Physician of the Day, Dr. Joseph Craft, M.D., Columbia.

Senator Shields introduced to the Senate, Chris and Haley Heman, Lee's Summit.

Senator Lager introduced to the Senate, Andrew Kosmonski and Garth Duncan, Savannah.

Senator Loudon introduced to the Senate, Barbara Ellebrecht, Patricia Robin and Nyla Stewart and nine students from The Pillar Foundation, St. Louis County; and Gabe Brazel, Megan Schwartz, Brad and Tori Gaines, Gloria Niewald, Rachel and Phillip Robyn, David Wood and John Ellebrecht were made honorary pages.

Senator Griesheimer introduced to the Senate, Gordon Jarvis, Susan Gildehaus, Penny Heisel, Diana Sudholt and fourth grade students from South Point Elementary School, Washington.

Senator Scott introduced to the Senate, Karen Fowler and thirty-one fourth grade students from Northwest Elementary School, Houstonia.

Senator Engler introduced to the Senate, Mr. Reeves and Mr. Springstead, Farmington.

Senator Bray introduced to the Senate, Roberta Goldfedder, Charla Gray and twenty-five fourth grade students from The Wilson School, Clayton.

On behalf of Senator Champion and himself, Senator Kennedy introduced to the Senate, Bo, Glenna and Katie Etheridge, St. Louis.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-EIGHTH DAY—WEDNESDAY, MAY 9, 2007

FORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| 1. SB 571-Mayer, with SCS | 7. SB 484-Stouffer, with SCS |
| 2. SB 652-Coleman and Gibbons, with SCS | 8. SBs 348, 626 & 461-Koster, et al, with SCS |
| 3. SB 699-Lager, with SCS | 9. SJR 15-Green |
| 4. SB 11-Coleman, with SCS | 10. SB 629-Smith, with SCS |
| 5. SB 536-Lager, with SCS | 11. SB 122-Bray and Days, with SCS |
| 6. SB 552-Bartle | 12. SB 491-Ridgeway |

HOUSE BILLS ON THIRD READING

- | | |
|---|--|
| 1. HCS for HB 74 (Scott) (In Fiscal Oversight) | 8. HCS for HB 583, with SCS (Gibbons) |
| 2. HB 527-Cooper (120) (Scott) | 9. HCS for HB 431, with SCS (Goodman) |
| 3. HCS for HB 329, with SCS (Scott) | 10. HB 42-Portwood, with SCS (Koster) |
| 4. HCS for HB 827, with SCS (Justus)
(In Fiscal Oversight) | 11. HCS for HB 159, with SCS (Engler)
(In Fiscal Oversight) |
| 5. HCS for HB 948 (Shields)
(In Fiscal Oversight) | 12. HB 801-Kraus, et al, with SCS
(Engler) |
| 6. HCS for HB 98 (Scott)
(In Fiscal Oversight) | 13. HCS for HB 914 (In Fiscal Oversight) |
| 7. HB 482-Walton, et al (Goodman) | 14. HCS for HBs 619 & 118, with SCS
(Griesheimer) |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SB 303-Loudon

SS for SB 570-Clemens

SS#4 for SCS for SB 430-Shields

SENATE BILLS FOR PERFECTION

SB 2-Gibbons, with SCS

SB 17-Shields, with SCS

SB 20-Griesheimer, with SCS

SB 27-Bartle and Koster

SB 53-Koster and Engler, with SCS

SB 101-Mayer

SB 131-Rupp

SB 153-Engler, et al, with SCS

SB 155-Engler, with SCS & SS for SCS
(pending)

SB 160-Rupp, with SCS

SB 168-Mayer and Crowell, with SCS, SS
for SCS & SA 1 (pending)SB 169-Rupp, with SCS, SS for SCS & SA 3
(pending)

SB 205-Stouffer and Gibbons, with SCS

SB 212-Goodman

SB 213-McKenna

SB 242-Nodler, with SCS

SB 250-Ridgeway and Vogel

SB 252-Ridgeway and McKenna

SB 254-Nodler, et al, with SCS

SBs 260 & 71-Koster, et al, with SCS

SB 274-Shields

SB 282-Griesheimer, with SCS & SS for
SCS (pending)SB 287-Crowell and Vogel, with SS
(pending)

SB 292-Mayer

SB 297-Loudon, with SCS

SB 300-Bartle

SB 341-Goodman, with SCS

SB 363-Bartle

SB 364-Koster, with SCS, SS for SCS,
SA 1 & SSA 1 for SA 1 (pending)SBs 370, 375 & 432-Scott and Koster,
with SCS & SA 5 (pending)

SBs 372 & 366-Justus and Koster, with SCS

SB 385-Gibbons, with SCS

SB 388-Mayer, with SCS

SB 400-Crowell, et al

SB 444-Goodman

SB 453-Scott, with SCS

SB 458-Gibbons

SB 476-Crowell

SB 480-Ridgeway, et al, with SCS

SB 492-Crowell

SB 499-Engler and Clemens, with SCS

SB 511-Scott, with SCS

SB 521-Lager, et al, with SCS

SB 523-Scott, with SCS

SB 531-Gibbons, with SCS

SB 534-Nodler

SB 537-Lager

SB 542-Scott, with SCS

SBs 555 & 38-Gibbons, with SCS

SB 563-Lager, with SCS & SS for SCS
(pending)

SB 572-Vogel

SB 586-Crowell, with SCS

SB 592-Scott, with SCS

SB 599-Engler, with SCS

SB 627-Ridgeway
SB 635-Loudon, with SCS
SB 644-Griesheimer

SBs 660, 553, 557, 167, 258, 114 &
378-Mayer, with SCS
SB 698-Ridgeway, et al, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 39, with SCS (Koster)
HB 46-Viebrock and Stevenson (Stouffer)
HB 69-Day, with SCS (Barnitz)
HB 125-Franz, with SCS (Shoemyer)
HCS for HB 135, with SCS (Koster)
HB 155-Dusenberg, et al (Ridgeway)
HCS for HB 165, with SCS (Griesheimer)
HCS for HB 184 (Rupp)
HCS for HB 245 (Stouffer)
HB 265-Cunningham (86), with SA 19
(pending) (Rupp)
HB 267-Jones (117) and Cunningham (86),
with SA 5 (pending) (Rupp)
HB 269-Nolte, et al (Ridgeway)
HCS for HB 346 (Clemens)
HB 454-Jetton, et al (Mayer)
HB 462-Munzlinger, et al (Purgason)
HCS for HB 469, with SCS (Crowell)
HB 489-Baker (123), et al, with SCS
(Shields)
HB 526-Pratt (Loudon)

HCS for HB 551, with SCS & SS for SCS
(pending) (Koster)
HB 596-St. Onge, with SCS (Stouffer)
HCS for HB 620, with SCS (Ridgeway)
HCS for HBs 654 & 938 (Crowell)
HB 686-Smith (150) and Tilley (Stouffer)
HCS for HB 741 (Koster)
HCS for HB 774 (Crowell)
HCS for HB 780, with SCS (Scott)
HCS for HB 818, with SCS & SS for SCS
(pending) (Loudon)
HCS for HB 820, with SA 2 & SSA 1 for
SA 2 (pending) (Engler)
HCS for HB 845 (Crowell)
HB 875-Franz, with SCS (Purgason)
HCS for HB 894, with SCS (Days)
HB 1014-Wright, et al, with SCS (Mayer)
HCS for HB 1055, with SCA 1 (Scott)
HCS for HJR 1, with SCS (Rupp)
HJR 7-Nieves, et al, with SCS (pending)
(Engler)
HJR 19-Bearden, et al (Ridgeway)

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Reported 2/15

SB 8-Kennedy

Reported 3/8

SB 185-Green

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 54-Koster, with HCS, as
amended

SB 666-Scott, with HCS, as amended

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SB 25-Champion, with HCS, as amended
SB 30-Nodler and Ridgeway, with HCS,
as amended
SCS for SBs 62 & 41-Goodman and Koster,
with HCS, as amended
SCS for SB 64-Goodman and Koster, with
HCS, as amended
SB 81-Griesheimer, with HCS, as amended
SCS for SB 82-Griesheimer, with HCS,
as amended
SB 84-Champion, with HCS, as amended
SCS for SB 156-Engler, with HCS,
as amended
SCS for SB 198-Mayer, with HCS
SB 233-Crowell, with HAs 1, 2, 3, 4 &
5 (Senate adopted CCR and passed
CCS)
SCS for SB 308-Crowell, et al, with HCS,
as amended
SB 406-Crowell, with HCS#2, as amended
SB 416-Goodman, with HCS
HB 1 (Icet), with SCS (Gross)

HCS for HB 2, with SCS (Gross)
HCS for HB 3, with SCS (Gross)
HCS for HB 4, with SCS (Gross)
HCS for HB 5, with SCS (Gross)
HCS for HB 6, with SCS (Gross)
HCS for HB 7, with SCS (Gross)
HCS for HB 8, with SCS (Gross)
HCS for HB 9, with SCS (Gross)
HCS for HB 10, with SCS (Gross)
HCS for HB 11, with SCS, as amended
(Gross)
HCS for HB 12, with SCS (Gross)
HCS for HB 13, with SCS (Gross)
HCS for HB 327, with SS for SCS, as
amended (Griesheimer) (House
requests Senate adopt CCR and pass
CCS)
HB 488-Wasson, with SA 1 (Stouffer)
HB 574-St. Onge, with SA 1 & SA 3
(Stouffer)
HB 665-Ervin, et al, with SS, as amended
(Ridgeway)

Requests to Recede or Grant Conference

SB 166-Griesheimer, with HCS (Senate
requests House recede and take up
and pass the bill)

RESOLUTIONS

Reported from Committee

HCR 15-Threlkeld, et al, with SCS
(Shields)

SCR 10-Koster and Shields

HCR 25-Yates, et al (Bartle)

HCR 30-Pratt, et al (Koster)

HCR 11-Ervin and Flook (Ridgeway)

HCR 8-Loehner, et al (Barnitz)

SCR 9-Crowell

SCR 20-Crowell

HCR 24-Wilson (130), et al

HCR 20-Guest, et al, with SCS (Purgason)

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FIRST REGULAR SESSION

SIXTY-EIGHTH DAY—WEDNESDAY, MAY 9, 2007

The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

“A person often feels a need for solitude, which for him is a vital necessity. The fact that he feels this vital necessity...is sign that he has a deeper nature.” (Soren Kierkegaard)

Help us O Lord, to be a contemplative people who seeks You in the depth of silence, to gain that deepening knowledge of You and ourselves so that what we are about during these long hours may truly reflect that wisdom that comes from those moments of silence. And in so doing let us so grow closer to living the life You would have us follow. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager

Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Shields announced that photographers from the Missouri Lawyers Weekly were given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Purgason offered Senate Resolution No. 1252, regarding Kevin Michael Montgomery, Camdenton, which was adopted.

Senator Purgason offered Senate Resolution No. 1253, regarding Jacob Ryan Eshenroder, Camdenton, which was adopted.

Senator Purgason offered Senate Resolution No. 1254, regarding Sean Edward Tatham, Lebanon, which was adopted.

Senator Lager offered Senate Resolution

No. 1255, regarding Brian Bowness, Cameron, which was adopted.

Senator Lager offered Senate Resolution No. 1256, regarding Tim Noellsch, Cameron, which was adopted.

Senator Lager offered Senate Resolution No. 1257, regarding Aaron Plummer, Cameron, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1258, regarding Brittany Roebke, Plainfield, Illinois, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HCS** for **HB 159**, with **SCS**; **HCS** for **HB 98**; **HCS** for **HB 948**; and **HCS** for **HB 827**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

HOUSE BILLS ON THIRD READING

HB 527 was placed on the Informal Calendar.

HCS for **HB 329**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 827**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 948**, entitled:

An Act to repeal sections 191.300, 191.317, and 191.331, RSMo, and to enact in lieu thereof three new sections relating to genetic and metabolic disease programs.

Was taken up by Senator Shields.

On motion of Senator Shields, **HCS** for **HB 948** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz

Bartle

Bray

Callahan

Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Graham—1

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 98** was placed on the Informal Calendar.

HB 482 was placed on the Informal Calendar.

HCS for **HB 583**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 431**, with **SCS**, was placed on the Informal Calendar.

HB 42, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 159**, with **SCS**, entitled:

An Act to repeal sections 236.400, 236.410, 236.415, 236.420, 236.425, 236.435, 236.440, 236.445, 236.460, 236.465, and 236.500, RSMo, and to enact in lieu thereof eleven new sections relating to dam and reservoir safety, with penalty provisions.

Was taken up by Senator Engler.

SCS for HCS for HB 159, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 159**

An Act to repeal sections 236.400, 236.410, 236.415, 236.420, 236.425, 236.435, 236.440, 236.445, 236.460, 236.465, and 236.500, RSMo, and to enact in lieu thereof eleven new sections relating to dam and reservoir safety, with penalty provisions.

Was taken up.

Senator Koster assumed the Chair.

Senator Engler moved that **SCS for HCS for HB 159** be adopted.

At the request of Senator Engler, **HCS for HB 159**, with **SCS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 758**, entitled:

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for employers who hire high school students for summer jobs.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS for HB 1** and has taken up and passed **CCS for SCS for HB 1**.

CONFERENCE COMMITTEE REPORTS

Senator Gross, on behalf of the conference committee appointed to act with a like committee

from the House on **SCS for HB 1** moved that the following conference committee report be taken up, which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1**

The Conference Committee appointed on Senate Committee Substitute for House Bill No. 1, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 1.
2. That the attached Conference Committee Substitute for Senate Committee Substitute For House Bill No. 1, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Charles R. Gross

/s/ Gary Nodler

/s/ Robert N. Mayer

/s/ Joan Bray

/s/ Timothy P. Green

FOR THE HOUSE:

/s/ Allen Icet

/s/ Ed Robb

/s/ Bryan P. Stevenson

/s/ Paul LeVota

/s/ Margaret Donnelly

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Coleman Rupp—2

Vacancies—None

On motion of Senator Gross, **CCS** for **SCS** for **HB 1**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund, and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2007 and ending June 30, 2008.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Coleman Rupp—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Engler moved that **HCS** for **HB 159**, with **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HCS** for **HB 159** was again taken up.

Senator Engler moved that **SCS** for **HCS** for **HB 159** be adopted, which motion prevailed.

On motion of Senator Engler, **SCS** for **HCS** for **HB 159** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion
Clemens	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Ridgeway	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—30		

NAYS—Senators

Barnitz Purgason—2

Absent—Senators—None

Absent with leave—Senators

Coleman Rupp—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill

was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for HB 780, with **SCS**, entitled:

An Act to repeal sections 41.950, 214.275, 214.340, 333.011, 333.121, 334.610, 334.625, 337.510, 337.715, 338.035, 338.220, 339.507, 339.513, 339.519, 339.521, 339.525, and 660.315, RSMo, and to enact in lieu thereof eighteen new sections relating to the division of professional registration, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Scott.

SCS for HCS for HB 780, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 780

An Act to repeal sections 41.950, 214.275, 214.340, 333.011, 333.121, 334.610, 334.625, 337.510, 337.700, 337.715, 337.718, 338.035, 339.507, 339.519, 339.521, 339.525, 339.532, 345.015, 345.030, 345.045, 345.055, 346.015, 346.030, 346.035, 346.055, 346.060, 346.110, 429.010, 429.080, 429.603, and 660.315, RSMo, and to enact in lieu thereof thirty-two new sections relating to the division of professional registration, with penalty provisions and an effective date for certain sections.

Was taken up.

Senator Scott moved that **SCS for HCS for HB 780** be adopted.

Senator Scott offered **SS for SCS for HCS for HB 780**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 780

An Act to repeal sections 41.950, 256.465,

317.001, 317.006, 317.011, 317.013, 317.015, 317.018, 324.520, 324.522, 327.011, 327.111, 327.181, 327.201, 327.291, 327.441, 327.633, 331.010, 334.120, 335.016, 335.036, 335.066, 335.068, 335.076, 335.096, 335.097, 335.212, 336.010, 336.020, 336.030, 336.040, 336.050, 336.060, 336.070, 336.080, 336.090, 336.140, 336.160, 336.200, 336.220, 336.225, 337.600, 337.603, 337.604, 337.606, 337.609, 337.612, 337.615, 337.618, 337.622, 337.624, 337.627, 337.630, 337.636, 337.639, 337.650, 337.653, 337.659, 337.665, 337.668, 337.674, 337.677, 337.680, 337.686, 337.689, 337.700, 337.715, 337.718, 338.220, 339.100, 339.513, 344.020, 344.030, 344.040, 344.050, 344.060, 344.070, 344.080, 344.105, 345.015, 345.030, 345.045, 345.055, 346.015, 346.030, 346.035, 346.055, 346.060, 346.110, 383.130, 383.133, 620.010, and 621.045, RSMo, and to enact in lieu thereof eighty-nine new sections relating to the division of professional registration, with penalty provisions and an effective date for certain sections.

Senator Scott moved that **SS for SCS for HCS for HB 780** be adopted.

Senator Crowell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 780, Page 6, Section 41.950, Line 14 of said page, by inserting after all of said line the following:

“192.632. 1. There is hereby created a “Chronic Kidney Disease Task Force”. Unless otherwise stated, members shall be appointed by the director of the department of health and senior services and shall include, but not be limited to, the following members:

(1) Two physicians appointed from lists submitted by the Missouri State Medical Association;

(2) Two nephrologists;

(3) Two family physicians;

(4) Two pathologists;

(5) One member who represents owners or operators of clinical laboratories in the state;

(6) One member who represents a private renal care provider;

(7) One member who has a chronic kidney disease;

(8) One member who represents the state affiliate of the National Kidney Foundation;

(9) One member who represents the Missouri Kidney Program;

(10) Two members of the house of representatives appointed by the speaker of the house of representatives;

(11) Two members of the senate appointed by the president pro tempore of the senate;

(12) Additional members may be chosen to represent public health clinics, community health centers, and private health insurers.

2. A chairperson and a vice-chairperson shall be elected by the members of the task force.

3. The chronic kidney task force shall:

(1) Develop a plan to educate the public and health care professionals about the advantages and methods of early screening, diagnosis, and treatment of chronic kidney disease and its complications based on kidney disease outcomes, quality initiative clinical practice guidelines for chronic kidney disease, or other medically recognized clinical practice guidelines:

(2) Make recommendations on the implementation of a cost-effective plan for early screening, diagnosis, and treatment of chronic kidney disease for the state's population;

(3) Identify barriers to adoption of best practices and potential public policy options to address such barriers;

(4) Submit a report of its findings and recommendations to the general assembly within one year of its first meeting.

4. The department of health and senior services shall provide all necessary staff, research, and meeting facilities for the chronic kidney disease task force.”; and

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Green offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 780, Page 6, Section 41.950, Line 14, by inserting immediately after all of said line the following:

“195.070. 1. A physician, podiatrist, dentist, or a registered optometrist certified to administer pharmaceutical agents as provided in section 336.220, RSMo, in good faith and in the course of his or her professional practice only, may prescribe, administer, and dispense controlled substances or he or she may cause the same to be administered or dispensed by an individual as authorized by statute.

2. An advanced practice registered nurse, as defined in section 335.016, RSMo, who holds a certificate of controlled substance prescriptive authority from the board of nursing pursuant to section 335.019, RSMo, and who is delegated the authority to prescribe controlled substances under a controlled substance collaborative practice agreement pursuant to section 334.104, RSMo, may prescribe any controlled substances listed in Schedule V of section 195.017, RSMo. However, no such certified advanced practice registered nurse shall ever, under any circumstances, prescribe controlled substance for his or her own self or family.

3. A veterinarian, in good faith and in the course of his professional practice only, and not for use by a human being, may prescribe, administer, and dispense controlled substances and he may cause them to be administered by an assistant or orderly under his direction and supervision.

[3.] 4. A practitioner shall not accept any portion of a controlled substance unused by a patient, for any reason, if such practitioner did not originally dispense the drug.

[4.] 5. An individual practitioner may not prescribe or dispense a controlled substance for such practitioner's personal use except in a medical emergency.

195.100. 1. It shall be unlawful to distribute any controlled substance in a commercial container unless such container bears a label containing an identifying symbol for such substance in accordance with federal laws.

2. It shall be unlawful for any manufacturer of any controlled substance to distribute such substance unless the labeling thereof conforms to the requirements of federal law and contains the identifying symbol required in subsection 1 of this section.

3. The label of a controlled substance in Schedule II, III or IV shall, when dispensed to or for a patient, contain a clear, concise warning that it is a criminal offense to transfer such narcotic or dangerous drug to any person other than the patient.

4. Whenever a manufacturer sells or dispenses a controlled substance and whenever a wholesaler sells or dispenses a controlled substance in a package prepared by him, he shall securely affix to each package in which that drug is contained, a label showing in legible English the name and address of the vendor and the quantity, kind, and form of controlled substance contained therein. No person except a pharmacist for the purpose of filling a prescription under sections 195.005 to 195.425, shall alter, deface, or remove any label so affixed.

5. Whenever a pharmacist or practitioner sells or

dispenses any controlled substance on a prescription issued by a physician, dentist, podiatrist [or] veterinarian, **or advanced practice registered nurse**, he shall affix to the container in which such drug is sold or dispensed, a label showing his own name and address of the pharmacy or practitioner for whom he is lawfully acting; the name of the patient or, if the patient is an animal, the name of the owner of the animal and the species of the animal; the name of the physician, dentist, podiatrist [or], veterinarian, **or advanced practice registered nurse** by whom the prescription was written; **the name of the collaborating physician if the prescription is written by an advanced practice registered nurse**, and such directions as may be stated on the prescription. No person shall alter, deface, or remove any label so affixed.”; and

Further amend said bill, page 38, section 331.010, line 17 of said page, by inserting immediately after said line the following:

“334.104. 1. A physician may enter into collaborative practice arrangements with registered professional nurses. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the registered professional nurse and is consistent with that nurse's skill, training and competence.

2. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer, dispense or prescribe drugs and provide treatment if the registered professional nurse is an advanced practice nurse as defined in subdivision (2) of section 335.016, RSMo. Such collaborative practice arrangements shall be in the form of

written agreements, jointly agreed-upon protocols or standing orders for the delivery of health care services.

3. Controlled substance collaborative practice arrangements may delegate to an advanced practice registered nurse, as defined in section 335.016, RSMo, the authority to administer, dispense, or prescribe controlled substances listed in Schedule V of section 195.017, RSMo. Such controlled substance collaborative practice agreements shall be in writing and shall also set forth provisions for the type of collaboration between the advanced practice registered nurse and the collaborating physician.

4. The state board of registration for the healing arts pursuant to section 334.125 and the board of nursing pursuant to section 335.036, RSMo, may jointly promulgate rules regulating the use of collaborative practice arrangements **and controlled substance collaborative practice arrangements.** Such rules shall be limited to specifying geographic areas to be covered, the methods of treatment that may be covered by collaborative practice arrangements and the requirements for review of services provided pursuant to collaborative practice arrangements **including collaborative practice arrangements delegating the authority to prescribe controlled substances.** Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither the state board of registration for the healing arts nor the board of nursing may separately promulgate rules relating to collaborative practice arrangements. Such jointly promulgated rules shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined pursuant to chapter 197, RSMo.

[4.] 5. The state board of registration for the healing arts shall not deny, revoke, suspend or otherwise take disciplinary action against a physician for health care services delegated to a registered professional nurse provided the provisions of this section and the rules promulgated thereunder are satisfied. Upon the written request of a physician subject to a disciplinary action imposed as a result of an agreement between a physician and a registered professional nurse or registered physician assistant, whether written or not, prior to August 28, 1993, all records of such disciplinary licensure action and all records pertaining to the filing, investigation or review of an alleged violation of this chapter incurred as a result of such an agreement shall be removed from the records of the state board of registration for the healing arts and the division of professional registration and shall not be disclosed to any public or private entity seeking such information from the board or the division. The state board of registration for the healing arts shall take action to correct reports of alleged violations and disciplinary actions as described in this section which have been submitted to the National Practitioner Data Bank. In subsequent applications or representations relating to his medical practice, a physician completing forms or documents shall not be required to report any actions of the state board of registration for the healing arts for which the records are subject to removal under this section.

[5.] 6. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice agreement, **including collaborative practice arrangements delegating the authority to prescribe controlled substances,** or physician assistant agreement and also report to the board the name of each licensed professional with whom the physician has entered into such agreement. The board may make this information available to the public. The board shall track the

reported information and may routinely conduct random reviews of such agreements to ensure that agreements are carried out for compliance under this chapter.

[6.] 7. Notwithstanding anything to the contrary in this section, a registered nurse who has graduated from a school of nurse anesthesia accredited by the Council on Accreditation of Educational Programs of Nurse Anesthesia or its predecessor and has been certified or is eligible for certification as a nurse anesthetist by the Council on Certification of Nurse Anesthetists shall be permitted to provide anesthesia services without a collaborative practice arrangement provided that he or she is under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed.”; and

Further amend said bill, pages 40-43, section 335.016, by striking all of said section and inserting in lieu thereof the following:

“335.016. As used in this chapter, unless the context clearly requires otherwise, the following words and terms mean:

(1) “Accredited”, the official authorization or status granted by an agency for a program through a voluntary process;

(2) “Advanced practice **registered nurse**”, a nurse who has [had] education beyond the basic nursing education and is certified by a nationally recognized professional organization as [having a nursing specialty, or who meets criteria for advanced practice nurses established by the board of nursing. The board of nursing may promulgate rules specifying which professional nursing organization certifications are to be recognized as advanced practice nurses, and may set standards for education, training and experience required for those without such specialty certification to become advanced practice nurses.] **an advanced registered nurse practitioner, certified nurse midwife, certified registered nurse anesthetist, or a certified clinical nurse specialist. The board shall have the**

authority to approve any nationally recognized professional organization for the purposes of this section. Advanced practice nurses and only such individuals may use the title “Advanced Practice Registered Nurse” and the abbreviation “APRN”;

(3) “**Advanced registered nurse practitioner**”, a registered nurse who is currently certified as a nurse practitioner by a nationally recognized certifying body approved by the board of nursing;

(4) “Approval”, official recognition of nursing education programs which meet standards established by the board of nursing;

[(4)] (5) “Board” or “state board”, the state board of nursing;

(6) “**Certified clinical nurse specialist**”, a registered nurse who is currently certified as a clinical nurse specialist by a nationally recognized certifying board approved by the board of nursing;

(7) “**Certified nurse midwife**”, a registered nurse who is currently certified as a nurse midwife by the American College of Nurse Midwives, or other nationally recognized certifying body approved by the board of nursing;

(8) “**Certified registered nurse anesthetist**”, a registered nurse who is currently certified as a nurse anesthetist by the Council on Certification of Nurse Anesthetists, the Council on Recertification of Nurse Anesthetists, or other nationally recognized certifying body approved by the board of nursing;

[(5)] (9) “Executive director”, a qualified individual employed by the board as executive secretary or otherwise to administer the provisions of this chapter under the board's direction. Such person employed as executive director shall not be a member of the board;

[(6)] (10) “Inactive nurse”, as defined by rule

pursuant to section 335.061;

[(7) A] (11) “Lapsed license status”, as defined by rule under section 335.061;

(12) “Licensed practical nurse” or “practical nurse”, a person licensed pursuant to the provisions of this chapter to engage in the practice of practical nursing;

[(8)] (13) “Licensure”, the issuing of a license to practice professional or practical nursing to candidates who have met the specified requirements and the recording of the names of those persons as holders of a license to practice professional or practical nursing;

[(9)] (14) “Practical nursing”, the performance for compensation of selected acts for the promotion of health and in the care of persons who are ill, injured, or experiencing alterations in normal health processes. Such performance requires substantial specialized skill, judgment and knowledge. All such nursing care shall be given under the direction of a person licensed by a state regulatory board to prescribe medications and treatments or under the direction of a registered professional nurse. For the purposes of this chapter, the term “direction” shall mean guidance or supervision provided by a person licensed by a state regulatory board to prescribe medications and treatments or a registered professional nurse, including, but not limited to, oral, written, or otherwise communicated orders or directives for patient care. When practical nursing care is delivered pursuant to the direction of a person licensed by a state regulatory board to prescribe medications and treatments or under the direction of a registered professional nurse, such care may be delivered by a licensed practical nurse without direct physical oversight;

[(10)] (15) “Professional nursing”, the performance for compensation of any act which requires substantial specialized education, judgment and skill based on knowledge and application of principles derived from the biological, physical, social and nursing sciences, including, but not limited

to:

(a) Responsibility for the teaching of health care and the prevention of illness to the patient and his or her family;

(b) Assessment, nursing diagnosis, nursing care, and counsel of persons who are ill, injured or experiencing alterations in normal health processes;

(c) The administration of medications and treatments as prescribed by a person licensed by a state regulatory board to prescribe medications and treatments;

(d) The coordination and assistance in the delivery of a plan of health care with all members of a health team;

(e) The teaching and supervision of other persons in the performance of any of the foregoing;

[(11) A] (16) “Registered professional nurse” or “registered nurse”, a person licensed pursuant to the provisions of this chapter to engage in the practice of professional nursing;

(17) “Retired license status”, any person licensed in this state under this chapter who retires from such practice. Such person shall file with the board an affidavit, on a form to be furnished by the board, which states the date on which the licensee retired from such practice, an intent to retire from the practice for at least two years, and such other facts as tend to verify the retirement as the board may deem necessary; but if the licensee thereafter reengages in the practice, the licensee shall renew his or her license with the board as provided by this chapter and by rule and regulation.

335.019. The board of nursing may grant a certificate of controlled substance prescriptive authority to an advanced practice nurse who:

(1) Submits proof of successful completion of an advanced pharmacology course that shall include preceptorial experience in the

prescription of drugs, medicines and therapeutic devices; and

(2) Provides documentation of a minimum of three hundred clock hours preceptorial experience in the prescription of drugs, medicines, and therapeutic devices with a qualified preceptor; and

(3) Has a controlled substance prescribing authority delegated in the collaborative practice agreement pursuant to section 334.104, RSMo, with a physician who has an unrestricted federal Drug Enforcement Administration registration number and who is actively engaged in a practice comparable in scope, specialty, or expertise to that of the advanced practice registered nurse.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Kennedy offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 780, Page 27, Section 324.523, Line 22, by inserting after all of said line the following:

“324.1100. As used in sections 324.1100 to 324.1148, the following terms mean:

(1) “Board”, the board of private investigator examiners established in section 324.1102;

(2) “Client”, any person who engages the services of a private investigator;

(3) “Department”, the department of insurance, financial institutions and professional registration;

(4) “Law enforcement officer”, a law enforcement officer as defined in section 556.061, RSMo;

(5) “Organization”, a corporation, trust, estate, partnership, cooperative, or association;

(6) “Person”, an individual or organization;

(7) “Private investigator”, any person who receives any consideration, either directly or indirectly, for engaging in the private investigator business;

(8) “Private investigator agency”, a person who regularly employs any other person, other than an organization, to engage in the private investigator business;

(9) “Private investigator business”, the furnishing of, making of, or agreeing to make, any investigation for the purpose of obtaining information pertaining to:

(a) Crimes or wrongs done or threatened against the United States or any state or territory of the United States;

(b) The identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation, or character of any person;

(c) The location, disposition, or recovery of lost or stolen property;

(d) Securing evidence to be used before any court, board, officer, or investigating committee;

(e) Sale of personal identification information to the public; or

(f) The cause of responsibility for libel, losses, accident, or damage or injury to persons or property or protection of life or property.

324.1102. 1. The “Board of Private Investigator Examiners” is hereby created within the division of professional registration. The board shall be a body corporate and may sue and be sued.

2. The board shall be composed of five members, including two public members, appointed by the governor with the advice and consent of the senate. Except for the public

members, each member of the board shall be a citizen of the United States, a resident of Missouri, at least thirty years of age, and shall have been actively engaged in the private investigator business for the previous five years. No more than one private investigator board member may be employed by, or affiliated with, the same private investigator agency. The initial private investigator board members shall not be required to be licensed but shall obtain a license within one hundred eighty days after the effective date of the rules promulgated under sections 324.1100 to 324.1148 regarding licensure. The public members shall each be a registered voter and a person who is not and never was a member of any profession licensed or regulated under sections 324.1100 to 324.1148 or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by sections 324.1100 to 324.1148, or an activity or organization directly related to any profession licensed or regulated under sections 324.1100 to 324.1148. The duties of the public members shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgment of a licensee or a candidate for licensure.

3. The members shall be appointed for terms of two years, except those first appointed, in which case two members, who shall be private investigators, shall be appointed for terms of four years, two members shall be appointed for terms of three years, and one member shall be appointed for a one-year term. Any vacancy on the board shall be filled for the unexpired term of the member and in the manner as the first appointment. No member may serve consecutive terms.

4. The members of the board may receive compensation, as determined by the director for their services, if appropriate, and shall be reimbursed for actual and necessary expenses

incurred in performing their official duties on the board.

5. There is hereby created in the state treasury the “Board of Private Investigator Examiners Fund”, which shall consist of money collected under sections 324.1100 to 324.1148. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with the provisions of sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used solely for the administration of sections 324.1100 to 324.1148. Any moneys remaining in the fund at the end of the biennium shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

324.1104. Unless expressly exempted from the provisions of sections 324.1100 to 324.1148:

(1) It shall be unlawful for any person to engage in the private investigator business in this state unless such person is licensed as a private investigator under sections 324.1100 to 324.1148;

(2) It shall be unlawful for any person to engage in business in this state as a private investigator agency unless such person is licensed under sections 324.1100 to 324.1148.

324.1106. The following persons shall not be deemed to be engaging in the private investigator business:

(1) A person employed exclusively and regularly by one employer in connection only with the affairs of such employer and where there exists an employer-employee relationship;

(2) Any officer or employee of the United States, or of this state or a political subdivision thereof while engaged in the performance of the officer's or employee's official duties;

(3) Any employee, agent, or independent contractor employed by any government agency, division, or department of the state whose work relationship is established by a written contract while working within the scope of employment established under such contract;

(4) An attorney performing duties as an attorney, or an attorney's paralegal or employee retained by such attorney assisting in the performance of such duties or investigation on behalf of such attorney;

(5) A collection agency or an employee thereof while acting within the scope of employment, while making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or a debtor's property where the contract with an assignor creditor is for the collection of claims owed or due, or asserted to be owed or due, or the equivalent thereof;

(6) Insurers and insurance producers licensed by the state, performing duties in connection with insurance transacted by them;

(7) Any bank subject to the jurisdiction of the director of the division of finance of the state of Missouri or the comptroller of currency of the United States;

(8) An insurance adjuster. For the purposes of sections 324.1100 to 324.1148, an "insurance adjuster" means any person who receives any consideration, either directly or indirectly, for adjusting in the disposal of any claim under or in connection with a policy of insurance or engaging in soliciting insurance adjustment business;

(9) Any private fire investigator whose primary purpose of employment is the determination of the origin, nature, cause, or calculation of losses relevant to a fire;

(10) Employees of a not-for-profit organization or its affiliate or subsidiary, whether for-profit or not-for-profit, whose investigatory activities are limited to making and processing requests for criminal history records and other

background information from state, federal, or local databases, including requests for employee background check information under section 660.317, RSMo;

(11) Any real estate broker, real estate salesperson, or real estate appraiser acting within the scope of his or her license;

(12) Expert witnesses who have been certified or accredited by a national or state association associated with the expert's scope of expertise;

(13) Any person who does not hold themselves out to the public as a private investigator but is under contract with a state agency or political subdivision; or

(14) Any person performing duties or conducting investigations relating to serving legal process when such person's investigation is incidental to the serving of legal process.

324.1108. 1. Every person desiring to be licensed in this state as a private investigator or private investigator agency shall make application therefor to the board of private investigator examiners. An application for a license under the provisions of sections 324.1100 to 324.1148 shall be on a form prescribed by the board of private investigator examiners and accompanied by the required application fee. An application shall be verified and shall include:

(1) The full name and business address of the applicant;

(2) The name under which the applicant intends to conduct business;

(3) A statement as to the general nature of the business in which the applicant intends to engage;

(4) A statement as to the classification or classifications under which the applicant desires to be qualified;

(5) Two recent photographs of the applicant, of a type prescribed by the board of private investigator examiners, and two classifiable sets of the applicant's fingerprints processed in a manner approved by the Missouri state highway patrol, criminal records and identification division, under section 43.543, RSMo;

(6) A verified statement of the applicant's experience qualifications; and

(7) Such other information, evidence, statements, or documents as may be required by the board of private investigator examiners.

2. Before an application for a license may be granted, the applicant shall:

(1) Be at least twenty-one years of age;

(2) Be a citizen of the United States;

(3) Provide proof of liability insurance with amount to be no less than two hundred fifty thousand dollars in coverage and proof of workers' compensation insurance if required under chapter 287, RSMo. The board shall have the authority to raise the requirements as deemed necessary; and

(4) Comply with such other qualifications as the board adopts by rules and regulations.

324.1110. 1. The board of private investigator examiners shall require as a condition of licensure as a private investigator that the applicant pass a written examination as evidence of knowledge of investigator rules and regulations.

2. The department shall conduct a complete investigation of the background of each applicant for licensure as a private investigator to determine whether the applicant is qualified for licensure under sections 324.1100 to 324.1148. The board will outline basic qualification requirements for licensing as a private investigator and agency.

3. In the event requirements have been met so that testing has been waived, qualification shall be dependent on a showing of, for the two previous years:

(1) Registration and good standing as a business in this state; and

(2) Two hundred fifty thousand dollars in business general liability insurance.

4. The board may review applicants seeking reciprocity. An applicant seeking reciprocity shall have undergone a licensing procedure similar to that required by this state and shall meet this state's minimum insurance requirements.

324.1112. The board of private investigator examiners may deny a request for a license if the applicant:

(1) Has committed any act which, if committed by a licensee, would be grounds for the suspension or revocation of a license under the provisions of sections 324.1100 to 324.1148;

(2) Within two years prior to the application date:

(a) Has been convicted of or entered a plea of guilty or nolo contendere to a felony offense, including the receiving of a suspended imposition of sentence following a plea or finding of guilty to a felony offense;

(b) Has been convicted of or entered a plea of guilty or nolo contendere to a misdemeanor offense involving moral turpitude;

(c) Has falsified or willfully misrepresented information in an employment application, records of evidence, or in testimony under oath;

(d) Has been dependent on or abused alcohol or drugs; or

(e) Has used, possessed, or trafficked in any illegal substance;

(3) Has been refused a license under the provisions of sections 324.1100 to 324.1148 or had a license revoked in this state or in any other state;

(4) While unlicensed, committed or aided and abetted the commission of any act for which

a license is required by sections 324.1100 to 324.1148 after the effective date of this section; or

(5) Knowingly made any false statement in the application.

324.1114. 1. Every application submitted under the provisions of sections 324.1100 to 324.1148 shall be accompanied by a fee as determined by the board as follows:

(1) For an individual license, agency license and employees being licensed to work under an agency license; or

(2) If a license is issued for a period of less than one year, the fee shall be prorated for the months, or fraction thereof, for which the license is issued.

2. The board shall set fees as authorized by sections 324.1100 to 324.1148 at a level to produce revenue which will not substantially exceed the cost and expense of administering sections 324.1100 to 324.1148.

3. The fees prescribed by sections 324.1100 to 324.1148 shall be exclusive and notwithstanding any other provision of law. No municipality may require any person licensed under sections 324.1100 to 324.1148 to furnish any bond, pass any examination, or pay any license fee or occupational tax relative to practicing the person's profession.

4. A private investigator license shall allow only the individual licensed by the state to conduct investigations. An agency license shall be applied for separately and held by an individual who is licensed as a private investigator. The agency may hire individuals to work for the agency conducting investigations for the agency only. Persons hired shall make application as determined by the board and meet all requirements set forth by the board except that they shall not be required to meet any experience requirements and shall be allowed to begin working immediately upon the agency submitting their applications.

324.1116. A private investigator agency shall

not hire any individual as an employee unless the individual:

(1) Is at least twenty-one years of age;

(2) Provides two recent photographs of themselves, of a type prescribed by the board of private investigator examiners;

(3) Has been fingerprinted in a manner approved by the Missouri state highway patrol, criminal records and identification division, under section 43.543, RSMo; and

(4) Complies with any other qualifications and requirements the board adopts by rule.

324.1118. A private investigator agency shall not hire an individual, who is not licensed as a private investigator, as an employee if the individual:

(1) Has committed any act which, if committed by a licensee, would be grounds for the suspension or revocation of a license under the provisions of sections 324.1100 to 324.1148;

(2) Within two years prior to the hiring date:

(a) Has been convicted of or entered a plea of guilty or nolo contendere to a felony offense, including the receiving of a suspended imposition of sentence following a plea or finding of guilty to a felony offense;

(b) Has been convicted of or entered a plea of guilty or nolo contendere to a misdemeanor offense involving moral turpitude;

(c) Has falsified or willfully misrepresented information in an employment application, records of evidence, or in testimony under oath;

(d) Has been dependent on or abused alcohol or drugs; or

(e) Has used, possessed, or trafficked in any illegal substance;

(3) Has been refused a license under the provisions of sections 324.1100 to 324.1148 or

had a license revoked in this state or in any other state;

(4) While unlicensed, committed or aided and abetted the commission of any act for which a license is required by sections 324.1100 to 324.1148 after the effective date of this section; or

(5) Knowingly made any false statement in the application.

324.1120. An individual, who is not licensed as a private investigator, hired as an employee by a private investigator agency shall work only under the direct supervision of the agency whose identification number appears on their application and shall work only for one agency at any one time.

324.1122. A licensee shall successfully complete sixteen hours of continuing education units biennially. An individual not licensed as a private investigator who is hired as an employee by a private investigator agency shall successfully complete eight hours of continuing education units biennially. Such continuing education shall be relevant to the private investigator business and shall be approved by the board as such.

324.1124. 1. The board of private investigator examiners shall determine the form of the license which shall include the:

- (1) Name of the licensee;
- (2) Name under which the licensee is to operate; and
- (3) Number and date of the license.

2. The license shall be posted at all times in a conspicuous place in the principal place of business of the licensee. Upon the issuance of a license, a pocket card of such size, design, and content as determined by the division shall be issued without charge to each licensee. Such card shall be evidence that the licensee is licensed under sections 324.1100 to 324.1148. When any person to whom a card is issued terminates such person's position, office, or association with the licensee, the

card shall be surrendered to the licensee and within five days thereafter shall be mailed or delivered by the licensee to the board of private investigator examiners for cancellation. Within thirty days after any change of address, a licensee shall notify the board of the address change. The principal place of business may be at a residence or at a business address, but it shall be the place at which the licensee maintains a permanent office.

324.1126. 1. Any license issued under sections 324.1100 to 324.1148 shall expire two years after the date of its issuance. Renewal of any such license shall be made in the manner prescribed for obtaining an original license, including payment of the appropriate fee, except that:

(1) The application upon renewal need only provide information required of original applicants if the information shown on the original application or any renewal thereof on file with the board is no longer accurate;

(2) A new photograph shall be submitted with the application for renewal only if the photograph on file with the board has been on file more than two years; and

(3) The applicant does not have to be tested again but must instead provide proof that the applicant successfully completed sixteen hours of continuing education credits; and

(4) Additional information may be required by rules and regulations adopted by the board of private investigator examiners.

2. A licensee shall at all times be legally responsible for the good conduct of each of the licensee's employees or agents while engaged in the business of the licensee and the licensee is legally responsible for any acts committed by such licensee's employees or agents which are in violation of sections 324.1100 to 324.1148. A person receiving an agency license shall directly manage the agency and employees.

3. A license issued under sections 324.1100 to 324.1148 shall not be assignable.

324.1128. 1. Any licensee may divulge to the board, any law enforcement officer, prosecuting attorney, or such person's representative any information such person may acquire about any criminal offense. The licensee may instruct his or her client to divulge such information if the client is the victim, but such person shall not divulge to any other person, except as he or she may be required by law, any information acquired by such person at the direction of the employer or client for whom the information was obtained.

2. No licensee officer, director, partner, associate, or employee thereof shall:

(1) Knowingly make any false report to his or her employer or client for whom information was being obtained;

(2) Cause any written report to be submitted to a client except by the licensee, and the person submitting the report shall exercise diligence in ascertaining whether or not the facts and information in such report are true and correct;

(3) Use a title, wear a uniform, use an insignia or an identification card, or make any statement with the intent to give an impression that such person is connected in any way with the federal government, a state government, or any political subdivision of a state government;

(4) Appear as an assignee party in any proceeding involving claim and delivery, replevin or other possessory action, action to foreclose a chattel mortgage, mechanic's lien, materialman's lien, or any other lien;

(5) Manufacture false evidence; or

(6) Create any video recording of an individual in their domicile without the individual's permission. Furthermore, if such video recording is made, it shall not be admissible as evidence in any civil proceeding.

324.1130. Each licensee shall maintain a

record containing such information relative to the licensee's employees as may be prescribed by the board of private investigator examiners. Such licensee shall file with the board the complete address of the location of the licensee's principal place of business. The board may require the filing of other information for the purpose of identifying such principal place of business.

324.1132. Every advertisement by a licensee soliciting or advertising business shall contain the licensee's name, city, and state as it appears in the records of the board of private investigator examiners. No individual or business can advertise as a private investigator, private detective, or private investigator agency without including their state private investigator or private investigator agency license number in the advertisement. A licensee shall not advertise or conduct business from any Missouri address other than that shown on the records of the board as the licensee's principal place of business unless the licensee has received an additional agency license for such location after compliance with the provisions of sections 324.1100 to 324.1148 and such additional requirements necessary for the protection of the public as the board may prescribe by regulation. A licensee shall notify the board in writing within ten days after closing or changing the location of a branch office. The fee for the additional license shall be one-half the cost of the fee for the agency's original license.

324.1134. 1. The board may suspend or refuse to renew any certificate of registration or authority, permit or license required under sections 324.1100 to 324.1148 for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the suspension or refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo. As an alternative to a

refusal to issue or renew any certificate, registration or authority, the board may, at its discretion, issue a license which is subject to probation, restriction or limitation to an applicant for licensure for any one or any combination of causes stated in subsection 2 of this section. The board's order of probation, limitation or restriction shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Making any false statement or given any false information in connection with an application for a license or a renewal or reinstatement thereof;

(2) Violating any provision of sections 324.1100 to 324.1148;

(3) Violating any rule of the board of private investigator examiners adopted under the authority contained in sections 324.1100 to 324.1148;

(4) Impersonating, or permitting or aiding and

abetting an employee to impersonate, a law enforcement officer or employee of the United States of America, or of any state or political subdivision thereof;

(5) Committing, or permitting any employee to commit any act, while the license was expired, which would be cause for the suspension or revocation of a license, or grounds for the denial of an application for a license;

(6) Knowingly violating, or advising, encouraging, or assisting the violation of, any court order or injunction in the course of business as a licensee;

(7) Using any letterhead, advertisement, or other printed matter, or in any manner whatever represented that such person is an instrumentality of the federal government, a state, or any political subdivision thereof;

(8) Using a name different from that under which such person is currently licensed in any advertisement, solicitation, or contract for business; or

(9) Committing any act which is grounds for denial of an application for a license under section 324.1112.

3. The record of conviction, or a certified copy thereof, shall be conclusive evidence of such conviction, and a plea or verdict of guilty is deemed to be a conviction within the meaning thereof.

4. The agency may continue under the direction of another employee if the licensee's license is suspended or revoked by the board. The board shall establish a time frame in which the agency shall identify an acceptable person who is qualified to assume control of the agency, as required by the board.

5. After the filing of a complaint before the administrative hearing commission, the proceedings shall be conducted in accordance

with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds in subsection 1 of this section for disciplinary action are met, the board may singly or in combination censure or place the person named in the complaint on probation under such terms and conditions as the board deems appropriate for a period not to exceed five years, may suspend for a period not to exceed three years, or revoke the license.

324.1136. 1. Each private investigator or investigator agency operating under the provisions of sections 324.1100 to 324.1148 shall be required to keep a complete record of the business transactions of such investigator or investigator agency for a period of seven years. Upon the service of a court order issued by a court of competent jurisdiction or upon the service of a subpoena issued by the board that is based on a complaint supported by oath or affirmation, which particularly describes the records and reports, any licensed private investigator who is the owner, partner, director, corporate officer, or custodian of business records shall provide an opportunity for the inspection of the same and to inspect reports made. Any information obtained by the board shall be kept confidential, except as may be necessary to commence and prosecute any legal proceedings. The board shall not personally enter a licensee's place of business to inspect records, but shall utilize an employee of the division of professional registration to act as a gatherer of information and facts to present to the board regarding any complaint or inspection under investigation.

2. For the purpose of enforcing the provisions of sections 324.1100 to 324.1148, and in making investigations relating to any violation thereof, the board shall have the power to subpoena and bring before the board any person in this state and require the production of any books, records, or papers which the board deems relevant to the inquiry. The board also may administer an oath to and take the testimony of any person, or cause

such person's deposition to be taken, except that any applicant or licensee or officer, director, partner, or associate thereof shall not be entitled to any fees or mileage. A subpoena issued under this section shall be governed by the Missouri rules of civil procedure and shall comply with any confidentiality standards or legal limitations imposed by privacy or open records acts, fair credit reporting acts, polygraph acts, driver privacy protection acts, judicially recognized privileged communications, and the bill of rights of both the United States and Missouri Constitutions. Any person duly subpoenaed who fails to obey such subpoena without reasonable cause, or without such cause refuses to be examined or to answer any legal or pertinent question as to the character or qualification of such applicant or licensee or such applicant's alleged unlawful or deceptive practices or methods, shall be guilty of a class A misdemeanor. The testimony of witnesses in any investigative proceeding shall be under oath.

324.1138. 1. The board shall adopt such rules and regulations as may be necessary to carry out the provisions of sections 324.1100 to 324.1148.

2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 324.1100 to 324.1148 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly under chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

324.1140. 1. The board of private investigator examiners shall certify persons who are qualified to train private investigators.

2. In order to be certified as a trainer under this section, a trainer shall:

- (1)** Be twenty-one or more years of age;
- (2)** Have a minimum of one-year supervisory experience with a private investigator agency; and
- (3)** Be personally licensed as a private investigator under sections 324.1100 to 324.1148 and qualified to train private investigators.

3. Persons wishing to become certified trainers shall make application to the board of private investigator examiners on a form prescribed by the board and accompanied by a fee determined by the board. The application shall contain a statement of the plan of operation of the training offered by the applicant and the materials and aids to be used and any other information required by the board.

4. A certificate shall be granted to a trainer if the board finds that the applicant:

- (1)** Meets the requirements of subsection 2 of this section;
- (2)** Has sufficient knowledge of private investigator business in order to train private investigators sufficiently;
- (3)** Has supplied all required information to the board; and
- (4)** Has paid the required fee.

5. The certificate issued under this section shall expire on the third year after the year in which it is issued and shall be renewable triennially upon application and payment of a fee.

324.1142. Any person who knowingly falsifies the fingerprints or photographs or other information required to be submitted under sections 324.1100 to 324.1148 is guilty of a class D felony; and any person who violates any of the other provisions of sections 324.1100 to 324.1148 is

guilty of a class A misdemeanor.

324.1144. The board may negotiate and enter into reciprocal agreements with appropriate officials in other states to permit licensed private investigator agencies and licensed private investigators who meet or exceed the qualifications established in sections 324.1100 to 324.1148 to operate across state lines under mutually acceptable terms.

324.1146. Law enforcement officers who perform private investigations shall be licensed under this chapter subject to the following qualifications and limitations:

(1) The board may waive testing for law enforcement officers currently certified under existing peace officer standards and training requirements under chapter 590, RSMo;

(2) Law enforcement officers shall pay the appropriate licensing fees;

(3) Law enforcement officers shall assume individual liability for their actions while performing private investigations, complying with any insurance or bonding requirements imposed under sections 324.1100 to 324.1148;

(4) Law enforcement officers shall not utilize their official capacity in the course of a private investigation, including but not limited to:

(a) Accessing information intended only for police officials. Law enforcement officers shall comply with the legal limits on access to the information of private citizens;

(b) Utilizing any official item, such as a uniform, badge, or vehicle, while performing a private investigation. Law enforcement officers shall provide their own equipment;

(c) Utilizing law enforcement officer arrest and use of force standards. Law enforcement officers shall use private citizen arrest and use of force standards while operating as a private investigator;

(5) Law enforcement officers shall produce evidence of training and experience concerning the legal limits imposed on private investigations or pass a test on such subject produced by the board; and

(6) The provisions of sections 324.1100 to 324.1148 shall not apply to law enforcement officers who provide only private security services and not private investigator services.

324.1148. Any person who violates sections 324.1100 to 324.1148 is guilty of a class A misdemeanor. Any second or subsequent violation of sections 324.1100 to 324.1148 is a class D felony.”; and

Further amend said bill, page 172, section 621.045, line 5, by inserting after all of said line the following:

“Board of Private Investigator Examiners”; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted, which motion prevailed.

Senator Purgason offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 780, Page 109, Section 338.220, Lines 1-5 of said page, by striking all of said lines and inserting in lieu thereof the following:

“5. Notwithstanding any other law to the contrary, the provisions of this section shall not apply to the sale, dispensing or filling of a pharmaceutical product or drug used for treating animals.”.

Senator Purgason moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 780, Page 157, Section 383.133, Line 10 of said page, by inserting after all of said line the following:

“337.035. 1. As used in this section, unless the context clearly indicates otherwise, the following words and terms shall have the meanings indicated:

(1) “Health care professional”, a physician or surgeon licensed under the provisions of chapter 334, RSMo, **or a physical therapist licensed under the provisions of chapter 334, RSMo**, or a dentist licensed under the provisions of chapter 332, RSMo, or a podiatrist licensed under the provisions of chapter 330, RSMo, or an optometrist licensed under the provisions of chapter 336, RSMo, or a pharmacist licensed under the provisions of chapter 338, RSMo, or a chiropractor licensed under the provisions of chapter 331, RSMo, or a psychologist licensed under the provisions of chapter 337, RSMo, or a nurse licensed under the provisions of chapter 335, RSMo, or a social worker licensed under the provisions of chapter 337, RSMo, or a professional counselor licensed under the provisions of chapter 337, RSMo, or a mental health professional as defined in section 632.005, RSMo, **or an emergency medical technician, including an emergency medical technician-basic, emergency medical technician-intermediate, and an emergency medical technician-paramedic, and emergency medical dispatcher licensed or authorized under the provisions of chapter 190, RSMo**, while acting within their scope of practice;

(2) “Peer review committee”, a committee of health care professionals with the responsibility to evaluate, maintain, or monitor the quality and utilization of health care services or to exercise any combination of such responsibilities.

2. A peer review committee may be

constituted as follows:

(1) Comprised of, and appointed by, a state, county or local society of health care professionals;

(2) Comprised of, and appointed by, the partners, shareholders, or employed health care professionals of a partnership or professional corporation of health care professionals, or employed health care professionals of a university or an entity affiliated with a university operating under chapter 172, 174, 352, or 355, RSMo;

(3) Appointed by the board of trustees, chief executive officer, or the organized medical staff of a licensed hospital, or other health facility operating under constitutional or statutory authority, including long-term care facilities licensed under chapter 198, RSMo, or an administrative entity of the department of mental health recognized pursuant to the provisions of subdivision (3) of subsection 1 of section 630.407, RSMo;

(4) **Appointed by a board of trustees or chief executive officer of:**

(a) **A licensed ambulance service;**

(b) **A licensed emergency medical response agency; or**

(c) **Any not-for-profit organization that provides or contracts for ambulance services under authority granted to such not-for-profit organization by a city, county, town, village, or ambulance district and of which a majority of the governing body of such not-for-profit organization consists of elected officials or individuals appointed by a mayor, board of aldermen, city council, county commission, county legislature, or ambulance district;**

(5) Any other organization formed pursuant to state or federal law authorized to exercise the responsibilities of a peer review committee and acting within the scope of such authorization;

[(5)] (6) Appointed by the board of directors, chief executive officer or the medical director of the licensed health maintenance organization;

(7) Appointed by a mayor, city council, board of aldermen, county commission, county legislature, or ambulance district.

3. Each member of a peer review committee and each person, hospital governing board, **ambulance service governing board, emergency medical response agency governing board,** health maintenance organization board of directors, and chief executive officer of a licensed hospital or other hospital operating under constitutional or statutory authority, **chief executive officer of an ambulance service or emergency medical response agency,** chief executive officer or medical director of a licensed health maintenance organization who testifies before, or provides information to, acts upon the recommendation of, or otherwise participates in the operation of, such a committee shall be immune from civil liability for such acts so long as the acts are performed in good faith, without malice and are reasonably related to the scope of inquiry of the peer review committee.

4. Except as otherwise provided in this section, the interviews, memoranda, proceedings, findings, deliberations, reports, and minutes of peer review committees, or the existence of the same, concerning the health care provided any patient are privileged and shall not be subject to discovery, subpoena, or other means of legal compulsion for their release to any person or entity or be admissible into evidence in any judicial or administrative action for failure to provide appropriate care. Except as otherwise provided in this section, no person who was in attendance at any peer review committee proceeding shall be permitted or required to disclose any information acquired in connection with or in the course of such proceeding, or to disclose any opinion, recommendation, or evaluation of the committee or board, or any member thereof; provided, however, that information otherwise discoverable or admissible from original sources is not to be construed as immune from discovery or use in any proceeding merely because it was presented during

proceedings before a peer review committee nor is a member, employee, or agent of such committee, or other person appearing before it, to be prevented from testifying as to matters within his personal knowledge and in accordance with the other provisions of this section, but such witness cannot be questioned about testimony or other proceedings before any health care review committee or board or about opinions formed as a result of such committee hearings. The disclosure of any interview, memoranda, proceedings, findings, deliberations, reports, or minutes to any person or entity, including but not limited to governmental agencies, professional accrediting agencies, or other health care providers, whether proper or improper, shall not waive or have any effect upon its confidentiality, nondiscoverability, or nonadmissibility.

5. The provisions of subsection 4 of this section limiting discovery and admissibility of testimony as well as the proceedings, findings, records, and minutes of peer review committees do not apply in any judicial or administrative action brought by a peer review committee or the legal entity which formed or within which such committee operates to deny, restrict, or revoke the hospital staff privileges or license to practice of a physician or other health care providers; or when a member, employee, or agent of the peer review committee or the legal entity which formed such committee or within which such committee operates is sued for actions taken by such committee which operate to deny, restrict or revoke the hospital staff privileges or license to practice of a physician or other health care provider.

6. Nothing in this section shall limit authority otherwise provided by law of a health care licensing board of the state of Missouri to obtain information by subpoena or other authorized process from peer review committees or to require disclosure of otherwise confidential information relating to matters and investigations within the jurisdiction of such health care licensing boards.”; and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted.

Senator Shields announced that photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

Senator Callahan raised the point of order that **SA 5** is out of order as it goes beyond the scope and title of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Days offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 780, Page 157, Section 383.133, Line 10, by inserting immediately after said line the following:

“407.309. 1. As used in this section, the following terms mean:

(1) **“Performing group”, a vocal or instrumental group seeking to use the name of another group that has previously released a commercial sound recording under that name;**

(2) **“Recording group”, a vocal or instrumental group at least one of whose members has previously released a commercial sound recording under that group's name and in which the member or members have a legal right by virtue of use or operation under the group name without having abandoned the name or affiliation with the group;**

(3) **“Sound recording”, a work that results from the fixation on a material object of a series of musical, spoken, or other sounds regardless of the nature of the material object, such as a disk, tape, or other phono-record, in which the sounds are embodied.**

2. It shall be unlawful for any person to advertise or conduct a live musical performance or production in this state through the use of a

false, deceptive, or misleading affiliation, connection, or association between the performing group and the recording group. This section shall not apply if:

(1) The performing group is the authorized registrant and owner of a federal service mark for that group registered in the United States Patent and Trademark Office;

(2) At least one member of the performing group was a member of the recording group and has a legal right by virtue of use or operation under the group name without having abandoned the name or affiliation with the group;

(3) The live musical performance or production is identified in all advertising and promotion as a salute or tribute;

(4) The advertising does not relate to a live musical performance or production taking place in this state; or

(5) The performance or production is expressly authorized by the recording group.

3. Whenever the attorney general has reason to believe that any person is advertising or conducting or is about to advertise or conduct a live musical performance or production in violation of this section and that proceedings would be in the public interest, the attorney general may bring an action against the person to restrain by temporary or permanent injunction that practice.

4. Whenever any court issues a permanent injunction to restrain and prevent violations of this section as authorized in subsection 3 of this section, the court may in its discretion direct that the defendant restore to any person in interest any moneys or property, real or personal, which may have been acquired by means of any violation of this section, under terms and conditions to be established by the court.

5. Notwithstanding the provisions of section 407.100 to the contrary, any person who violates

this section shall be assessed a civil penalty of not less than five thousand dollars nor more than fifteen thousand dollars per violation, which civil penalty shall be in addition to any other relief which may be granted under subsection 4 of this section. Each performance or production declared unlawful by this section shall constitute a separate violation.”; and

Further amend the title and enacting clause accordingly.

Senator Days moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 780, Page 58, Section 335.076, Lines 8-10 of said page, by striking all of said lines and inserting in lieu thereof the following: “**under this chapter.**”

6. Nothing in this chapter shall prohibit a person listed as a Christian Science nurse in the Christian Science Journal published by the Christian Science Publishing Society, Houston, Massachusetts, from using the title “Christian Science nurse”, so long as such person provides religious nonmedical services when offering or providing services to a member of his or her own religious organization and does not hold himself or herself out as a registered nurse, advanced practice registered nurse, nurse practitioner, licensed practical nurse, nurse midwife, clinical nurse specialist or nurse anesthetists, unless otherwise authorized by law to do so.”

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Graham offered SA 8, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 780, Page 8, Section 317.001, Line 27, by striking the opening bracket on said line; and further amend said section and page, line 28 by inserting after the second use of “a”, the following: “**boxing**”; and further amend said section, page 9, line 4 by striking the closing bracket on said line; and further amend said section, page 11, line 4 by striking the opening bracket; and further amend said section and page, line 5 by inserting after the second use of “a”, the following: “**boxing**”; and further amend said section, page, line 8 by striking the closing bracket; and

Further renumber the remaining subdivisions accordingly.

Senator Graham moved that the above amendment be adopted, which motion prevailed.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Loudon moved that the vote by which **SA 7** was adopted be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Clemens	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Scott	Shields	Shoemyer	Smith
Stouffer	Wilson—30		

NAYS—Senators—None

Absent—Senator Champion—1

Absent with leave—Senators

Coleman	Rupp	Vogel—3
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Vacancies—None

SA 7 was again taken up.

At the request of Senator Loudon, **SA 7** was withdrawn.

Senator Loudon offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 780, Page 58, Section 335.076, Lines 8-10 of said page, by striking all of said lines and inserting in lieu thereof the following: “**under this chapter.**”

6. Nothing in this chapter shall prohibit a person listed as a Christian Science nurse in the Christian Science Journal published by the Christian Science Publishing Society, Houston, Massachusetts, from using the title “Christian Science nurse”, so long as such person provides religious nonmedical services when offering or providing services to a member of his or her own religious organization and does not hold himself or herself out as a registered nurse, advanced practice registered nurse, nurse practitioner, licensed practical nurse, nurse midwife, clinical nurse specialist or nurse anesthetists, unless otherwise authorized by law to do so.

7. Notwithstanding any law to the contrary, caregivers referenced in section 334.260, RSMo, licensed in other states may provide services as defined in 46 U.S.C. 1396r-6(E)(ii)(i).”.

Senator Loudon moved that the above amendment be adopted.

Senator Graham requested a roll call vote be taken on the adoption of **SA 9**. He was joined in his request by Senators Wilson, Bray, Smith and Justus.

SA 9 was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Clemens
Crowell	Days	Engler	Gibbons
Goodman	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon

Mayer	McKenna	Nodler	Purgason
Ridgeway	Scott	Shields	Shoemyer
Stouffer—25			

NAYS—Senators

Barnitz	Graham	Green	Smith
Wilson—5			

Absent—Senator Champion—1

Absent with leave—Senators

Coleman	Rupp	Vogel—3
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Vacancies—None

Senator Scott moved that **SS** for **SCS** for **HCS** for **HB 780**, as amended, be adopted, which motion prevailed.

Senator Scott moved that **SS** for **SCS** for **HCS** for **HB 780**, as amended, be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Gibbons referred **SS** for **SCS** for **HCS** for **HB 780**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2**.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 215**, begs leave to report that it has

considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

CONFERENCE COMMITTEE REPORTS

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2** moved that the following conference committee report be taken up, which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2, be truly agreed to and finally passed.

FOR THE SENATE:

FOR THE HOUSE:

/s/ Charles R. Gross

/s/ Allen Icet

/s/ Gary Nodler

/s/ Ed Robb

/s/ Robert N. Mayer

/s/ Bryan P. Stevenson

/s/ Joan Bray

Paul LeVota

/s/ Timothy P. Green

Rachel Bringer

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Scott	Shields	Shoemyer
Smith	Stouffer	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Coleman	Rupp	Vogel—3
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Vacancies—None

On motion of Senator Gross, **CCS** for **SCS** for **HCS** for **HB 2**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2007 and ending June 30, 2008.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields

Shoemyer

Smith

Stouffer

Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Coleman—1

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **HCS** for **HB 457**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **HCS** for **HB 227**, begs leave to report that it has considered the same and recommends that the bill do pass.

On motion of Senator Shields, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Gross.

CONFERENCE COMMITTEE REPORTS

Senator Champion, on behalf of the conference committee appointed to act with a like

committee from the House on **HCS** for **SB 25**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 25**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 25, with House Amendment Nos. 2 and 3 to House Amendment No. 1, House Amendment No. 1, as amended, and House Amendment No. 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 25, as amended;

2. That the Senate recede from its position on Senate Bill No. 25;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 25, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Norma Champion /s/ Ward Franz

/s/ Jack A.L. Goodman /s/ Brian Baker

/s/ Bill Stouffer /s/ Doug Ervin

/s/ Rita Heard Days Margaret Donnelly

/s/ Maida Coleman Jeanette Mott Oxford

Senator Champion moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway

Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator Coleman—1

Vacancies—None

On motion of Senator Champion, **CCS** for **HCS** for **SB 25**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR SENATE BILL NO. 25**

An Act to repeal sections 210.145, 210.183, 210.566, 452.340, 454.390, 454.440, 454.455, 454.460, 454.470, 454.480, 454.496, 454.511, 454.810, and 511.350, RSMo, and to enact in lieu thereof twelve new sections relating to children and minors, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator Coleman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Rupp moved that **HB 265**, with **SA 19**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 19, as amended, was again taken up.

At the request of Senator Crowell, the above amendment was withdrawn.

Senator Rupp offered **SS** for **HB 265**, entitled:

SENATE SUBSTITUTE FOR HOUSE BILL NO. 265

An Act to repeal sections 160.261, 160.660, 160.775, 160.900, 160.905, 160.910, 160.915, 160.920, 160.925, 160.930, 161.650, 162.431, 162.626, 162.675, 162.700, 162.961, 162.963, 163.011, 163.043, 166.435, 167.020, 167.022, 167.023, 167.029, 167.115, 167.121, 167.161, 167.164, 167.335, 167.621, 167.624, 167.627, 167.630, 168.133, 169.070, 169.466, 169.471, 169.596, 169.670, 171.031, 190.092, 210.102, 376.1218, and 475.060, RSMo, and to enact in lieu thereof sixty-four new sections relating to education, with penalty provisions.

Senator Rupp moved that **SS** for **HB 265** be adopted.

Senator Graham offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 265, Pages 38-39, Section 161.720, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted, which motion prevailed.

Senator Wilson offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Bill No. 265, Pages 80-81, Section 167.029, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Wilson moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Callahan, Champion, McKenna and Shoemyer.

Senator Smith offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Bill No. 265, Page 80, Section 167.029, Lines 15-17, by striking the words beginning at “**Any**” and ending at “**adopt**”, and insert in lieu thereof the words: “**In the metropolitan school district**”.

Senator Smith moved that the above substitute amendment be adopted.

Senator Smith offered **SA 1** to **SSA 1** for **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to Senate Substitute for House Bill No. 265, Page 1, by striking “**In the metropolitan school district**” and inserting in lieu thereof the following: “**The metropolitan school district shall adopt**”.

Senator Smith moved that the above amendment be adopted, which motion failed.

SSA 1 for **SA 2** was again taken up.

At the request of Senator Rupp, **HB 265**, with **SS**, **SA 2** and **SSA 1** for **SA 2** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended, for **HB 41** and has taken up and passed **SCS** for **HB 41**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 3** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 3**.

Senator Crowell assumed the Chair.

CONFERENCE COMMITTEE REPORTS

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 3** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 3.
2. That the House recede from its position on House Committee Substitute for House Bill No. 3.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 3, be truly

agreed to and finally passed.

FOR THE SENATE:

/s/ Charles R. Gross

/s/ Gary Nodler

/s/ Robert N. Mayer

/s/ Joan Bray

/s/ Timothy P. Green

FOR THE HOUSE:

/s/ Allen Icet

/s/ Ed Robb

/s/ Bryan P. Stevenson

Rachel Bringer

Sara Lampe

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Smith
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators

Kennedy Shoemyer—2

Absent with leave—Senator Coleman—1

Vacancies—None

On motion of Senator Gross, **CCS** for **SCS** for **HCS** for **HB 3**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money

among certain funds for the period beginning July 1, 2007 and ending June 30, 2008.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Smith
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators

Kennedy Shoemyer—2

Absent with leave—Senator Coleman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Bartle moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on SCS for HCS for **HB 4** and has taken up and passed CCS for SCS for **HCS for HB 4**.

HOUSE BILLS ON THIRD READING

Senator Rupp moved that **HB 265**, with **SS**, **SA 2** and **SSA 1** for **SA 2** (pending), be called from the

Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SSA 1 for **SA 2** was again taken up.

At the request of Senator Smith, the above substitute amendment was withdrawn.

SA 2 was again taken up.

Senator Wilson moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Mayer
McKenna	Nodler	Purgason	Rupp
Shields	Smith	Wilson—27	

NAYS—Senators

Loudon	Ridgeway	Scott	Stouffer
Vogel—5			

Absent—Senator Shoemyer—1

Absent with leave—Senator Coleman—1

Vacancies—None

Senator Kennedy offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Bill No. 265, Pages 69-71, Section 163.045, by striking all of said section and inserting in lieu thereof the following:

“163.045. 1. The general assembly hereby finds and declares that the safety and security of all of Missouri's school children is of the utmost importance to our society. The purpose of this section is to secure the safety of all school children while they attend any elementary or secondary school located in the state of Missouri.

2. Beginning with the 2009 fiscal year and in each subsequent fiscal year, the general assembly may appropriate nine million dollars to the public safety for all school children fund, as established in subsection 3 of this section. The department of public safety shall annually award competitive grants to elementary or secondary schools, including public school districts, and private and parochial schools, that demonstrate the greatest need for assistance and that propose a detailed plan for spending the grant money received in a manner most likely to protect the children attending that school or school district.

3. There is hereby created in the state treasury the “Public Safety For All School Children Fund”. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used solely for the administration of this section and the awarding of competitive grants to schools or school districts for the protection of school children. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. At the end of each biennium and after all statutorily or constitutionally required transfer of funds have been made, the state treasurer shall transfer the balance in the fund, except for gifts, donations, bequests, or money received from a federal source, created in this subsection in excess of two hundred percent of the previous fiscal year's expenditures into the state general revenue fund.”.

Senator Kennedy moved that the above amendment be adopted.

Senator Bray offered SA 1 to SA 3:

SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for House Bill No. 265, Page 1, Section 163.045, Line 5, by striking “all of”; and further amend line 7 by striking “all”; and further amend line 8 by inserting after “any” the following: “**public**”; and further amend line 12 by striking “all” and further amend line 15 by inserting after “to” the following: “**public**”; and further amend line 16 by striking “, and private and parochial schools,”; and further amend page 2, line 1 by striking “All”.

Senator Bray moved that the above amendment be adopted.

Senator Kennedy requested a roll call vote be taken on the adoption of SA 1 to SA 3. He was joined in his request by Senators Crowell, Engler, Green and McKenna.

SA 1 to SA 3 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Days	Graham
Justus	Shoemyer	Smith	Wilson—8

NAYS—Senators

Bartle	Callahan	Champion	Clemens
Crowell	Engler	Gibbons	Goodman
Green	Griesheimer	Gross	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Stouffer
Vogel—25			

Absent—Senators—None

Absent with leave—Senator Coleman—1

Vacancies—None

Senator Mayer assumed the Chair.

At the request of Senator Kennedy, SA 3 was withdrawn.

Senator Shields offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Bill No. 265, Page 38, Section 161.660, Line 4, by adding after the period the following:

“The provisions of this section shall only apply to a metropolitan school district.”

Senator Shields moved that the above amendment be adopted.

At the request of Senator Shields, **SA 4** was withdrawn.

Senator Bartle offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for House Bill No. 265, Page 35, Section 160.933, Line 17, by inserting immediately after all of said line the following:

“161.101. 1. The Missouri school improvement program or successor accreditation program shall not use a scoring rubric on performance that requires a score for parents as teachers; except that, if on review deficiencies are noted, such deficiencies shall be listed as an area of concern.

2. The scoring rubric for advanced placement courses in the Missouri school improvement program or successor accreditation program shall recognize the difficulty of providing such courses in districts that have a sparse population. The department of elementary and secondary education shall develop such a rubric, taking into account population density in districts and localized teacher shortages in academic specializations, and differentially rewarding districts for accomplishing delivery of such courses through electronic media under such circumstances.

3. Beginning July 1, 2008, the Missouri school improvement program or successor accreditation program shall neither require nor use a scoring rubric that requires a score for meeting standards regarding librarian staff, counselor staff, or any requirement regarding the offering of vocational education or the certification of vocational

education staff.”; and

Further amend the title and enacting clause accordingly.

Senator Bartle moved that the above amendment be adopted, which motion prevailed.

Senator Barnitz offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for House Bill No. 265, Page 52, Section 162.1153, Line 18, by striking “submit to assessment” and insert in lieu thereof “**teach in unaccredited or provisionally accredited school districts**”; and

Further amend page 53, same section, lines 1 through 6 by striking said lines.

Senator Barnitz moved that the above amendment be adopted, which motion failed.

Senator Kennedy offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for House Bill No. 265, Page 148, Section 2, Line 25, by inserting immediately after all of said line the following:

“Section 3. 1. The general assembly hereby finds and declares that the safety and security of all of Missouri's school children is of the utmost importance to our society. The purpose of this section is to secure the safety of all school children while they attend any elementary or secondary school located in the state of Missouri.

2. Beginning with the 2009 fiscal year and in each subsequent fiscal year, the general assembly may appropriate nine million dollars to the public safety for all school children fund, as established in subsection 3 of this section. The department of public safety shall annually award competitive grants to elementary or secondary schools, including public school districts, and private and parochial schools, that demonstrate the greatest need for assistance and that propose a detailed plan for spending

the grant money received in a manner most likely to protect the children attending that school or school district.

3. There is hereby created in the state treasury the “Public Safety For All School Children Fund”. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used solely for the administration of this section and the awarding of competitive grants to schools or school districts for the protection of school children. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. At the end of each biennium and after all statutorily or constitutionally required transfer of funds have been made, the state treasurer shall transfer the balance in the fund, except for gifts, donations, bequests, or money received from a federal source, created in this subsection in excess of two hundred percent of the previous fiscal year's expenditures into the state general revenue fund.”; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted.

Senator Engler requested a roll call vote be taken on the adoption of SA 7. He was joined in his request by Senators Bray, Green, Loudon and Rupp.

Senator Kennedy offered SA 1 to SA 7, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 7

Amend Senate Amendment No. 7 to Senate Substitute for House Bill No. 265, Page 1, Line 10, by inserting immediately after “appropriate” the

following: “up to”.

Senator Kennedy moved that the above amendment be adopted, which motion prevailed.

SA 7, as amended, was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Green	Griesheimer	Gross
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel—26		

NAYS—Senators

Bray	Days	Graham	Justus
Shoemyer	Smith	Wilson—7	

Absent—Senators—None

Absent with leave—Senator Coleman—1

Vacancies—None

Senator Bray offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for House Bill No. 265, page 35, section 160.933, line 17 of said page, by inserting after all of said line the following:

“161.380. 1. The department of elementary and secondary education shall develop standards for teaching in Missouri public schools no later than June 30, 2008. The standards shall be applicable to all public schools, including public charter schools.

2. Teaching standards shall include, but not be limited to, the following:

(1) Students actively participate and are successful in the learning process;

(2) Various forms of assessment are used to

monitor and manage student learning;

(3) The teacher is prepared and knowledgeable of the content and effectively maintains students' on-task behavior;

(4) The teacher uses professional communication and interaction with the school community;

(5) The teacher keeps current on instructional knowledge and seeks and explores changes in teaching behaviors that will improve student performance; and

(6) The teacher acts as a responsible professional in the overall mission of the school.

3. The department may establish guidance for districts to consider in establishing the criteria by which teaching will be evaluated under the teaching standards.

4. In developing such teaching standards and evaluation models, the department shall involve representatives from the state teacher organizations, administration and principal organizations, Missouri advisory council for the certification of educators as created by section 168.015, Missouri staff development council, and colleges and universities.”; and

Further amend said bill, pages 37-39, section 161.660 by removing all of said section from the bill; and

Further amend said bill, pages 56-57, section 162.1162, by removing all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Rupp offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for House Bill No. 265, Pages 57-58, Section 162.1168, by striking all of said

section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Rupp moved that **SS** for **HB 265**, as amended, be adopted, which motion prevailed.

Senator Rupp moved that **SS** for **HB 265**, as amended, be 3rd read and finally passed and was recognized to close.

President Pro Tem Gibbons referred **SS** for **HB 265**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

REFERRALS

President Pro Tem Gibbons referred **HCS** for **HB 227**; **HCS** for **HB 457**, with **SCS**; and **HB 215**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

PRIVILEGED MOTIONS

Senator Griesheimer moved that the Senate refuse to adopt the Conference Committee Report on **SS** for **SCS** for **HCS** for **HB 327**, as amended, and request the House to grant further conference, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 5** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 5**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the

House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 6** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 6**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 7** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 7**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 8** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 8**.

CONFERENCE COMMITTEE REPORTS

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 4** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 4

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 4.
2. That the House recede from its position on House Committee Substitute for House Bill No. 4.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 4, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Charles R. Gross /s/ Allen Icet

/s/ Gary Nodler /s/ Ed Robb

/s/ Robert N. Mayer /s/ Bryan P. Stevenson

/s/ Joan Bray /s/ Rachel Storch

/s/ Timothy P. Green /s/ Leonard Hughes, IV

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Coleman—1

Vacancies—None

On motion of Senator Gross, **CCS** for **SCS** for **HCS** for **HB 4**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 4

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2007 and

ending June 30, 2008.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Coleman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Clemens moved that motion lay on the table, which motion prevailed.

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 5** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 5

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 5, begs leave to report that we, after free and fair discussion of the

differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 5.
2. That the House recede from its position on House Committee Substitute for House Bill No. 5.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 5, be truly agreed to and finally passed.

FOR THE SENATE:

FOR THE HOUSE:

/s/ Charles R. Gross

/s/ Allen Icet

/s/ Gary Nodler

/s/ Ed Robb

/s/ Robert N. Mayer

/s/ Bryan P. Stevenson

/s/ Joan Bray

Margaret Donnelly

/s/ Timothy P. Green

Leonard Hughes, IV

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion
Clemens	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Smith
Stouffer	Vogel	Wilson—31	

NAYS—Senator Shoemyer—1

Absent—Senator Bartle—1

Absent with leave—Senator Coleman—1

Vacancies—None

On motion of Senator Gross, **CCS** for **SCS** for **HCS** for **HB 5**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 5

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2007 and ending June 30, 2008.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Clemens
Crowell	Days	Engler	Gibbons
Goodman	Graham	Green	Griesheimer
Gross	Justus	Kennedy	Koster
Lager	Loudon	Mayer	McKenna
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Smith	Stouffer
Vogel	Wilson—30		

NAYS—Senator Shoemyer—1

Absent—Senators

Bartle Champion—2

Absent with leave—Senator Coleman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 6** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 6

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 6, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 6.
2. That the House recede from its position on House Committee Substitute for House Bill No. 6.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 6, be truly agreed to and finally passed.

FOR THE SENATE:

FOR THE HOUSE:

/s/ Charles R. Gross

/s/ Allen Icet

/s/ Gary Nodler

/s/ Ed Robb

/s/ Robert N. Mayer

/s/ Bryan P. Stevenson

/s/ Joan Bray

/s/ James Whorton

/s/ Timothy P. Green

/s/ Belinda Harris

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Callahan	Champion	Clemens
Crowell	Days	Engler	Gibbons
Goodman	Graham	Green	Griesheimer
Gross	Justus	Kennedy	Koster
Lager	Loudon	Mayer	McKenna
Nodler	Purgason	Ridgeway	Rupp

Scott	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators	
Bartle	Bray—2

Absent with leave—Senator Coleman—1

Vacancies—None

On motion of Senator Gross, **CCS** for **SCS** for **HCS** for **HB 6**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 6

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2007 and ending June 30, 2008.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion
Clemens	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Bartle—1

Absent with leave—Senator Coleman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 7** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 7

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 7, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 7.
2. That the House recede from its position on House Committee Substitute for House Bill No. 7.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 7, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Charles R. Gross

/s/ Gary Nodler

/s/ Robert N. Mayer

/s/ Joan Bray

/s/ Timothy P. Green

FOR THE HOUSE:

/s/ Allen Icet

/s/ Ed Robb

/s/ Bryan P. Stevenson

/s/ Rachel Storch

/s/ Robin S. Wright-Jones

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion
Clemens	Crowell	Days	Engler
Gibbons	Goodman	Green	Griesheimer
Gross	Justus	Kennedy	Koster
Lager	Loudon	Mayer	McKenna
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—31	

NAYS—Senator Graham—1

Absent—Senator Bartle—1

Absent with leave—Senator Coleman—1

Vacancies—None

On motion of Senator Gross, **CCS** for **SCS** for **HCS** for **HB 7**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 7

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, and Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1,

2007 and ending June 30, 2008.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion
Clemens	Crowell	Days	Engler
Gibbons	Goodman	Green	Griesheimer
Gross	Justus	Kennedy	Koster
Lager	Loudon	Mayer	McKenna
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—31	

NAYS—Senator Graham—1

Absent—Senator Bartle—1

Absent with leave—Senator Coleman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 9** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 9**.

CONFERENCE COMMITTEE REPORTS

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 8** moved that the following conference committee report be

taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 8

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 8, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 8.
2. That the House recede from its position on House Committee Substitute for House Bill No. 8.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 8, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Charles R. Gross	/s/ Allen Icet
/s/ Gary Nodler	/s/ Ed Robb
/s/ Robert N. Mayer	/s/ Bryan P. Stevenson
/s/ Joan Bray	/s/ Michael Brown
/s/ Timothy P. Green	/s/ Jeff Roorda

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion
Clemens	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Justus	Kennedy
Lager	Loudon	Mayer	McKenna
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators

Bartle Koster—2

Absent with leave—Senator Coleman—1

Vacancies—None

On motion of Senator Gross, **CCS** for **SCS** for **HCS** for **HB 8**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR HOUSE BILL NO. 8

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2007 and ending June 30, 2008.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion
Clemens	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Justus	Kennedy
Lager	Loudon	Mayer	McKenna
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators

Bartle Koster—2

Absent with leave—Senator Coleman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 9** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 9

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 9, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 9.
2. That the House recede from its position on House Committee Substitute for House Bill No. 9.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 9, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Charles R. Gross

/s/ Gary Nodler

/s/ Robert N. Mayer

/s/ Joan Bray

/s/ Timothy P. Green

FOR THE HOUSE:

/s/ Allen Icet

/s/ Ed Robb

/s/ Bryan P. Stevenson

/s/ Connie Johnson

/s/ Jamilah Nasheed

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion
Clemens	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Bartle—1

Absent with leave—Senator Coleman—1

Vacancies—None

On motion of Senator Gross, **CCS** for **SCS** for **HCS** for **HB 9**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR HOUSE BILL NO. 9

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2007 and ending June 30, 2008.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion
Clemens	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Bartle—1

Absent with leave—Senator Coleman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 86**, entitled:

An Act to repeal sections 135.327 and 135.1150, RSMo, and to enact in lieu thereof two new sections relating to tax credits, with an emergency clause.

With House Amendment No. 1 to House Amendment No. 1 and House Amendment No. 1, as amended.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 86, Page 4, Line 6 by deleting the number “**2010**” and inserting in lieu thereof the following:

“**2011**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 86, Page 7,

Section 135.1150, Line 79, by inserting after all of said line the following:

“620.1300. **1.** A cost benefit analysis shall be prepared to evaluate the effectiveness of all tax credit programs, as defined by section 135.800, RSMo, and all programs operated by the department of economic development for which the department approves tax credits, loans, loan guarantees, or grants. Each analysis shall be conducted by the state auditor, and shall include, but not be limited to, the costs for each program, the direct state and indirect state benefits and the direct local and indirect local benefits associated with each program, the safeguards to protect noneconomic influences in the award of programs administered by the department, and the likelihood of the economic activity taking place without the program. The result of each analysis shall be published and distributed, by January 1, 2001, and at least every four years thereafter, to the governor, the speaker of the house of representatives, the president pro tem of the senate, the chairman of the house budget committee, the chairman of the senate appropriations committee, the joint committee on tax policy, and the joint committee on economic development policy and planning.

2. No later than September 1, 2007, the president pro tem of the senate and speaker of the house of representatives shall designate no less than fourteen tax credit programs, authorized under Missouri law, which, as of the effective date of this section, are not subject to the provisions of section 23.253, RSMo, for review by the budget committee of the house and appropriations committee of the senate with any findings made by such committees to be reported to the general assembly no later than February 1, 2008. No later than July 1, 2008, the president pro tem of the senate and speaker of the house of representatives shall designate no less than half of the tax credit programs, authorized under Missouri law, which, as of the effective date of this section, are not subject to the provisions of section 23.253,

RSMo, and have not been previously reviewed as provided under this section, for review by the budget committee of the house and appropriations committee of the senate with any findings made by such committees to be reported to the general assembly no later than February 1, 2009. No later than July 1, 2009, the president pro tem of the senate and speaker of the house of representatives shall designate all of the remaining tax credit programs, authorized under Missouri law, which, as of the effective date of this section, are not subject to the provisions of section 23.253, RSMo, and have not been previously reviewed as provided under this section, for review by the budget committee of the house and appropriations committee of the senate with any findings made by such committees to be reported to the general assembly no later than February 1, 2010. In the event the president pro tem of the senate and the speaker of the house of representatives either: fail to agree on the designation of tax credits as required under the provisions of this section; or fail to submit such tax credits for review, all tax credits, authorized under Missouri law which as of the effective date of this section are not subject to the provisions of section 23.253, RSMo, shall be reviewed by the budget committee of the house and the appropriations committee of the senate with any findings made by such committees to be reported to the general assembly in the following manner:

(1) All domestic and social tax credits, environmental tax credits, and training and educational tax credits, as such terms are defined in section 135.800, RSMo, shall be reviewed no later than February 1, 2008;

(2) All agricultural tax credits, housing tax credits, and redevelopment tax credits, as such terms are defined in section 135.800, RSMo, shall be reviewed no later than February 1, 2009; and

(3) All business recruitment tax credits, community development tax credits, and entrepreneurial tax credits, as such terms are

defined in section 135.800, RSMo, shall be reviewed no later than February 1, 2010.

3. Other provisions of law to the contrary notwithstanding, tax credits authorized under any provision of Missouri law which, as of the effective date of this section, are not subject to the provisions of section 23.253, RSMo, shall not be approved after December 31, 2011, unless:

(1) The general assembly adopts a concurrent resolution authorizing the approval of such tax credits thereby reauthorizing such tax credit program, after such program has been subject to review and had findings reported by both the budget committee of the house or the appropriations committee of the senate as provided in this section; or

(2) By enactment of a general law modifying the provisions of such tax credit program.

Any program so reauthorized or reenacted shall constitute a new program, as such term is used under section 23.253, RSMo, and shall be subject to the provisions of such section. Nothing in this section shall be construed to prohibit a taxpayer from being issued or redeeming tax credits approved prior to December 31, 2010, subject to the limitations provided in the provisions of law authorizing such tax credit.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Champion moved that SCS for SB 86, with HCS, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SCS for SB 86, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 86

An Act to repeal sections 135.327 and 135.1150, RSMo, and to enact in lieu thereof two new sections relating to tax credits, with an emergency clause.

Was taken up.

Senator Champion moved that **HCS** for **SCS** for **SB 86**, as amended, be adopted.

Senator Bray raised the point of order that **HCS** for **SCS** for **SB 86**, as amended, is out of order as it goes beyond the title of the original bill.

The point of order was referred to the President Pro Tem who ruled it not well taken.

HCS for **SCS** for **SB 86**, as amended, was again taken up.

Senator Champion moved that **HCS** for **SCS** for **SB 86**, as amended, be adopted.

At the request of Senator Champion, the motion to adopt **HCS** for **SCS** for **SB 86**, as amended, was withdrawn which placed the bill back on the Calendar.

CONFERENCE COMMITTEE
APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SBs 62** and **41**, as amended: Senators Goodman, Vogel, Rupp, Justus and Barnitz.

RESOLUTIONS

Senator Green offered Senate Resolution No. 1259, regarding Theodore Raymond "Ted" Kremer, Florissant, which was adopted.

Senator Coleman offered Senate Resolution No. 1260, regarding Tiffany Johnson, which was adopted.

Senator Engler offered Senate Resolution No. 1261, regarding Carl G. Wilson, Potosi, which was adopted.

Senator Engler offered Senate Resolution No. 1262, regarding Ted Weiss, Bismark, which was adopted.

Senator Engler offered Senate Resolution No. 1263, regarding Jo Peukert, which was adopted.

Senator Engler offered Senate Resolution No. 1264, regarding Rod Denman, which was adopted.

Senator Engler offered Senate Resolution No. 1265, regarding Janice K. Mason, Bonne Terre, which was adopted.

Senator Engler offered Senate Resolution No. 1266, regarding Marty Thebeau, Farmington, which was adopted.

Senator Engler offered Senate Resolution No. 1267, regarding Karen Dotson, Farmington, which was adopted.

Senator Engler offered Senate Resolution No. 1268, regarding Lois Haworth, Potosi, which was adopted.

Senator Engler offered Senate Resolution No. 1269, regarding Velma Berberich, Festus, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1270, regarding Abbi Howe, Kirksville, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1271, regarding Philip William Isley, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1272, regarding Max Pepper, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1273, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ed Chasteen, Liberty, which was adopted.

Senators Vogel and Graham offered Senate Resolution No. 1274, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Klein,

Columbia, which was adopted.

Senator Gibbons offered Senate Resolution No. 1275, regarding Christopher Brown, which was adopted.

Senator Gibbons offered Senate Resolution No. 1276, regarding Alyssa Mayer, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Crowell introduced to the Senate, the Physician of the Day, Dr. Robb R. Hicks, IV, M.D., Cape Girardeau.

Senator Gross introduced to the Senate, Dr. Carol Ryan, Cape Girardeau.

Senator Scott introduced to the Senate, Lin

Morgan and students from Montrose R-XIV School District.

Senator Rupp introduced to the Senate, Bruce and Carol Rhodes and their children, Payton, Brianna, Grace and Braden, Troy.

Senator Gibbons introduced to the Senate, sixty-five fourth grade students from Westchester Elementary School, Kirkwood; and George Hansen, Jack Huffman, Hallie Meyer, Kamal Rehmat, Maddie Varble and Sierra Acker were made honorary pages.

On motion of Senator Shields, the Senate adjourned until 9:00 a.m., Thursday, May 10, 2007.

SENATE CALENDAR

SIXTY-NINTH DAY—THURSDAY, MAY 10, 2007

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 758-Brown (50)

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| 1. SB 571-Mayer, with SCS | 8. SBs 348, 626 & 461-Koster, et al, with SCS |
| 2. SB 652-Coleman and Gibbons, with SCS | 9. SJR 15-Green |
| 3. SB 699-Lager, with SCS | 10. SB 629-Smith, with SCS |
| 4. SB 11-Coleman, with SCS | 11. SB 122-Bray and Days, with SCS |
| 5. SB 536-Lager, with SCS | 12. SB 491-Ridgeway |
| 6. SB 552-Bartle | |
| 7. SB 484-Stouffer, with SCS | |

HOUSE BILLS ON THIRD READING

HCS for HB 74 (Scott) (In Fiscal Oversight)

HB 801-Kraus, et al, with SCS (Engler)

HCS for HB 914 (Scott) (In Fiscal Oversight)
 HCS for HBs 619 & 118, with SCS
 (Griesheimer)
 HB 215-Stevenson, et al, with SCS (Goodman)
 (In Fiscal Oversight)

HCS for HB 457, with SCS
 (In Fiscal Oversight)
 HCS for HB 227 (Mayer)
 (In Fiscal Oversight)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SB 303-Loudon
 SS#4 for SCS for SB 430-Shields

SS for SB 570-Clemens

SENATE BILLS FOR PERFECTION

SB 2-Gibbons, with SCS
 SB 17-Shields, with SCS
 SB 20-Griesheimer, with SCS
 SB 27-Bartle and Koster
 SB 53-Koster and Engler, with SCS
 SB 101-Mayer
 SB 131-Rupp
 SB 153-Engler, et al, with SCS
 SB 155-Engler, with SCS & SS for SCS
 (pending)
 SB 160-Rupp, with SCS
 SB 168-Mayer and Crowell, with SCS, SS
 for SCS & SA 1 (pending)
 SB 169-Rupp, with SCS, SS for SCS & SA 3
 (pending)
 SB 205-Stouffer and Gibbons, with SCS
 SB 212-Goodman
 SB 213-McKenna
 SB 242-Nodler, with SCS
 SB 250-Ridgeway and Vogel
 SB 252-Ridgeway and McKenna
 SB 254-Nodler, et al, with SCS
 SBs 260 & 71-Koster, et al, with SCS
 SB 274-Shields
 SB 282-Griesheimer, with SCS & SS for
 SCS (pending)
 SB 287-Crowell and Vogel, with SS
 (pending)

SB 292-Mayer
 SB 297-Loudon, with SCS
 SB 300-Bartle
 SB 341-Goodman, with SCS
 SB 363-Bartle
 SB 364-Koster, with SCS, SS for SCS, SA 1
 & SSA 1 for SA 1 (pending)
 SBs 370, 375 & 432-Scott and Koster,
 with SCS & SA 5 (pending)
 SBs 372 & 366-Justus and Koster, with SCS
 SB 385-Gibbons, with SCS
 SB 388-Mayer, with SCS
 SB 400-Crowell, et al
 SB 444-Goodman
 SB 453-Scott, with SCS
 SB 458-Gibbons
 SB 476-Crowell
 SB 480-Ridgeway, et al, with SCS
 SB 492-Crowell
 SB 499-Engler and Clemens, with SCS
 SB 511-Scott, with SCS
 SB 521-Lager, et al, with SCS
 SB 523-Scott, with SCS
 SB 531-Gibbons, with SCS
 SB 534-Nodler
 SB 537-Lager
 SB 542-Scott, with SCS
 SBs 555 & 38-Gibbons, with SCS

SB 563-Lager, with SCS & SS for SCS
 (pending)
 SB 572-Vogel
 SB 586-Crowell, with SCS
 SB 592-Scott, with SCS
 SB 599-Engler, with SCS

SB 627-Ridgeway
 SB 635-Loudon, with SCS
 SB 644-Griesheimer
 SBs 660, 553, 557, 167, 258, 114 &
 378-Mayer, with SCS
 SB 698-Ridgeway, et al, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 39, with SCS (Koster)
 HB 42-Portwood, with SCS (Koster)
 HB 46-Viebrock and Stevenson (Stouffer)
 HB 69-Day, with SCS (Barnitz)
 HCS for HB 98 (Scott)
 HB 125-Franz, with SCS (Shoemyer)
 HCS for HB 135, with SCS (Koster)
 HB 155-Dusenbergh, et al (Ridgeway)
 HCS for HB 165, with SCS (Griesheimer)
 HCS for HB 184 (Rupp)
 HCS for HB 245 (Stouffer)
 SS for HB 265-Cunningham (86) (Rupp)
 (In Fiscal Oversight)
 HB 267-Jones (117) and Cunningham (86),
 with SA 5 (pending) (Rupp)
 HB 269-Nolte, et al (Ridgeway)
 HCS for HB 329, with SCS (Scott)
 HCS for HB 346 (Clemens)
 HCS for HB 431, with SCS (Goodman)
 HB 454-Jetton, et al (Mayer)
 HB 462-Munzlinger, et al (Purgason)
 HCS for HB 469, with SCS (Crowell)
 HB 482-Walton, et al (Goodman)
 HB 489-Baker (123), et al, with SCS
 (Shields)
 HB 526-Pratt (Loudon)

HB 527-Cooper (120) (Scott)
 HCS for HB 551, with SCS & SS for SCS
 (pending) (Koster)
 HCS for HB 583, with SCS (Gibbons)
 HB 596-St. Onge, with SCS (Stouffer)
 HCS for HB 620, with SCS (Ridgeway)
 HCS for HBs 654 & 938 (Crowell)
 HB 686-Smith (150) and Tilley (Stouffer)
 HCS for HB 741 (Koster)
 HCS for HB 774 (Crowell)
 SS for SCS for HCS for HB 780 (Scott)
 (In Fiscal Oversight)
 HCS for HB 818, with SCS & SS for SCS
 (pending) (Loudon)
 HCS for HB 820, with SA 2 & SSA 1 for
 SA 2 (pending) (Engler)
 HCS for HB 827, with SCS (Justus)
 HCS for HB 845 (Crowell)
 HB 875-Franz, with SCS (Crowell)
 HCS for HB 894, with SCS (Days)
 HB 1014-Wright, et al, with SCS (Mayer)
 HCS for HB 1055, with SCA 1 (Scott)
 HCS for HJR 1, with SCS (Rupp)
 HJR 7-Nieves, et al, with SCS (pending)
 (Engler)
 HJR 19-Bearden, et al (Ridgeway)

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Reported 2/15

SB 8-Kennedy

Reported 3/8

SB 185-Green

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 54-Koster, with HCS, as amended
SB 666-Scott, with HCS, as amended
SCS for SB 86-Champion, with HCS, as amended

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SB 25-Champion, with HCS, as amended (Senate adopted CCR and passed CCS)	SB 406-Crowell, with HCS#2, as amended
SB 30-Nodler and Ridgeway, with HCS, as amended	SB 416-Goodman, with HCS
SCS for SBs 62 & 41-Goodman and Koster, with HCS, as amended	HCS for HB 10, with SCS (Gross)
SCS for SB 64-Goodman and Koster, with HCS, as amended	HCS for HB 11, with SCS, as amended (Gross)
SB 81-Griesheimer, with HCS, as amended	HCS for HB 12, with SCS (Gross)
SCS for SB 82-Griesheimer, with HCS, as amended	HCS for HB 13, with SCS (Gross)
SB 84-Champion, with HCS, as amended	HCS for HB 327, with SS for SCS, as amended (Griesheimer)
SCS for SB 156-Engler, with HCS, as amended	(Senate requests House grant further conference)
SCS for SB 198-Mayer, with HCS	HB 488-Wasson, with SA 1 (Stouffer)
SB 233-Crowell, with HAs 1, 2, 3, 4 & 5 (Senate adopted CCR and passed CCS)	HB 574-St. Onge, with SA 1 & SA 3 (Stouffer)
SCS for SB 308-Crowell, et al, with HCS, as amended	HB 665-Ervin, et al, with SS, as amended (Ridgeway)

Requests to Recede or Grant Conference

SB 166-Griesheimer, with HCS
(Senate requests House recede
and take up and pass the bill)

RESOLUTIONS

Reported from Committee

HCR 15-Threlkeld, et al, with SCS (Shields)
SCR 10-Koster and Shields
HCR 25-Yates, et al (Bartle)
HCR 30-Pratt, et al (Koster)
HCR 11-Ervin and Flook (Ridgeway)

HCR 8-Loehner, et al (Barnitz)
SCR 9-Crowell
SCR 20-Crowell
HCR 24-Wilson (130), et al (Mayer)
HCR 20-Guest, et al, with SCS (Purgason)

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Journal

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Journal of the Senate

FIRST REGULAR SESSION

SIXTY-NINTH DAY—THURSDAY, MAY 10, 2007

The Senate met pursuant to adjournment.

Senator Koster in the Chair.

Reverend Carl Gauck offered the following prayer:

“The Lord is merciful and gracious; slow to anger and abounding in steadfast love.” (Psalm 103:8)

O Loving God, there is much we can learn from You as we deal with each other this day. Even though we may disagree with one another let us do so with graciousness and not let the heat of the moment lead us to anger but keep us on a level path and guide our decisions this day so they may be in keeping with Your teachings. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason

Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

Absent—Senators—None

Absent with leave—Senator Coleman—1

Vacancies—None

Senator Shields announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Gibbons offered Senate Resolution No. 1277, regarding the City of Kirkwood, which was adopted.

Senator Smith offered Senate Resolution No. 1278, regarding Jamie Myers, which was adopted.

Senator Smith offered Senate Resolution No. 1279, regarding Tony Thompson, St. Louis, which was adopted.

Senator Scott offered Senate Resolution No. 1280, regarding Ruth Ann Huffman, Lincoln,

which was adopted.

Senator Green offered Senate Resolution No. 1281, regarding Samuel Kenneth “Sam” Kost, Florissant, which was adopted.

Senator Green offered Senate Resolution No. 1282, regarding Sister Gail Guelker of the School Sisters of Notre Dame, Saint Louis, which was adopted.

Senator Crowell offered Senate Resolution No. 1283, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jack Lopp, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 1284, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bill Neel, Sikeston, which was adopted.

Senator Champion offered Senate Resolution No. 1285, regarding Chris Clark, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 1286, regarding Megan VanStrohe, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 1287, regarding Tim Brooks, Springfield, which was adopted.

Senator Crowell offered Senate Resolution No. 1288, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. John Kolb, Perryville, which was adopted.

Senator Koster offered Senate Resolution No. 1289, regarding Brenda Jurgens, which was adopted.

Senator Koster offered Senate Resolution No. 1290, regarding the One Hundred Fourth Birthday of Marguerite E. Hoberecht, Raymore, which was adopted.

Senator Koster offered Senate Resolution No. 1291, regarding Patrick Jurgens, which was adopted.

Senator Scott offered Senate Resolution

No. 1292, regarding Justin Culbertson, El Dorado Springs, which was adopted.

Senator Scott offered Senate Resolution No. 1293, regarding Kayla Hedrick, El Dorado Springs, which was adopted.

Senator Scott offered Senate Resolution No. 1294, regarding Sydney Friar, El Dorado Springs, which was adopted.

Senator Stouffer offered Senate Resolution No. 1295, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Joseph Day, Pilot Grove, which was adopted.

Senator Crowell offered Senate Resolution No. 1296, regarding Becky Hicks, which was adopted.

Senator Crowell offered Senate Resolution No. 1297, regarding Barb Egbert, which was adopted.

Senator Crowell offered Senate Resolution No. 1298, regarding Jamie Dollins, Morley, which was adopted.

Senator Crowell offered Senate Resolution No. 1299, regarding Krista Renfro, Morley, which was adopted.

Senator Purgason offered Senate Resolution No. 1300, regarding David V. Kissinger, West Plains, which was adopted.

Senator Purgason offered Senate Resolution No. 1301, regarding Jonathan K. Kissinger, West Plains, which was adopted.

Senator Clemens offered Senate Resolution No. 1302, regarding Ryan Bilyeu, Ozark, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were

referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Twila G. Hillme, as a member of the Missouri Real Estate Commission;

Also,

Julie A. Molendorp, as a member of the Missouri Real Estate Appraisers Commission;

Also,

Karen W. Bartz, as a member of the Coordinating Board for Early Childhood;

Also,

Mark W. States, as a member of the Board of Examiners for Hearing Instrument Specialists;

Also,

Chasity L. Anderson, as a member of the Amber Alert System Oversight Committee;

Also,

Stacey L. Karns, as a member of the Advisory Committee for Physicians Assistants;

Also,

Christina L. Bruning, as a member of the Missouri Advisory Commission for Physician Assistants;

Also,

Jane B. Evans and William “Jay” Acock, Republicans, as members of the Missouri Community Service Commission;

Also,

Stephen S. Davis, as a member of the Second State Capitol Commission;

Also,

William P. Hopfinger and Paula J. Burnett, as members of the Advisory Commission for Physical Therapists;

Also,

Autumn L Hooper, R.N, as a member of the Missouri State Board of Nursing;

Also,

William F. Madosky, D.C. and Paul Nahon, as members of the Missouri State Board of Chiropractic Examiners;

Also,

Carol G. Ryan, D.V.M., Democrat, Linda Hickam-Fountain, D.V.M. and David L. Gourley, D.V.M., Republican, as members of the Missouri Veterinary Medical Board;

Also,

Robert D. Onder, Jr., as a member of the Life Sciences Research Board;

Also,

James D. Riddle, R.Ph., as a member of the State Board of Pharmacy;

Also,

Melvin C. DeClue and Gregory L. Hempen, as members of the Seismic Safety Commission;

Also,

Katie J. Smith, as the Director of the Department of Agriculture;

Also,

Peggy E. Adams, as a member of the Child Abuse and Neglect Review Board B;

Also,

Katherine D. Hilton, as a member of the Child Abuse and Neglect Review Board A;

Also,

Katherine Suzanne Bradley, Republican and Larry W. Plunkett, Sr., Democrat, as members of the Missouri Gaming Commission;

Also,

Jeffrey Appleman, D.P.M., Republican, as a member of the State Board of Podiatric Medicine.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports, with the exception of the reports on Robert D. Onder, Jr. and Katie J. Smith, in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Katie J. Smith, as the Director of the Department of Agriculture, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Shields moved that the Committee Report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Senator Gross assumed the Chair.

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Robert D. Onder, Jr., as a member of the Life Sciences Research Board, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Rupp moved that the Committee Report be adopted and the Senate do give its advice and consent to the above appointment.

Senator Scott assumed the Chair.

At the request of Senator Rupp, his motion to adopt the committee report on Robert D. Onder, Jr., was withdrawn.

On motion of Senator Shields, the Senate recessed until 3:25 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Engler.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 16**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 17**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 433**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SB 233** and has taken up and passed **CCS** for **SB 233**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has receded from its position on **HCS** for **SB 166** and has again taken up and passed **SB 166**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS**, as amended, for **SCS** for **HB 255** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 82**, as amended. Representatives: Tilley, Scharnhorst, Parson, Robinson and Burnett.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SB 84**, as amended. Representatives: Franz, McGhee, Muschany, Low (39) and Mott-Oxford.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 156**, as amended. Representatives: Quinn (7), Dethrow, Hobbs, McClanahan and Witte.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SB 416**. Representatives: Pratt, Flook, Kraus, George and Zimmerman.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HB 488**, as amended. Representatives: Wasson, Richard, Parson, Corcoran and Meadows.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HB 574**, as amended. Representatives: St. Onge, Schlottach, Bevins, Daus and Kuessner.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SS** for **HB 665**, as amended. Representatives: Ervin, Flook, Sutherland, Bringer and Skaggs.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the conferees on **SS** for **HB 665**, as amended be allowed to exceed the differences on language concerning assessors.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has receded from its position on the Third Reading and Passage of **CCS** for **SS** for **SCS** for **HCS** for **HB 327** and has receded from its position on the adoption of the **CCR** for **SS** for **SCS** for **HCS** for **HB 327**, as amended, and has taken up and adopted **SS** for **SCS** for **HCS** for **HB 327**, as amended, and has Truly Agreed To and Finally Passed **SS** for **SCS** for **HCS** for **HB 327**, as amended.

Emergency clause defeated.

HOUSE BILLS ON THIRD READING

HCS for **HB 894**, with **SCS**, entitled:

An Act to repeal section 115.329, RSMo, and to enact in lieu thereof one new section relating to independent candidates.

Was called from the Informal Calendar and taken up by Senator Days.

SCS for **HCS** for **HB 894**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 894

An Act to repeal sections 115.045, 115.241, 115.247, 115.321, 115.329, and 115.342, RSMo, and to enact in lieu thereof five new sections relating to elections.

Was taken up.

Senator Days moved that **SCS** for **HCS** for **HB 894** be adopted.

Senator Days offered **SS** for **SCS** for **HCS** for **HB 894**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 894

An Act to repeal sections 115.045, 115.241, 115.315, 115.321, 115.327, 115.329, and 115.342, RSMo, and to enact in lieu thereof six new sections relating to elections.

Senator Days moved that **SS** for **SCS** for **HCS** for **HB 894** be adopted.

Senator Crowell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 894, Page 2, Section 115.045, Line 7 of said page, by inserting after all of said line the following:

“115.164. The secretary of state's office shall send voter registration application forms to applicants for resident hunting or fishing permits as required in this section. Beginning September 1, 2007, and the first business day of each month thereafter, the secretary of state's office shall request from the department of conservation the point-of-sale database records of all applicants for resident hunting and fishing permits. Upon transfer of the database records as authorized in section 252.228, RSMo, the secretary of state's office shall compare such records with the Missouri voter registration system. Any hunting or fishing permit applicant who is eligible but not registered to vote shall be sent a voter registration application form. Such form shall be mailed to the address of record on such applicant's permit application within five days after the secretary of state's office receives the point-of-sale database records from the department of conservation.”; and

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted.

At the request of Senator Days, **HCS** for **HB 894**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HCS** for **HB 914**; **SS** for **SCS** for **HCS** for **HB 780**; **HCS** for **HB 457**, with **SCS**; **HCS** for **HB 227**; and **HB 215**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

HOUSE BILLS ON THIRD READING

Senator Scott moved that **SS** for **SCS** for **HCS** for **HB 780**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Scott, **SS** for **SCS** for **HCS** for **HB 780**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion
Clemens	Crowell	Days	Engler
Goodman	Green	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Wilson—27	

NAYS—Senators

Barnitz	Graham	Purgason—3
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Absent—Senators

Gibbons	Griesheimer	Vogel—3
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Absent with leave—Senator Coleman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Days moved that **HCS** for **HB 894**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 was again taken up.

Senator Bray offered **SA 1** to **SA 1**:

SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 894, Page 1, Section 115.164, Line 3, by inserting before all of said line the following:

“115.162. 1. A voter registration application shall be provided by the secretary of state in all offices of the state that provide public assistance, all offices that provide state-funded programs primarily engaged in providing services to persons with disabilities, and other offices as directed by the governor. In addition, all armed forces recruitment offices **and all health care clinics that receive state funding** shall be considered a voter registration agency.

2. At each voter registration agency, the following services shall be made available:

(1) Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance;

(2) Acceptance of completed voter registration application forms for transmittal to the election authority located in the same county or any city not within a county, or if there is more than one election authority within the county, to the election authority nearest to the office of the agency. The election authority receiving the application forms shall review the applications and forward any applications pertaining to a different election authority to that election authority;

(3) Voter registration sites shall transmit voter registration application forms to the appropriate election authority not later than five business days after the form is completed by the applicant;

(4) If a voter registration agency provides services to a person with a disability at the person's home, the agency shall provide the services provided in this section at the person's home.

3. An applicant declining to register in any

agency shall be noted in a declination section incorporated into the voter registration form used by the agency. No information relating to a declination to register to vote in connection with an application made at a voter registration agency may be used for any purpose other than voter registration.”; and

Further amend said amendment, Page 1, Section 115.164, Line 3, by inserting immediately after “115.164.” the following: “1.”; and further amend Line 18, by inserting after all of said line the following:

“2. All broadcasts produced by or for the Missouri department of conservation shall include an announcement designed to inform viewers or listeners of the broadcast how to obtain a voter registration application.

3. All state funded agencies, divisions, offices, and programs that provide services through the mail, shall provide a voter registration application with their initial mailing to each individual of voting age who applies for services through the mail.

4. Beginning on September 1, 2007, and on September one each year thereafter the department of higher education shall provide the secretary of state with a record of each new student enrolled in a public junior college, college, or university. Upon receipt of the records, the secretary of state's office shall compare such records with the Missouri voter registration system. Any student who is eligible but not registered to vote shall be sent a voter registration application.

5. Beginning on September 1, 2007, and on September one each year thereafter the department of elementary and secondary education shall provide the secretary of state with a record of each high school senior. Upon receipt of the records, the secretary of state's office shall compare such records with the Missouri voter registration system. Any student

who is eligible but not registered to vote shall be sent a voter registration application.

6. The state board of education shall provide a voter registration application to each new teacher or administrator who is issued a certificate of license to teach in any of the public schools of this state.

7. All state funded agencies, divisions, offices, and programs that provide services through the Internet, shall provide a link to the secretary of state's first vote website, <https://www.sos.gov/firstvote/students/request.asp>, on the opening pages of their official state Internet websites.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion failed.

SA 1 was again taken up.

Senator Crowell moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Callahan, Green, Gross and Loudon.

SA 1 was adopted by the following vote:

YEAS—Senators

Bartle	Callahan	Champion	Clemens
Crowell	Engler	Gibbons	Goodman
Gross	Koster	Lager	Mayer
McKenna	Nodler	Rupp	Scott
Shields	Stouffer—18		

NAYS—Senators

Barnitz	Bray	Days	Graham
Green	Justus	Kennedy	Loudon
Purgason	Ridgeway	Shoemyer	Smith
Wilson—13			

Absent—Senators

Griesheimer	Vogel—2
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Absent with leave—Senator Coleman—1

Vacancies—None

Senator Green offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 894, Page 8, Section 115.342, Lines 10-28 of said page, by striking all of said lines; and

Further amend said bill, page 9, section 115.342, lines 1-17, by striking all of said lines and inserting in lieu thereof the following:

“115.342. 1. Any person who files as a candidate for election to a public office shall be disqualified from participation in the election for which the candidate has filed if such person is delinquent in the payment of any state income taxes, personal property taxes, real property taxes, or if the person is a past or present corporate officer of any department of revenue fee office that contracts or contracted for services with the state that owes any taxes to the state that became due during the officer's tenure, other than those taxes that may be in dispute.

2. Each potential candidate for election to a public office shall file an affidavit with the department of revenue and include a copy of the affidavit with the declaration of candidacy required under section 115.349. Such affidavit shall be in substantially the following form:

“AFFIRMATION OF TAX PAYMENTS:

I hereby declare under penalties of perjury that I am not currently aware of any delinquency in the payment of any state income taxes, personal property taxes, real property taxes, or that I am a past or present corporate officer of any department of revenue fee office that contracts or contracted for services with the state that owes any taxes to the state that became due during the officer's tenure, other than those taxes which may be in dispute.

..... **Candidate's Signature**

..... **Printed Name of Candidate.”**

3. Upon receipt of a complaint alleging a delinquency of the candidate in the filing or payment of any state income taxes, personal property taxes, real property taxes, or that the person is a past or present corporate officer of any department of revenue fee office that contracts or contracted for services with the state that owes any taxes to the state that became due during the officer's tenure, the department of revenue shall investigate such potential candidate to verify the claim contained in the complaint and complete such investigation within ten days. If the department of revenue finds a positive affirmation to be false, the department shall contact the secretary of state, or the election official who accepted such candidate's declaration of candidacy, and the potential candidate. The department shall notify the candidate of the outstanding tax owed and give the candidate thirty days to remit any such outstanding taxes owed which are not the subject of dispute between the department and the candidate. If the candidate fails to remit such amounts in full within thirty days, the candidate shall be disqualified from participating in the current election and barred from refiling for an entire election cycle even if the individual pays all of the outstanding taxes that were the subject of the complaint.”

Senator Green moved that the above amendment be adopted.

At the request of Senator Days, **HCS** for **HB 894**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the

House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 10** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 10**.

CONFERENCE COMMITTEE REPORTS

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 10** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 10

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 10, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 10.
2. That the House recede from its position on House Committee Substitute for House Bill No. 10.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 10, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Charles R. Gross	/s/ Allen Icet
/s/ Gary Nodler	/s/ Ed Robb
/s/ Robert N. Mayer	/s/ Bryan P. Stevenson
/s/ Joan Bray	Margaret Donnelly
/s/ Timothy P. Green	Shalonn Curls

Senator Gross moved that the above

conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion
Clemens	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Gross	Justus	Kennedy	Koster
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Wilson—29			

NAYS—Senators

Bartle	Lager—2
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Absent—Senators

Griesheimer	Vogel—2
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Absent with leave—Senator Coleman—1

Vacancies—None

On motion of Senator Gross, **CCS** for **SCS** for **HCS** for **HB 10**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 10

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2007 and ending June 30, 2008.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion
Clemens	Crowell	Days	Engler

Gibbons	Goodman	Graham	Green
Gross	Justus	Kennedy	Koster
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Wilson—29			

NAYS—Senators

Bartle Lager—2

Absent—Senators

Griesheimer Vogel—2

Absent with leave—Senator Coleman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Days moved that **HCS** for **HB 894**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 2 was again taken up.

At the request of Senator Green, **SA 2** was withdrawn.

Senator Green offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 894, Page 8, Section 115.342, Lines 10-28 of said page, by striking all of said lines; and

Further amend said bill, page 9, section 115.342, lines 1-17, by striking all of said lines and inserting in lieu thereof the following:

“115.342. 1. Any person who files as a candidate for election to a public office shall be disqualified by the secretary of state from participation in the election for which the candidate has filed if such person is delinquent in filing or paying any state income taxes, personal property taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the state.

2. Each potential candidate for election to a public office shall file an affidavit and copies of paid tax receipts for personal property and real property on the place of residence owned in Missouri by the potential candidate with the secretary of state as required under section 115.349. Such affidavit shall be in substantially the following form:

“AFFIRMATION OF TAX PAYMENTS:

I hereby declare under penalties of perjury that I am not currently aware of any delinquency in the filing or payment of any state income taxes, personal property taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or that I am a past or present corporate officer of any fee office that owes any taxes to the state, other than those taxes which may be in dispute. I and my spouse, if filing a combined return, authorize a request the Missouri Department of Revenue to release confidential tax records to the Secretary of State pertaining to me and my spouse, if filing a combined return.

.....Candidate's Signature

.....Spouse's Signature

.....Printed Name of Candidate

.....Printed Name of Spouse.”

3. Upon receipt of a complaint alleging a

delinquency of the candidate in the filing or payment of any state income taxes, personal property taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any department of revenue fee office owes any taxes to the state, the secretary of state shall investigate such potential candidate to verify the claim contained in the complaint. If the secretary of state finds a positive affirmation to be false, the secretary of state shall contact the election official who accepted such candidate's declaration of candidacy, and the potential candidate. The secretary of state shall notify the candidate of the outstanding tax owed and give the candidate thirty days to remit any such outstanding taxes owed which are not the subject of dispute. If the candidate fails to remit such amounts in full within thirty days, the secretary of state shall disqualify the candidate from participating in the current election and from refiling for an entire election cycle even if the individual pays all of the outstanding taxes.”.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Justus offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 894, Page 10, Section 115.342, Line 33, by inserting after said line the following:

“Section 1. The director of the department of revenue shall include with the registration notice required by section 301.040, RSMo, a voter registration application form that conforms with the provisions of section 115.160, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bray, Callahan, Graham and Days.

SA 4 was adopted by the following vote:

YEAS—Senators

Bray	Callahan	Champion	Days
Engler	Gibbons	Goodman	Graham
Green	Gross	Justus	Kennedy
Koster	Lager	Mayer	McKenna
Rupp	Shoemyer	Smith	Wilson—20

NAYS—Senators

Barnitz	Clemens	Crowell	Loudon
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer—10		

Absent—Senators

Bartle	Griesheimer	Vogel—3
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Absent with leave—Senator Coleman—1

Vacancies—None

Senator Shoemyer offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 894, Page 9, Section 115.342, Line 17, by inserting after all of said line the following:

“Section 1. All state funded agencies that provide agency information through the internet shall provide a link to the secretary of state’s First Vote website on the opening page of the agency’s website.”.

And further amend the title and enacting clause accordingly.

Senator Shoemyer moved that the above amendment be adopted, which motion prevailed.

Senator Barnitz offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 894, Page 9, Section 115.342, Line 17, by inserting after all of said line the following:

“Section 1. Beginning on September 1, 2007, and on September one each year thereafter the department of elementary and secondary education shall provide the secretary of state with a record of each high school senior. Upon receipt of the records, the secretary of state's office shall compare such records with the Missouri voter registration system. Any student who is eligible but not registered to vote shall be sent a voter registration application.”; and further amend the title and enacting clause accordingly.

Senator Barnitz moved that the above amendment be adopted.

Senator Loudon requested a roll call vote be taken on the adoption of **SA 6**. He was joined in his request by Senators Barnitz, Bartle, Koster and Shoemyer.

SA 6 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Days
Engler	Graham	Green	Justus
Kennedy	Lager	McKenna	Shoemyer
Smith	Wilson—14		

NAYS—Senators

Bartle	Champion	Clemens	Crowell
Gibbons	Goodman	Griesheimer	Gross
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel—19	

Absent—Senators—None

Absent with leave—Senator Coleman—1

Vacancies—None

At the request of Senator Days, **HCS** for **HB 894**, with **SCS**, **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

On motion of Senator Shields, the Senate recessed until 5:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Gibbons.

HOUSE BILLS ON THIRD READING

Senator Loudon moved that **HCS** for **HB 818**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Loudon, **SS** for **SCS** for **HCS** for **HB 818** was withdrawn.

Senator Loudon offered **SS No. 2** for **SCS** for **HCS** for **HB 818**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 818

An Act to repeal sections 103.085, 143.121, 143.782, 313.321, 376.426, 376.776, 376.960, 376.961, 376.964, 376.966, 376.986, 376.989, 379.930, 379.936, 379.938, 379.940, 379.942, 379.943, 379.944, and 379.952, RSMo, and to enact in lieu thereof forty-nine new sections relating to health insurance, with an effective date for certain sections.

Senator Loudon moved that **SS No. 2** for **SCS** for **HCS** for **HB 818** be adopted.

Senator Shoemyer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 818, Page 69, Section 376.990, Line 24 of said page, by inserting

after all of said lines the following:

“376.1175. 1. Every health carrier and health benefit plan, as defined in section 376.1350, shall include in its network of service providers any durable medical equipment provider that:

(1) Has a main office located in a Missouri community with a population of twenty-five thousand or less; and

(2) Is certified as a Medicare and/or Medicaid provider, and by the Missouri board of pharmacy; and

(3) Registers with the department of insurance as provided in subsection 2 of this section.

2. To be included in a health carrier's or health benefit plan's network of providers, a durable medical equipment provider that meets the requirements in subdivisions (1) and (2) of subsection 1 of this section shall register with the department of insurance as an eligible durable medical equipment provider. The department of insurance, in consultation with the department of social services, shall verify the eligibility of any durable medical equipment provider requesting to register with the department and, upon verification of eligibility, shall include such provider in a durable medical provider registry, which shall be made available to all health carriers and health benefit plans licensed to do business in the state.

3. Every health carrier and health benefit plan licensed to do business in the state of Missouri shall include any durable medical equipment provider that registers with the department of insurance under this section in its network of providers.

4. All durable medical equipment providers that register under this section prior to November first shall be included in the network of providers for the following calendar year.

After a provider's initial registration, the provider shall remain on the registry so long as the provider provides notice to the department of insurance by November first of the provider's continued eligibility and desire to remain on the registry. On or before January first of each year, all health carriers and health benefit plans shall provide each provider that registers with the department of insurance by November first of the provider's inclusion in the carrier's or plan's network of providers.

5. The department of insurance shall promulgate rules to implement the provisions of this section, including but not limited to forms for registration and renewal of registration. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

6. Any health carrier or health benefit plan that violates the provisions of this section shall have its license to do business in the state of Missouri subject to sanction by the department of insurance.”; and

Further amend the title and enacting clause accordingly.

Senator Shoemyer moved that the above amendment be adopted.

At the request of Senator Loudon, **HCS for HB 818, with SCS, SS No. 2 for SCS and SA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 11**, as amended, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 11**.

CONFERENCE COMMITTEE REPORTS

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 11**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 11**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 11, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 11.
2. That the House recede from its position on House Committee Substitute for House Bill No. 11.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 11, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Charles R. Gross /s/ Allen Icet

/s/ Gary Nodler

/s/ Ed Robb

/s/ Robert N. Mayer

/s/ Bryan P. Stevenson

/s/ Joan Bray

Margaret Donnelly

/s/ Timothy P. Green

Judy Baker

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion
Clemens	Crowell	Days	Engler
Gibbons	Goodman	Green	Griesheimer
Gross	Justus	Kennedy	Koster
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel	Wilson—28

NAYS—Senators

Bartle	Graham	Lager	Shoemyer
Smith—5			

Absent—Senators—None

Absent with leave—Senator Coleman—1

Vacancies—None

On motion of Senator Gross, **CCS** for **SCS** for **HCS** for **HB 11**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR HOUSE BILL NO. 11**

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the Office of Administration and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2007 and ending June 30, 2008.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion
Clemens	Crowell	Days	Engler
Gibbons	Goodman	Green	Griesheimer
Gross	Justus	Kennedy	Koster
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Smith	Stouffer	Vogel
Wilson—29			

NAYS—Senators

Bartle	Graham	Lager	Shoemyer—4
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Absent—Senators—None

Absent with leave—Senator Coleman—1

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 12** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 12**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SCS** for **SBs 62** and **41**, as

amended. Representatives: Ruestman, Munzlinger, Cox, Bringer and Robinson.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 13** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 13**.

CONFERENCE COMMITTEE REPORTS

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 12** moved that the following conference committee report be taken up, which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 12**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 12, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 12.
2. That the House recede from its position on House Committee Substitute for House Bill No. 12.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 12, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Charles R. Gross

/s/ Gary Nodler

FOR THE HOUSE:

/s/ Allen Icet

/s/ Ed Robb

/s/ Robert N. Mayer /s/ Bryan P. Stevenson

/s/ Joan Bray Paul LeVota

/s/ Timothy P. Green Margaret Donnelly

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Coleman—1

Vacancies—None

On motion of Senator Gross, **CCS** for **SCS** for **HCS** for **HB 12**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR HOUSE BILL NO. 12

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly,

including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2007 and ending June 30, 2008.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Coleman—1

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 338**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HB 647**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Nodler, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HB 70**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 213**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

CONFERENCE COMMITTEE REPORTS

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 13** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 13

The Conference Committee appointed on Senate

Committee Substitute for House Committee Substitute for House Bill No. 13, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 13.
2. That the House recede from its position on House Committee Substitute for House Bill No. 13.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 13, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Charles R. Gross
/s/ Gary Nodler
/s/ Robert N. Mayer
/s/ Joan Bray
/s/ Timothy P. Green

FOR THE HOUSE:

/s/ Allen Icet
/s/ Ed Robb
/s/ Bryan P. Stevenson
/s/ Paul LeVota
/s/ Margaret Donnelly

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Coleman—1

Vacancies—None

Senator Scott assumed the Chair.

On motion of Senator Gross, **CCS** for **SCS** for **HCS** for **HB 13**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR HOUSE BILL NO. 13

An Act to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2007 and ending June 30, 2008.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Coleman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Wilson moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Vogel moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HB 255**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Champion moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 86**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Griesheimer, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 81**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 81

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 81, with House Amendment Nos. 1, 2, and 3, House Amendment No. 2 to House Amendment No. 4, and House Amendment No. 4, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 81;
2. That the Senate recede from its position on

Senate Bill No. 81;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 81, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ John E. Griesheimer	/s/ Charles Schlottach
/s/ Chris Koster	/s/ Jason T. Smith
/s/ Kevin Engler	/s/ Kevin Threlkeld
/s/ Victor E. Callahan	/s/ Trent Skaggs
/s/ Ryan McKenna	/s/ Jacob Zimmerman

Senator Griesheimer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator Coleman—1

Vacancies—None

On motion of Senator Griesheimer, **CCS** for **HCS** for **SB 81**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR SENATE BILL NO. 81

An Act to repeal sections 67.1003, 67.1360, 67.2500, 67.2510, 89.010, 89.400, 94.837, RSMo, and section 67.2505 as enacted by conference committee substitute for senate substitute for

senate committee substitute for house committee substitute for house bill nos. 795, 972, 1128 & 1161 merged with house substitute for senate committee substitute for senate bill no. 1155, ninety-second general assembly, second regular session, and section 67.2505, as enacted by senate substitute for senate committee substitute for house committee substitute for house bill no. 833 merged with house committee substitute for senate substitute for senate bill no. 732, ninety-second general assembly, second regular session, and to enact in lieu thereof nine new sections relating to the promotion of local tourism and economic development, with an emergency clause.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator Coleman—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer

McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator Coleman—1

Vacancies—None

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 17** and has taken up and passed **SCS** for **HCS** for **HB 17**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 18** and has taken up and passed **SCS** for **HCS** for **HB 18**.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HB 255**, as amended: Senators Vogel, Scott, Ridgeway, Green and Shoemyer.

REPORTS OF STANDING COMMITTEES

Senator Rupp moved that the committee report made by the Gubernatorial Appointments' Committee on Robert D. Onder, Jr., be taken up for adoption, which motion prevailed.

Senator Rupp moved that the committee report be adopted and the Senate do give its advice and consent to the appointment of Robert D. Onder, Jr., which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Loudon moved **HCS** for **HB 818**, with **SCS**, **SS No. 2** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Shoemyer, **SA 1** was withdrawn.

Senator Ridgeway offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 818, Page 70, Section 376.990, Line 20 of said page, by inserting before the word "third" the following: "**licensed**".

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Loudon moved that **SS No. 2** for **SCS** for **HCS** for **HB 818**, as amended, be adopted, which motion prevailed.

On motion of Senator Loudon, **SS No. 2** for **SCS** for **HCS** for **HB 818**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	Graham

Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel—31	

NAYS—Senators—None

Absent—Senators

Green Wilson—2

Absent with leave—Senator Coleman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Nodler offered Senate Resolution No. 1303, regarding the Twenty-fifth Anniversary of the Metropolitan Emergency Transport System, Joplin, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Elizabeth Cavanagh, M.D., St. Louis.

Senator Barnitz introduced to the Senate, Coach Doug Grooms and members of the University of Rolla swim team, Chris Scheuber, Matthew Adams, Matt Hammond, Bill Gaul, Andy Shelley and Travis Stensby.

Senator Gibbons introduced to the Senate, Christopher Brown, Des Peres; and Alyssa Mayer, Kirksville.

On motion of Senator Shields, the Senate adjourned until 2:00 p.m., Monday, May 14, 2007.

SENATE CALENDAR

SEVENTIETH DAY—MONDAY, MAY 14, 2007

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 758-Brown (50)

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| 1. SB 571-Mayer, with SCS | 7. SB 484-Stouffer, with SCS |
| 2. SB 652-Coleman and Gibbons, with SCS | 8. SBs 348, 626 & 461-Koster, et al, with SCS |
| 3. SB 699-Lager, with SCS | 9. SJR 15-Green |
| 4. SB 11-Coleman, with SCS | 10. SB 629-Smith, with SCS |
| 5. SB 536-Lager, with SCS | 11. SB 122-Bray and Days, with SCS |
| 6. SB 552-Bartle | 12. SB 491-Ridgeway |

HOUSE BILLS ON THIRD READING

- | | |
|--|---|
| 1. HCS for HB 74 (Scott) (In Fiscal Oversight) | 6. HCS for HB 457, with SCS |
| 2. HB 801-Kraus, et al, with SCS (Engler) | (Griesheimer) |
| 3. HCS for HB 914 (Scott) | 7. HCS for HB 227 (Mayer) |
| 4. HCS for HBs 619 & 118, with SCS | 8. HCS for HB 338, with SCS |
| (Griesheimer) | 9. HB 647-Young, et al |
| 5. HB 215-Stevenson, et al, with SCS | 10. HB 70-Day, et al (Rupp) |
| (Goodman) | 11. HB 213-Cunningham (86), et al, with |
| | SCS (Rupp) |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

- | | |
|---------------------------------|-----------------------|
| SS for SB 303-Loudon | SS for SB 570-Clemens |
| SS#4 for SCS for SB 430-Shields | |

SENATE BILLS FOR PERFECTION

- | | |
|--|---------------------------------------|
| SB 2-Gibbons, with SCS | SB 213-McKenna |
| SB 17-Shields, with SCS | SB 242-Nodler, with SCS |
| SB 20-Griesheimer, with SCS | SB 250-Ridgeway and Vogel |
| SB 27-Bartle and Koster | SB 252-Ridgeway and McKenna |
| SB 53-Koster and Engler, with SCS | SB 254-Nodler, et al, with SCS |
| SB 101-Mayer | SBs 260 & 71-Koster, et al, with SCS |
| SB 131-Rupp | SB 274-Shields |
| SB 153-Engler, et al, with SCS | SB 282-Griesheimer, with SCS & SS for |
| SB 155-Engler, with SCS & SS for SCS | SCS (pending) |
| (pending) | SB 287-Crowell and Vogel, with SS |
| SB 160-Rupp, with SCS | (pending) |
| SB 168-Mayer and Crowell, with SCS, SS | SB 292-Mayer |
| for SCS & SA 1 (pending) | SB 297-Loudon, with SCS |
| SB 169-Rupp, with SCS, SS for SCS & SA 3 | SB 300-Bartle |
| (pending) | SB 341-Goodman, with SCS |
| SB 205-Stouffer and Gibbons, with SCS | SB 363-Bartle |
| SB 212-Goodman | |

SB 364-Koster, with SCS, SS for SCS,
 SA 1 & SSA 1 for SA 1 (pending)
 SBs 370, 375 & 432-Scott and Koster,
 with SCS & SA 5 (pending)
 SBs 372 & 366-Justus and Koster, with SCS
 SB 385-Gibbons, with SCS
 SB 388-Mayer, with SCS
 SB 400-Crowell, et al
 SB 444-Goodman
 SB 453-Scott, with SCS
 SB 458-Gibbons
 SB 476-Crowell
 SB 480-Ridgeway, et al, with SCS
 SB 492-Crowell
 SB 499-Engler and Clemens, with SCS
 SB 511-Scott, with SCS
 SB 521-Lager, et al, with SCS
 SB 523-Scott, with SCS

SB 531-Gibbons, with SCS
 SB 534-Nodler
 SB 537-Lager
 SB 542-Scott, with SCS
 SBs 555 & 38-Gibbons, with SCS
 SB 563-Lager, with SCS & SS for SCS
 (pending)
 SB 572-Vogel
 SB 586-Crowell, with SCS
 SB 592-Scott, with SCS
 SB 599-Engler, with SCS
 SB 627-Ridgeway
 SB 635-Loudon, with SCS
 SB 644-Griesheimer
 SBs 660, 553, 557, 167, 258, 114 &
 378-Mayer, with SCS
 SB 698-Ridgeway, et al, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 39, with SCS (Koster)
 HB 42-Portwood, with SCS (Koster)
 HB 46-Viebrock and Stevenson (Stouffer)
 HB 69-Day, with SCS (Barnitz)
 HCS for HB 98 (Scott)
 HB 125-Franz, with SCS (Shoemyer)
 HCS for HB 135, with SCS (Koster)
 HB 155-Dusenbergh, et al (Ridgeway)
 HCS for HB 165, with SCS (Griesheimer)
 HCS for HB 184 (Rupp)
 HCS for HB 245 (Stouffer)
 SS for HB 265-Cunningham (86) (Rupp)
 (In Fiscal Oversight)
 HB 267-Jones (117) and Cunningham (86),
 with SA 5 (pending) (Rupp)
 HB 269-Nolte, et al (Ridgeway)
 HCS for HB 329, with SCS (Scott)
 HCS for HB 346 (Clemens)
 HCS for HB 431, with SCS (Goodman)

HB 454-Jetton, et al (Mayer)
 HB 462-Munzlinger, et al (Purgason)
 HCS for HB 469, with SCS (Crowell)
 HB 482-Walton, et al (Goodman)
 HB 489-Baker (123), et al, with SCS
 (Shields)
 HB 526-Pratt (Loudon)
 HB 527-Cooper (120) (Scott)
 HCS for HB 551, with SCS & SS for SCS
 (pending) (Koster)
 HCS for HB 583, with SCS (Gibbons)
 HB 596-St. Onge, with SCS (Stouffer)
 HCS for HB 620, with SCS (Ridgeway)
 HCS for HBs 654 & 938 (Crowell)
 HB 686-Smith (150) and Tilley (Stouffer)
 HCS for HB 741 (Koster)
 HCS for HB 774 (Crowell)
 HCS for HB 820, with SA 2 & SSA 1 for
 SA 2 (pending) (Engler)

HCS for HB 827, with SCS (Justus)
HCS for HB 845 (Crowell)
HB 875-Franz, with SCS (Crowell)
HCS for HB 894, with SCS & SS for SCS
(pending) (Days)
HB 1014-Wright, et al, with SCS (Mayer)

HCS for HB 1055, with SCA 1 (Scott)
HCS for HJR 1, with SCS (Rupp)
HJR 7-Nieves, et al, with SCS (pending)
(Engler)
HJR 19-Bearden, et al (Ridgeway)

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Reported 2/15

SB 8-Kennedy

Reported 3/8

SB 185-Green

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 54-Koster, with HCS, as
amended

SB 666-Scott, with HCS, as amended

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SB 25-Champion, with HCS, as amended
(Senate adopted CCR and passed CCS)
SB 30-Nodler and Ridgeway, with HCS, as
amended
SCS for SBs 62 & 41-Goodman and Koster,
with HCS, as amended

SCS for SB 64-Goodman and Koster, with
HCS, as amended
SB 81-Griesheimer, with HCS, as amended
(Senate adopted CCR and passed CCS)
SCS for SB 82-Griesheimer, with HCS, as
amended

SB 84-Champion, with HCS, as amended
SCS for SB 156-Engler, with HCS, as
amended
SCS for SB 198-Mayer, with HCS
SCS for SB 308-Crowell, et al, with HCS,
as amended
SB 406-Crowell, with HCS#2, as amended
SB 416-Goodman, with HCS

HB 255-Bruns, with SS for SCS, as
amended (Vogel)
HB 488-Wasson, with SA 1 (Stouffer)
HB 574-St. Onge, with SA 1 & SA 3
(Stouffer)
HB 665-Ervin, et al, with SS, as amended
(Ridgeway)

Requests to Recede or Grant Conference

SCS for SB 86-Champion, with HCS, as
amended (Senate requests House recede or
grant conference)

RESOLUTIONS

Reported from Committee

HCR 15-Threlkeld, et al, with SCS
(Shields)
SCR 10-Koster and Shields
HCR 25-Yates, et al (Bartle)
HCR 30-Pratt, et al (Koster)
HCR 11-Ervin and Flook (Ridgeway)
HCR 8-Loehner, et al (Barnitz)

SCR 9-Crowell
SCR 20-Crowell
HCR 24-Wilson (130), et al (Mayer)
HCR 20-Guest, et al, with SCS (Purgason)
HCR 16-Deeken (Gibbons)
HCR 17-Fisher, et al

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Journal of the Senate

FIRST REGULAR SESSION

SEVENTIETH DAY—MONDAY, MAY 14, 2007

The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

“Those of steadfast mind you keep in peace - in peace because they trust in you.” (Isaiah 26:3)

Loving Father, we begin our final week and know that the stresses and challenges will be many and that we shall surely need Your loving presence and peace to guide us and support us. And we shall never doubt that You are leading us along Your right pathways. Help us keep our mind on You as we deal with one another as You would encourage there be peace among us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, May 10, 2007 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager

Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

Senator Shields announced that photographers from KRCG-TV, KOMU-TV and the Missouri Lawyers’ Weekly were given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Mayer offered Senate Resolution No. 1304, regarding Matt Jones, Broseley, which was adopted.

Senator Purgason offered Senate Resolution No. 1305, regarding Martha Hiatt, which was adopted.

Senator Crowell offered Senate Resolution No. 1306, regarding Kia Thomas, Oak Ridge, which was adopted.

Senator Crowell offered Senate Resolution

No. 1307, regarding Victoria Taylor, Old Appleton, which was adopted.

Senator Crowell offered Senate Resolution No. 1308, regarding Emily Stuppy, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 1309, regarding Brittany Nicole Tomlinson, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 1310, regarding Janice Jansen, Leopold, which was adopted.

Senator Crowell offered Senate Resolution No. 1311, regarding Amber Bueter, Glennon, which was adopted.

Senator Crowell offered Senate Resolution No. 1312, regarding Michelle Bridges, Marble Hill, which was adopted.

Senator Crowell offered Senate Resolution No. 1313, regarding Rheanna Greer, Marble Hill, which was adopted.

Senator Bray offered Senate Resolution No. 1314, regarding Chris Webb, Maryland Heights, which was adopted.

Senator Engler offered Senate Resolution No. 1315, regarding Betty R. McIntyre, Farmington, which was adopted.

Senator Engler offered Senate Resolution No. 1316, regarding Billie Ann Barker, which was adopted.

Senator Engler offered Senate Resolution No. 1317, regarding Patricia A. McClure, which was adopted.

Senator Gross offered Senate Resolution No. 1318, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Richard Smith, St. Charles County, which was adopted.

Senator Gross offered Senate Resolution No. 1319, regarding Mildred Johnson, Saint Peters, which was adopted.

Senator Gross offered Senate Resolution No. 1320, regarding David Miller, Saint Charles, which was adopted.

Senator Gross offered Senate Resolution No. 1321, regarding Jeanne Dunkmann, Saint Charles, which was adopted.

Senator Gross offered Senate Resolution No. 1322, regarding Ashley Jones, St. Charles, which was adopted.

Senator Rupp offered Senate Resolution No. 1323, regarding Patricia A. Turpin, Ed.D., O'Fallon, which was adopted.

Senator Stouffer offered Senate Resolution No. 1324, regarding Janet Wunderlich, Jefferson City, which was adopted.

Senator Stouffer offered Senate Resolution No. 1325, regarding Mary Kate Alkire, which was adopted.

Senator Vogel offered Senate Resolution No. 1326, regarding Mark R. Reading, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 1327, regarding Corrections Officer I Rebecca Elm, Fulton, which was adopted.

Senator Vogel offered Senate Resolution No. 1328, regarding Trisha Brown, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 1329, regarding Lindsey Lawrence, New Bloomfield, which was adopted.

Senator Vogel offered Senate Resolution No. 1330, regarding Travis Owens, Jefferson City, which was adopted.

Senator Scott offered Senate Resolution No. 1331, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Noel Wayne Scott, which was adopted.

Senator Kennedy offered Senate Resolution No. 1332, regarding Gregg Fingerhut, Oakville, which was adopted.

Senator Kennedy offered Senate Resolution No. 1333, regarding Dr. Ed Stewart, South St. Louis County, which was adopted.

Senator Kennedy offered Senate Resolution No. 1334, regarding Angela Hof, St. Louis, which was adopted.

Senator Graham offered Senate Resolution No. 1335, regarding Cheryl Jean Cozette, Columbia, which was adopted.

Senator Graham offered Senate Resolution No. 1336, regarding Bethany Haid, Columbia, which was adopted.

Senator Champion offered Senate Resolution No. 1337, regarding Bryan K. Hutchings, Springfield, which was adopted.

Senator Shields offered Senate Resolution No. 1338, regarding Margaret A. Van Cooten, which was adopted.

Senator Loudon offered Senate Resolution No. 1339, regarding David Jolly, Chesterfield, which was adopted.

Senator Loudon offered Senate Resolution No. 1340, regarding Patrick Schlag, Bridgeton, which was adopted.

Senator Loudon offered Senate Resolution No. 1341, regarding Canaan Baptist Church, Saint Louis, which was adopted.

Senator Lager offered Senate Resolution No. 1342, regarding Layna Fairman, Cameron, which was adopted.

Senator Lager offered Senate Resolution No. 1343, regarding Katie Korneman, Cameron, which was adopted.

Senator Lager offered Senate Resolution No. 1344, regarding Eric Beck, Cameron, which was adopted.

Senator Lager offered Senate Resolution No. 1345, regarding Megan Fallein, Cameron, which was adopted.

Senator Lager offered Senate Resolution No. 1346, regarding Alissa Wattenbarger, Cameron, which was adopted.

Senator Lager offered Senate Resolution No. 1347, regarding Lindsey Hyder, St. Joseph, which was adopted.

Senator Barnitz offered Senate Resolution No. 1348, regarding Diann Scheulen, Linn, which was adopted.

Senator Shields offered Senate Resolution No. 1349, regarding Travis Weaver, which was adopted.

Senator McKenna offered Senate Resolution No. 1350, regarding Reverend Richard Carter, Crystal City, which was adopted.

Senator McKenna offered Senate Resolution No. 1351, regarding Paddy Malone's Pub, Jefferson City, which was adopted.

REFERRALS

President Pro Tem Gibbons referred **HCS** for **HB 338**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS No. 2** for **SCS** for **HCS** for **HBs 444, 217, 225, 239, 243, 297, 402** and **172** and has taken up and passed **SS No. 2** for **SCS** for **HCS** for **HBs 444, 217, 225, 239, 243, 297, 402** and **172**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS No. 2** for **SCS** for **HCS** for **HB 818**, as amended, and has taken up and passed **SS No. 2** for **SCS** for **HCS** for **HB 818**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 513**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 577**, entitled:

An Act to repeal sections 105.711, 135.096, 191.411, 191.900, 191.905, 191.910, 198.097, 208.014, 208.151, 208.152, 208.153, 208.201, 208.212, 208.215, 208.217, 208.225, 208.612, 208.631, 208.640, 208.750, 208.930, 375.020, 473.398, 660.546, 660.547, 660.549, 660.551, 660.553, 660.555, and 660.557, RSMo, and to enact in lieu thereof sixty-one new sections relating to the creation of the MO HealthNet program in order to provide medical assistance for needy persons, with penalty provisions and an emergency clause for a certain section.

With House Amendment No. 1 to House Amendment No. 1, House Amendment No. 1, as amended, House Amendment No. 2, Part 1 to House Amendment No. 3, Part 3 to House Amendment No. 3, House Amendment Nos. 4, 5, House Amendment No. 1 to House Amendment No. 6, House Amendment No. 6, as amended, House Amendment Nos. 7, 8, 9, 10, 11, 12, 16, 17, 19, 20, 21, 25 and 26.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 1, line 1, by inserting before the word "AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 15, line 40, by inserting before the word "A" the words "The

person so referred shall be subject to the penalties provided for under 42 U.S.C. Chapter 7, Subchapter XI, Section 1320a-7."

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 25, Section 208.001, Subsection 1, Lines 1 through 4 by deleting all of said lines and inserting in lieu thereof the following:

"208.001. 1. Sections 105.711, 135.096, 135.575, 191.411, 191.900, 191.905, 191.907, 191.908, 191.909, 191.910, 191.914, 191.1050, 191.1053, 191.1056, 192.632, 198.069, 198.097, 208.001, 208.146, 208.151, 208.152, 208.153, 208.197, 208.201, 208.212, 208.213, 208.215, 208.217, 208.225, 208.230, 208.612, 208.631, 208.640, 208.659, 208.670, 208.690, 208.692, 208.694, 208.696, 208.698, 208.750, 208.930, 208.950, 208.952, 208.954, 208.956, 208.960, 208.962, 208.964, 208.968, 208.975, 208.978, 375.020, 375.143, 473.398, and 620.510 RSMo, may be known as and may be cited as the "Missouri Continuing Health Improvement Act";" and

Further amend said bill, Page 44, Section 208.153, Line 30 by deleting the word "**any**" and inserting in lieu thereof the words "**all or part of a**"; and

Further amend said bill, page and section, Line 31 by inserting after the word "**pass**" the words "**the pertinent portion, as defined by departmental regulation, of**"; and

Further amend said bill, Page 45, Section 208.197, Subsection 2, Line 16 by deleting the word "**encourage**" and inserting in lieu thereof "**discourage**"; and

Further amend said bill, Page 70, Section 208.950, Subsection 1, Subdivision (12), Line 58 by inserting before the word "**the**", the words "**if the participant has a PCP, the office or clinic of a participant's PCP or PCP extender, and any team of individuals associated with that office**

or clinic, or if the participant has no PCP,”; and

Further amend said bill, Pages 70, section 208.950, Line 61, by deleting the words **“The home is led by a clinically appropriate provider, who”**; and

Further amend said bill, Pages 70 to 71, section 208.950, Lines 62 through 69, by deleting said lines; and

Further amend said bill, Page 71, Section 208.950, Subsection 1, Subdivision (14), Line 75 by inserting after **“208.152”** the words **“and other budgeted services”**; and

Further amend said bill, Page 71, Section 208.950, Subsection 1, Subdivision (19), Line 93 by deleting the word **“select”** and inserting in lieu thereof **“selected”**; and

Further amend said bill, Page 73, Section 208.950, Subsection 1, Subdivision (25), Line 146 by deleting the word **“existing”**; and

Further amend said bill, Page 80, Section 208.954, Subsection 1, Subdivision (1), Paragraph (a), Line 4 by inserting after the word **“and”** the word **“of”**; and

Further amend said bill, Page 81, Section 208.954, Subsection 2, Line 50 by inserting after the word **“all”** the word **“primary”**; and

Further amend said bill, Page 83, Section 208.956, Subsection 1, Subdivision (6), Line 15 by inserting after the word **“professionals”** the words **“of which, one shall be a dentist,”**; and

Further amend said bill, Page 92, Section 208.964, Subdivision (6), Lines 87 through 88 by deleting the words **“not included as part of an ASO plan, managed care plan, or component state plan for such population.”** and inserting in lieu thereof the following:

“may include services of a component state plan upon approval of the department of mental health, but said ABD participants shall not be included as part of an ASO plan or a managed

care plan.”; and

Further amend said bill, Page 95, Section 208.975, Subsection 7, Lines 54 and 55 by deleting the words **“seven hundred fifty thousand dollars within any three-year span.”** and inserting in lieu thereof the following:

“two million dollars per fiscal year.”; and

Further amend said bill, Page 101, Section 620.510, Subsection 3, Subdivision (5), Line 18 by inserting after the word **“services,”** the words **“and the director of the department of mental health,”**; and

Further amend said bill, Page 103, Section 4, by deleting the said section; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 22, Section 191.1050, Lines 9 and 10, by deleting all of said lines and inserting in lieu thereof the following:

“section 632.005, RSMo, rural health clinic, or any group of licensed health care professionals in an area of defined need that is designated by the department as”; and

Further amend said bill, Page 22, Section 191.1053, Line 15, by inserting after all of said lines the following:

“4. The department may promulgate rules to implement the provisions of sections 191.1050 to 191.1056. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and

if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.”; and

Further amend said bill, Page 22, Section 191.1056, Line 3, by inserting after the second appearance of the word “**fund**” on said line the following: “, **with the approval of the oversight committee created in section 208.956, RSMo,**”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 2, Section A., by inserting after all of said section the following:

“103.003. As used in sections 103.003 to 103.175, the following terms mean:

(1) “Actuarial reserves”, the necessary funding required to pay all the medical expenses for services provided to members of the plan but for which the claims have not yet been received by the claims administrator;

(2) “Actuary”, a member of the American Academy of Actuaries or who is an enrolled actuary under the Employee Retirement Income Security Act of 1974;

(3) “Agency”, a state-sponsored institution of higher learning, political subdivision or governmental entity or instrumentality;

(4) “Alternative delivery health care program”, a plan of covered benefits that pays medical expenses through an alternate mechanism rather than on a fee-for-service basis. This includes, but is not limited to, health maintenance organizations and preferred provider organizations,

all of which shall include chiropractic physicians licensed under chapter 331, RSMo, in the provider networks or organizations;

(5) “Board”, the board of trustees of the Missouri consolidated health care plan;

(6) “Claims administrator”, an agency contracted to process medical claims submitted from providers or members of the plan and their dependents;

(7) “Coordination of benefits”, to work with another group-sponsored health care plan which also covers a member of the plan to ensure that both plans pay their appropriate amount of the health care expenses incurred by the member;

(8) “Covered benefits”, a schedule of covered services, including chiropractic services, which are payable under the plan;

(9) “Dental plan”, any contractual arrangement to provide, either directly or through arrangement with others, specified dental benefits to members on a fixed prepayment basis or as a benefit of such subscribers' participation or membership in any other contract, agreement, or group or any corporation, partnership, or other entity which undertakes to provide or arrange specified dental benefits on a prepayment or other basis or to indemnify for specified dental benefits;

[(9)] (10) “Employee”, any person employed full time by the state or a participating member agency, or a person eligible for coverage by a state-sponsored retirement system or a retirement system sponsored by a participating member agency of the plan;

[(10)] (11) “Evidence of good health”, medical information supplied by a potential member of the plan that is reviewed to determine the financial risk the person represents to the plan and the corresponding determination of whether or not he or she should be accepted into the plan;

[(11)] (12) “Health care plan”, any group

medical benefit plan providing coverage on an expense-incurred basis, any HMO, any group service or indemnity contract issued by a health plan of any type or description;

[(12)] **(13)** “Medical benefits coverages” shall include services provided by chiropractic physicians as well as physicians licensed under chapter 334, RSMo;

[(13)] **(14)** “Medical expenses”, costs for services performed by a provider and covered under the plan;

(15) “Member”, any person who is a participant in the Missouri consolidated health care plan, including eligible subscribers and subscribers' spouses and unemancipated children;

[(14)] **(16)** “Missouri consolidated health care plan benefit fund account”, the benefit trust fund account containing all payroll deductions, payments, and income from all sources for the plan;

[(15)] **(17)** “Officer”, an elected official of the state of Missouri;

[(16)] **(18)** “Participating member agency”, a state-sponsored institution of higher learning, political subdivision or governmental entity that has elected to join the plan and has been accepted by the board;

[(17)] **(19)** “Plan year”, a twelve-month period designated by the board which is used to calculate the annual rate categories and the appropriate coverage;

[(18)] **(20)** “Provider”, a physician, hospital, pharmacist, psychologist, chiropractic physician or other licensed practitioner who or which provides health care services within the respective scope of practice of such practitioner pursuant to state law and regulation;

[(19)] **(21)** “Retiree”, a person who is not an employee and is receiving or is entitled to receive an annuity benefit from a state-sponsored

retirement system or a retirement system of a participating member agency of the plan or becomes eligible for retirement benefits because of service with a participating member agency;

(22) “Subscriber”, a person who is either:

(a) An eligible employee of the state or a participating member agency;

(b) An eligible retiree of the state or a participating member agency;

(c) An eligible surviving spouse or dependent of a deceased employee or deceased employee or deceased retiree of the state or a participating member agency;

(d) A former employee of the state or a participating member agency who is eligible for coverage under the federal Consolidated Omnibus Budget Reconciliation Act; or

(e) A person eligible for medical assistance under section 208.146, RSMo, and not otherwise eligible for coverage under the Missouri consolidated health care plan and who elects dental or vision coverage or both through the Missouri consolidated health care plan;

(23) “Vision plan”, any contractual arrangement to provide, either directly or through arrangement with others, specified vision benefits to members on a fixed prepayment basis or as a benefit of such subscribers' participation or membership in any other contract, agreement, or group or any corporation, partnership, or other entity which undertakes to provide or arrange specified vision benefits on a prepayment or other basis or to indemnify for specified vision benefits.

103.005. For the purpose of covering medical, dental, and vision expenses of the officers, employees and retirees, the eligible dependents of officers, employees and retirees and to the surviving spouses and children of deceased officers, employees and retirees of the state and participating member agencies of the state, and

providing dental and vision benefits to eligible participants of medical assistance under section 208.146, RSMo, there is hereby created and established a health care plan which shall be a body corporate, which shall be under the management of the board of trustees herein described, and shall be known as the “Missouri Consolidated Health Care Plan”. Notwithstanding any provision of law to the contrary, such plan may sue and be sued, transact business, contract, invest funds and hold cash, securities and other property and shall be vested with such other powers as may be necessary or proper to enable it, its officers, employees, and agents to carry out fully and effectively all the purposes of sections 103.003 to 103.175.

103.087. For purposes of this section, the terms “medical assistance subscriber” or “medical assistance participant” shall mean a person receiving medical assistance under section 208.146, RSMo. Except as otherwise provided by sections 103.003 to 103.175, dental and vision benefits coverage as provided by sections 103.003 to 103.175 shall be made available to persons receiving medical assistance under section 208.146, RSMo. Spouses or unemancipated children under the age of twenty-three of such persons shall also be eligible to receive such dental and vision benefits.

(1) Dental and vision plans shall be available for enrollment by medical assistance eligible participants no earlier than January 1, 2008, and no later than July 1, 2008;

(2) The cost of providing dental and vision benefits to medical assistance eligible subscribers and subscribers' dependents not otherwise eligible for coverage through the Missouri consolidated health care plan shall not be allowed to adversely affect the state's or participating member agencies' rates or benefits;

(3) An initial thirty-day enrollment period

shall be available for persons eligible for medical assistance not otherwise eligible for coverage under the Missouri consolidated health care plan to enroll in the dental or vision benefits or both under the Missouri consolidated health care plan. This initial thirty-day enrollment period shall begin from such person's initial date of approval under medical assistance under section 208.146, RSMo;

(4) There shall be an annual thirty-day enrollment period, at a time designated by the board, during which persons eligible for medical assistance not otherwise eligible for coverage under the Missouri consolidated health care plan shall be able to enroll in the dental or vision plans or both;

(5) Medical assistance participants not otherwise eligible for coverage under the Missouri consolidated health care plan shall also be eligible to enroll in the dental or vision plans or both as a medical assistance participant within sixty days of a loss of other group dental or vision coverage, or both, provided that such coverage was in place for at least twelve consecutive months immediately prior to the loss and that such loss was due to:

(a) The subscriber's or the subscriber's spouse's termination of employment; or

(b) Termination of group dental or vision coverage, or both, by the employer;

(6) Coverage for such dental and vision benefits to medical assistance subscribers and subscribers' dependents shall terminate when the medical assistance participant ceases to be eligible for medical assistance;

(7) Monthly, in accordance with a schedule developed by the board, or its designee, the medical assistance subscriber shall promptly pay to the executive director an amount equal to the amount of the premium due based upon the participation in the dental or vision plans, or

both, as billed by the Missouri consolidated health care plan. Such premium shall be set by the board and shall cover all associated costs, including administrative costs, of the plan for providing such services to medical assistance participants. The executive director shall promptly deposit such amounts to the benefit trust fund account;

(8) The plan shall not assume responsibility for any liabilities incurred by the medical assistance program or its eligible participants or its participants' spouses or unemancipated dependents prior to the group's effective date;

(9) If so determined by the board, the department of social services shall reimburse the plan for any initial start-up costs incurred by the plan solely on behalf of the medical assistance participants and necessary in order for the medical assistance participants to be included in the plan;

(10) If a medical assistance subscriber fails to make any payment due the plan, the board may immediately terminate the medical assistance subscriber's and associated members' enrollment in the plan and stop paying claims accrued during the period of nonpayment. Any subscriber terminated for non-payment of premiums shall not be eligible for coverage until the next annual enrollment period as provided in subdivision (4) of this section.”; and

Further amend said bill, Page 26, Section 208.146, Lines 1 to 62, by deleting all of said lines and inserting in lieu thereof the following:

“208.146. 1. The program established under this section shall be known as the “Ticket to Work Health Assurance Program”. Subject to appropriations and in accordance with the federal Ticket to Work and Work Incentives Improvement Act of 1999 (TWWIIA), Public Law 106-170, the medical assistance provided for in section 208.151 may be paid for a person who is employed and who:

(1) Except for earnings, meets the definition of disabled under the Supplemental Security Income Program or meets the definition of an employed individual with a medically improved disability under TWWIIA;

(2) Has earned income, as defined in subsection 2 of this section;

(3) Meets the asset limits in subsection 3 of this section;

(4) Has net income, as defined in subsection 3 of this section, that does not exceed the limit for permanent and totally disabled individuals to receive nonspenddown MO HealthNet under subdivision (24) of subsection 1 of section 208.151; and

(5) Has a gross income of two hundred fifty percent or less of the federal poverty level, excluding any earned income of the worker with a disability between two hundred fifty and three hundred fifty percent of the federal poverty level. For purposes of this subdivision, “gross income” includes all income of the person and the person's spouse that would be considered in determining MO HealthNet eligibility for permanent and totally disabled individuals under subdivision (24) of subsection 1 of section 208.151. Individuals with gross incomes in excess of one hundred percent of the federal poverty level shall pay a premium for participation in accordance with subsection 4 of this section.

2. For income to be considered earned income for purposes of this section, the department of social services shall document that Medicare and Social Security taxes are withheld from such income. Self-employed persons shall provide proof of payment of Medicare and Social Security taxes for income to be considered earned.

3. (1) For purposes of determining eligibility under this section, the available asset limit and the definition of available assets shall

be the same as those used to determine MO HealthNet eligibility for permanent and totally disabled individuals under subdivision (24) of subsection 1 of section 208.151 except for:

(a) Medical savings accounts limited to deposits of earned income and earnings on such income while a participant in the program created under this section with a value not to exceed five thousand dollars per year; and

(b) Independent living accounts limited to deposits of earned income and earnings on such income while a participant in the program created under this section with a value not to exceed five thousand dollars per year. For purposes of this section, an “independent living account” means an account established and maintained to provide savings for transportation, housing, home modification, and personal care services and assistive devices associated with such person's disability.

(2) To determine net income, the following shall be disregarded:

(a) All earned income of the disabled worker;

(b) The first sixty-five dollars and one-half of the remaining earned income of a nondisabled spouse's earned income;

(c) A twenty-dollar standard deduction;

(d) Health insurance premiums;

(e) A seventy-five dollar a month standard deduction for the disabled worker's dental and optical insurance when the total dental and optical insurance premiums are less than seventy-five dollars;

(f) All Supplemental Security Income payments, and the first fifty dollars of SSDI payments;

(g) A standard deduction for impairment-related employment expenses equal to one-half of the disabled worker's earned income.

4. Any person whose gross income exceeds one hundred percent of the federal poverty level shall pay a premium for participation in the medical assistance provided in this section. Such premium shall be:

(1) For a person whose gross income is more than one hundred percent but less than one hundred fifty percent of the federal poverty level, four percent of income at one hundred percent of the federal poverty level;

(2) For a person whose gross income equals or exceeds one hundred fifty percent but is less than two hundred percent of the federal poverty level, four percent of income at one hundred fifty percent of the federal poverty level;

(3) For a person whose gross income equals or exceeds two hundred percent but less than two hundred fifty percent of the federal poverty level, five percent of income at two hundred percent of the federal poverty level;

(4) For a person whose gross income equals or exceeds two hundred fifty percent but less than three hundred percent of the federal poverty level, six percent of income at two hundred fifty percent of the federal poverty level;

(5) For a person whose gross income equals or exceeds three hundred percent but less than three hundred fifty percent of the federal poverty level, seven percent of income at three hundred percent of the federal poverty level.

5. Recipients of services through this program shall report any change in income or household size within ten days of the occurrence of such change. An increase in premiums resulting from a reported change in income or household size shall be effective with the next premium invoice that is mailed to a person after due process requirements have been met. A decrease in premiums shall be effective the first day of the month immediately following the month in which the change is reported.

6. If an eligible person's employer offers employer-sponsored health insurance and the department of social services determines that it is more cost effective, such person shall participate in the employer-sponsored insurance. The department shall pay such person's portion of the premiums, co-payments, and any other costs associated with participation in the employer-sponsored health insurance.

7. Those persons found eligible for medical assistance through this section shall have the right to purchase dental or optical insurance or both through the Missouri Consolidated Health Care Plan.”; and

Further amend said bill, Page 64, Section 208.696, Line 19, by deleting the word “**and**”; and

Further amend said bill, Page 64, Section 208.696, Line 20, by inserting immediately following the word “**care**”; the following “**partnership approved**”; and

Further amend said bill, page 65, Section 208.696, Lines 23 to 24 by deleting all of said lines and inserting in lieu thereof the following:

“**eligibility;**

(7) Develop requirements that all long-term care policies sold in the state of Missouri shall include coverage for all home and community based services, including but not limited to consumer-directed services, in-home, home health, and assisted living services;

(8) Develop requirements that all long-term care insurance policies sold in the state of Missouri shall disallow exclusions based on pre-existing conditions;

(9) Develop requirements that vendors of long-term care policies shall not charge a higher fee for premiums for individuals with pre-existing conditions or disabilities; and

(10) Develop requirements that all vendors of long-term care insurance shall provide each

potential purchaser with accurate and verifiable information on the rates, expressed as a percentage of all claims for long-term care services which the vendor has denied in the past twelve months”; and

Further amend said bill, page 103, Section 4, by inserting after all of said section the following:

“**Section 5. The provisions in section 103.005, RSMo, relating to dental and vision benefits for medical assistance participants under section 208.146, RSMo, section 103.087, RSMo, section 208.146, RSMo, and subsection 7 of section 208.151, RSMo, shall expire six years after the effective date of this act.**”; and

Further amend said bill, page 107, Section B., by inserting after all of said section the following:

“**Section C. The repeal and reenactment of sections 103.003, 103.005, and 208.151, and the enactment of sections 103.087 and 208.146, shall be effective upon notice to the revisor of statutes that a waiver or approval of a state plan amendment has been obtained from the Secretary of the Department of Health and Human Services by the director of the department of social services.**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 73, Section 208.950, Lines 145-153, by deleting all of said Lines and inserting in lieu thereof the following:

“**state beginning with the next contract renewal period. The division may promulgate rules to compare different methods for dental management. Such rules shall include but are not limited to methods to compare cost, outcomes, encounter data, network adequacy including availability of specialty providers,**

timeliness of service delivery, delivery of preventative services and emergency services, and patient satisfaction. Once such rules have been adopted the division may, in the following contract period in one managed care region, negotiate with one managed care organization to have dental services for enrolles provided using the division's technology and internal resources and negotiate with one managed care organization to have dental services for enrollees provided using an administrative services organization to be contracted separately from the managed care organization. Three months prior to the end of at least a twelve-month contract period a comparison of the methods of dental management shall be conducted by the division in accordance with the rules, and the results reported to the oversight committee, who shall"; and

Further amend said Bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 36, Section 208.152, Line 89, by inserting after the word "appropriations" the following: **". Until such time as a four-tier level is implemented, each resident of such facility who qualifies for assistance under section 208.030, RSMo shall, at a minimum, if prescribed by a physician, be authorized one hour of personal care services per day. Authorized units of personal care services shall not be reduced or tier level lowered unless an order approving such reduction or lowering is obtained from the resident's personal physician. Such authorized units of personal care services or tier level shall be transferred with such resident if her or she transfers to another such facility";** and

Further amend said bill by amending the title, enacting clause, and intersectional references

accordingly.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 6

Amend House Amendment No. 6 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, line 4, by deleting the word "**Pursuant to**" and inserting in lieu thereof the word "**Notwithstanding**".

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Section 208.152, Page 43, Line 318, by inserting after all of said line the following:

"(11) Pursuant to federal law and subject to appropriations, MO HealthNet participants shall submit to random testing for illegal drugs to remain eligible for MO HealthNet services."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 49, Section 208.215.1, Line 12, by deleting the words "any health benefit plan" on such line, and further amend such bill by deleting the lines 13-19;

Further amend such bill page 51, Section 208.215.8, by deleting lines 86-91 and replace in lieu thereof the following:

"and after the time of the service of the notice."

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Section 105.711, Page 4, Line 98, by deleting the word "**community**"; and

Further amend said bill, Section 208.151, Subsection 1, Subdivision (22), page 31, line 141, by deleting the words **“By January 1, 2008, the department of social services shall”**; and

Further amend said bill and section, pages 31 and 32, lines 142 through 164, by deleting said lines; and

Further amend said bill, Section 208.153, Subsection 2, page 44, lines 25 through 29, by deleting said lines; and

Further amend said bill, Section 208.952, Subsection 8, page 77, lines 47 to 48, by deleting said lines and inserting in lieu thereof the following:

“8. No provision of any statute shall be construed as to require any aged, blind or disabled person to enroll in a managed care plan.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Section 4, Page 103, by inserting after all of said section the following:

“Section 5. Beginning July 1, 2007, a joint interim committee appointed by the speaker of the house of representatives and the president pro tem of the senate shall make a comprehensive study on the effects of asthma on children and adults, including the solicitation of information from appropriate state agencies and the public on the social, economic, educational and health implications of asthma. The committee shall prepare and submit a report including its recommendation for changes to the governor, the house of representatives, and the senate no later than December 31, 2007.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references

accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Pages 10 - 12, Section 167.182, by striking all of said section; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 61, Section, 208.640, Lines 33 to 41, by deleting all of said lines and inserting in lieu thereof the following:

“2. The department of social services shall study the expansion of a presumptive eligibility process for children for medical assistance benefits.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 61, Section 208.640, Line 30, by deleting all of said line and inserting in lieu thereof the following:

“exceeded the annual coverage limits for all health care services, the child is not”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 16

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Section 208.640, Page 61, Line 32, by inserting after all of said Line the following:

“In addition, consistent with 42 U.S.C. section 1396cc(e)(3) and 42 C.F.R. section 457.560, private or employer-sponsored health insurance shall not be considered affordable if the family's total cost-sharing (including premiums, enrollment fees, deductibles, co-payments, co-insurance, or similar cost-sharing) under such insurance would exceed five percent of the family's annual income. The Family Support Division shall promulgate regulations to establish a process for determining whether the total cost of available private or employer-sponsored health insurance exceeds 5% of family income.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 17

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Section 208.151, Page 34, Line 231 by inserting immediately after the word “state” the following:

“, unless subject to appropriation or directed by statute”; and

Further amend said Substitute, said Section, said Page, Line 235 by inserting immediately after the word “thereof” the following:

“, unless the request for such a waiver is made subject to appropriation or directed by statute”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 19

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 1, In the Title, Line 5, by inserting after “RSMO,” the following: “and section 208.755 as truly agreed and finally passed in Senate Substitute for Senate Committee

Substitute for House Committee Substitute for House Bill No. 327, Ninety-fourth General Assembly, First Regular Session,”; and

Further amend said bill, Page 1, Section A, Line 4, by inserting after “RSMO,” the following: “and section 208.755 as truly agreed and finally passed in Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 327, Ninety-fourth General Assembly, First Regular Session,”; and

Further amend said bill, Page 104, Section 208.014, Line 29, by inserting after all of said line the following:

“[208.755. 1. There is hereby established within the department of economic development a program to be known as the “Family Development Account Program”. The program shall provide eligible families and individuals with an opportunity to establish special savings accounts for moneys which may be used by such families and individuals for education, home ownership or small business capitalization.

2. The department shall solicit proposals from community-based organizations seeking to administer the accounts on a not-for-profit basis. Community-based organization proposals shall include:

(1) A requirement that the individual account holder or the family of an account holder match the contributions of a community-based organization member by contributing cash;

(2) A process for including account holders in decision making regarding the investment of funds in the accounts;

(3) Specifications of the population or populations targeted for priority participation in the program;

(4) A requirement that the individual account holder or the family of an account holder attend economic literacy seminars;

(5) A process for including economic literacy seminars in the family development account program; and

(6) A process for regular evaluation and review of family development accounts to ensure program compliance by account holders.

3. In reviewing the proposals of community-based organizations, the department shall consider the following factors:

(1) The not-for-profit status of such organization;

(2) The fiscal accountability of the community-based organization;

(3) The ability of the community-based organization to provide or raise moneys for matching contributions;

(4) The ability of the community-based organization to establish and administer a reserve fund account which shall receive all contributions from program contributors; and

(5) The significance and quality of proposed auxiliary services, including economic literacy seminars, and their relationship to the goals of the family development account program.

4. No more than [twenty] **fifteen** percent of all funds in the reserve fund account may be used for administrative costs of the program in each of the first two years of the program, and no more than [fifteen] **ten** percent of such funds may be used for administrative costs for

any subsequent year. Funds deposited by account holders shall not be used for administrative costs.

5. The department shall promulgate rules and regulations to implement and administer the provisions of sections 208.750 to 208.775. No rule or portion of a rule promulgated pursuant to the authority of sections 208.750 to 208.775 shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.]"; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 20

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 41, Section 208.152, Line 238, by inserting after the number "(27)" the following:

"Home nursing visits for newborn infants. Such nursing services shall consist of home visits designed to prevent infant mortality, child abuse and neglect for at-risk infants by providing health care, education, and positive parenting skills and shall be capable of providing follow-up care as needed for up to twenty-four months after the initial visit. For the purposes of this section, "at risk" may include infants born medically fragile, chemically dependent, or deemed by the treating physician as displaying failure to thrive or born to a chemically dependent parent, to a teenage mother, to a mentally or physically challenged mother, to a family where there has been a history of prior premature births, abuse or neglect, or domestic violence.

(a) This shall be developed as a three-year pilot project, using a maximum of four hundred fifty thousand dollars general revenue, in a county of the first classification with more than eighty thousand but fewer than ninety thousand

inhabitants, a county of the third classification with more than nineteen thousand five hundred but less than twenty-one thousand five hundred inhabitants, a county with a charter form of government and with more than one million inhabitants, a city not within a county, and a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants.

(b) The division shall request appropriate waivers or state plan amendments from the Secretary of the federal Department of Health and Human Services to permit the establishment of this pilot project;

(28)”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 21

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 38, Section 208.152, Line 160, by inserting after the word “therapy” the following:

“and any evaluation required to make the determination of medically necessary”; and

Further amend said Section, Line 198, by inserting after the word “wheelchairs” the words “and any evaluation required to make the determination of medically necessary”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 25

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 103, Section 4, Line 9, by inserting after said line:

Section 5. 1. No person related within the second degree of consanguinity or affinity of a

statewide officeholder who is working as a lobbyist, consultant, or principal shall be awarded a contract for services under sections 208.950 to 208.975, RSMo.

2. No entity employing such person or the clients of such person or entity shall be awarded a contract for services under sections 208.950 to 208.975, RSMo.

HOUSE AMENDMENT NO. 26

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 17, Section 191.905, Line 126, by inserting after said line:

16. Any person who violates the provisions of this section shall be forever excluded from participation as a provider for the MO HealthNet program.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Shields moved that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SB 577**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HCS** for **HB 74** and **SS** for **HB 265**, begs leave to report that it has considered the same and recommends that the bills do pass.

CONCURRENT RESOLUTIONS

Senator Purgason moved that **HCR 20**, with **SCS**, be taken up for adoption, which motion

prevailed.

SCS for **HCR 20** was taken up.

Senator Purgason moved that **SCS** for **HCR 20** be adopted, which motion prevailed.

On motion of Senator Purgason, **HCR 20**, as amended by the **SCS**, was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	Green
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Coleman Graham—2

Vacancies—None

CONFERENCE COMMITTEE REPORTS

Senator Goodman, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 64**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 2 ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 64

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 64, with House Amendment No. 3, House Amendment No. 1 to House Substitute Amendment No. 1 for House

Amendment No. 4, House Substitute Amendment No. 1 for House Amendment No. 4 as amended, and House Substitute Amendment No. 1 for House Amendment No. 5, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 64, as amended;

2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 64;

3. That the attached Conference Committee Substitute No. 2 for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 64, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Jack A.L. Goodman /s/ Maynard Wallace

/s/ Charlie Shields /s/ Jane Cunningham

/s/ Robert Mayer /s/ Scott Muschany

/s/ Jeff Smith /s/ Joe Aull

Yvonne Wilson Sara Lampe

Senator Goodman moved that the above conference committee report no. 2 be adopted.

Senator Rupp assumed the Chair.

Senator Engler requested unanimous consent of the Senate to suspend the rules for the purpose of allowing the conferees on **HCS** for **SCS** for **SB 156**, as amended, to meet while the Senate is in session, which request was granted.

At the request of Senator Goodman, the motion to adopt the **CCR No. 2** on **HCS** for **SCS** for **SB 64**, as amended, was withdrawn.

Senator Goodman moved that the Senate refuse to adopt the **CCR No. 2** on **HCS** for **SCS** for **SB 64**, as amended, and requests the House to grant the Senate a further conference thereon, which motion prevailed.

Senator Crowell, on behalf of the conference committee appointed to act with a like committee from the House on **HCS No. 2** for **SB 406**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 2
ON HOUSE COMMITTEE SUBSTITUTE NO. 2
FOR SENATE BILL NO. 406

The Conference Committee appointed on House Committee Substitute No. 2 for Senate Bill No. 406, with House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 1, House Substitute Amendment No. 1 for House Amendment No. 1, as amended, House Amendment Nos. 2, 4, 5, and 6, House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 7, and House Substitute Amendment No. 1 for House Amendment No. 7, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute No. 2 for Senate Bill No. 406, as amended;

2. That the Senate recede from its position on Senate Bill No. 406;

3. That the attached Conference Committee Substitute No. 2 for House Committee Substitute No. 2 for Senate Bill No. 406 be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Jason Crowell /s/ Maynard Wallace

/s/ Scott Rupp /s/ Danielle Moore

/s/ Delbert Scott /s/ Sara Lampe

/s/ Harry Kennedy /s/ James Viebrock

/s/ Jeff Smith /s/ Patricia M. Yaeger

President Kinder assumed the Chair.

Under the provisions of Senate Rule 91,

Senator Wilson was excused from voting on the adoption of **CCR No. 2** and third reading of **CCS No. 2**.

Senator Crowell moved that the above conference committee no. 2 report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Excused from voting—Senator Wilson—1

Vacancies—None

Senator Rupp assumed the Chair.

On motion of Senator Crowell, **CCS No. 2** for **HCS No. 2** for **SB 406**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2
FOR HOUSE COMMITTEE SUBSTITUTE NO. 2
FOR SENATE BILL NO. 406

An Act to repeal sections 50.1250, 86.1230, 86.1600, 87.006, 103.085, 104.010, 104.040, 104.160, 104.312, 104.320, 104.344, 104.352, 104.354, 104.380, 104.395, 104.805, 104.1003, 104.1012, 104.1015, 104.1021, 104.1024, 104.1027, 104.1039, 104.1051, 104.1072, 104.1087, 104.1090, 105.660, 105.665, 105.910, 105.915, 105.920, 169.010, 169.070, 169.466, 169.471, 169.670, and 211.393, RSMo, and to enact in lieu thereof forty-five new sections

relating to employee benefit plans.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer

Vogel—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Excused from voting—Senator Wilson—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Goodman, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SBs 62 and 41**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 62 & 41

The Conference Committee appointed on House Committee Substitute for Senate Committee

Substitute for Senate Bills Nos. 62 & 41, with House Amendment No. 2 to House Amendment No. 1, House Amendment No. 1 as amended, and House Amendment No. 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 62 & 41, as amended;

2. That the Senate recede from its position on Senate Committee Substitute for Senate Bills Nos. 62 & 41;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 62 & 41, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Jack A.L. Goodman	/s/ Marilyn Ruestman
/s/ Carl M. Vogel	/s/ Stanley D. Cox
/s/ Scott Rupp	/s/ Brian Munzlinger
/s/ Jolie Justus	/s/ Rachel L. Bringer
/s/ Frank A. Barnitz	/s/ Brad Robinson

Under the provisions of Senate Rule 91, Senator Wilson was excused from voting on the adoption of the **CCR** and third reading of the **CCS**.

Senator Goodman moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Coleman	Crowell	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Lager	Loudon	Mayer	McKenna
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Stouffer

Vogel—29

NAYS—Senators

Bray Days Justus—3

Absent—Senator Smith—1

Absent with leave—Senators—None

Excused from voting—Senator Wilson—1

Vacancies—None

President Pro Tem Gibbons assumed the Chair.

On motion of Senator Goodman, **CCS** for **HCS** for **SCS** for **SBs 62** and **41**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR SENATE BILLS NOS. 62 & 41

An Act to repeal sections 476.083, 563.011, 563.031, 563.036, 563.041, 571.030, 571.080, 571.090, 571.095, 571.111, and 630.140, RSMo, and to enact in lieu thereof ten new sections relating to the criminal justice system, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Coleman	Crowell	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Lager	Loudon	Mayer	McKenna
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Stouffer

Vogel—29

NAYS—Senators

Bray Days Justus—3

Absent—Senator Smith—1

Absent with leave—Senators—None

Excused from voting—Senator Wilson—1

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Purgason, Chairman of the Committee on Health and Mental Health, submitted the following report:

Mr. President: Your Committee on Health and Mental Health, to which was referred **HCS** for **HBs 952** and **674**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

CONFERENCE COMMITTEE REPORTS

Senator Goodman, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 416** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 416

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 416, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 416;

2. That the Senate recede from its position on Senate Bill No. 416;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 416, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Jack A.L. Goodman	/s/ Bryan Pratt
/s/ Kevin Engler	/s/ Tim Flook
/s/ Chris Koster	/s/ William Kraus
/s/ Victor E. Callahan	Anthony George
/s/ Joan Bray	Jacob Zimmerman

Senator Rupp assumed the Chair.

Senator Goodman moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator Barnitz—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Goodman, **CCS** for **HCS** for **SB 416**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR SENATE BILL NO. 416

An Act to repeal sections 247.172, 394.312,

and 516.090, RSMo, and to enact in lieu thereof three new sections relating to actions involving certain lands.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator Justus—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Koster moved that **SCS** for **SB 54**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 54**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 54

An Act to repeal sections 260.200, 260.250, 414.420, and 643.079, RSMo, and to enact in lieu

thereof ten new sections relating to environmental regulation, with an effective date.

Was taken up.

Senator Koster moved that **HCS** for **SCS** for **SB 54**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Koster, **HCS** for **SCS** for **SB 54**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator Smith—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Koster, title to the bill was agreed to.

Senator Koster moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Mayer moved that the conference on **HCS** for **SCS** for **SB 198** be dissolved and that **SCS** for **SB 198**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 198**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 198

An Act to repeal section 253.095, RSMo, and to enact in lieu thereof six new sections relating to use of lands, with penalty provisions.

Was taken up.

Senator Mayer moved that **HCS** for **SCS** for **SB 198** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Clemens
Crowell	Days	Engler	Gibbons
Goodman	Graham	Griesheimer	Gross
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Stouffer	Vogel	Wilson—28

NAYS—Senators

Bray	Coleman	Justus	Smith—4
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Absent—Senators

Champion	Green—2
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Absent with leave—Senators—None

Vacancies—None

On motion of Senator Mayer, **HCS** for **SCS** for **SB 198** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Crowell	Days	Engler
Gibbons	Goodman	Graham	Griesheimer
Gross	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Stouffer	Vogel

Wilson—29

NAYS—Senators

Bray	Coleman	Justus	Smith—4
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Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HB 758—Ways and Means.

REFERRALS

President Pro Tem Gibbons referred **HCS** for **HBs 952** and **674**, with **SCS**, to the Committee on

Governmental Accountability and Fiscal Oversight.

RESOLUTIONS

Senator Griesheimer offered Senate Resolution No. 1352, regarding John Bowen, Washington, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1353, regarding Mitchell Lutterman, Labadie, which was adopted.

Senator Koster offered Senate Resolution No. 1354, regarding Kyle Myers, Warrensburg, which was adopted.

Senator Gibbons offered Senate Resolution No. 1355, regarding Laura J. Kinder, Chesterfield, which was adopted.

Senator Gibbons offered Senate Resolution No. 1356, regarding Timothy C. Treloar, Manchester, which was adopted.

Senator Koster offered Senate Resolution No. 1357, regarding Les Whiteside, which was adopted.

Senator Clemens offered Senate Resolution No. 1358, regarding Heather Ash, Springfield, which was adopted.

Senator Clemens offered Senate Resolution No. 1359, regarding Haasan Rao, Springfield, which was adopted.

Senator Justus offered the following resolution:

SENATE RESOLUTION NO. 1360

WHEREAS, the proper education of all students is necessary for a productive and bright future of all citizens of Missouri; and

WHEREAS, the social, emotional, and educational needs of children are affected by placement in foster care; and

WHEREAS, the mobility of pupils in foster care often disrupts their educational experience; and

WHEREAS, efficient transfer procedures and transfer of pupil records is a critical factor in the swift placement of foster children in educational settings; and

WHEREAS, it is essential that a determination of responsibility among both the local school district and the child

placing agency is made regarding the proper and timely placement and transfer of pupils in foster care:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, First Regular Session, hereby create a Senate Interim Committee on the Educational Rights of Foster Care Pupils; and

BE IT FURTHER RESOLVED that the interim committee shall be responsible for:

(1) Investigating the primary objective that all pupils in foster care should have a meaningful opportunity to meet the academic achievement standards to which all pupils are held;

(2) Studying the implementation of a new policy by the department of social services that would consider as part of the function of the child's family support team the educational needs of each child under the jurisdiction of the juvenile court or family court;

(3) Exploring the means of ensuring that pupils, educators, care providers, child placing agencies, advocates, and the juvenile officers work together to maintain stable school placements and to ensure that each pupil is placed in the least restrictive educational programs, and has access to the academic resources, services, and extracurricular and enrichment activities that are available to all pupils;

(4) Researching the possibility of requiring each school district to designate a staff person as the educational liaison for foster care children;

(5) Investigating the feasibility of ensuring that regular full school days of education for all pupils in foster care is achieved; and

(6) Exploring any other ideas as necessary to attain the goals of establishing an educational bill of rights for foster care pupils; and

BE IT FURTHER RESOLVED that the interim committee be authorized to call upon any department, office, division, or agency of this state to assist in gathering information pursuant to its objective; and

BE IT FURTHER RESOLVED that the interim committee herein established shall consist of five members, three of which shall be members of the Senate appointed by the President Pro Tem of the Senate, two of which shall be members of the Senate appointed by the Minority Leader of the Senate; and

BE IT FURTHER RESOLVED that the staff of Senate Research shall provide such legal, research, clerical, technical, and bill drafting services as the interim committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the interim committee, its members, and any staff assigned to the committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the interim committee shall expire on December 31, 2007, and on that same date deliver a report of findings and recommendations to the General Assembly.

On motion of Senator Shields, the Senate recessed until 8:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Shields.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SS** for **SCS** for **HB 255**, as amended. Representatives: Bruns, Cooper (158), Corcoran, Sater and Walsh.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 352**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 86**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HB 780**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 159** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon and the conferees be allowed to exceed the differences so as to exclude second, third and fourth class counties from the entire bill, and bind the conferees to thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HB 488**, as amended, and has taken up and passed **CCS** for **HB 488**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SCS** for **SB 577**, as amended, and grants the Senate a conference thereon.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the

following conference committee to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 577**, as amended. Senators Shields, Purgason, Gibbons, Kennedy and Shoemyer.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

May 14, 2007

Mrs. Terry Spieler
Secretary of the Senate
State Capitol
Jefferson City, MO 65101

Dear Mrs. Spieler:

This is to inform you that Senator John Loudon has been relieved of the chairmanship of the Senate Small Business, Insurance and Industrial Relations Committee until further notice.

Please do not hesitate to contact me if you have any questions regarding this matter.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS

On motion of Senator Callahan, the Senate adjourned under the rules.

SENATE CALENDAR

SEVENTY-FIRST DAY—TUESDAY, MAY 15, 2007

FORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|--|
| 1. SB 571-Mayer, with SCS | 8. SBs 348, 626 & 461-Koster, et al,
with SCS |
| 2. SB 652-Coleman and Gibbons, with SCS | 9. SJR 15-Green |
| 3. SB 699-Lager, with SCS | 10. SB 629-Smith, with SCS |
| 4. SB 11-Coleman, with SCS | 11. SB 122-Bray and Days, with SCS |
| 5. SB 536-Lager, with SCS | 12. SB 491-Ridgeway |
| 6. SB 552-Bartle | |
| 7. SB 484-Stouffer, with SCS | |

HOUSE BILLS ON THIRD READING

- | | |
|---|---|
| 1. HCS for HB 74 (Scott) | 7. HCS for HB 227 (Mayer) |
| 2. HB 801-Kraus, et al, with SCS (Engler) | 8. HCS for HB 338, with SCS |
| 3. HCS for HB 914 (Scott) | (In Fiscal Oversight) |
| 4. HCS for HBs 619 & 118, with SCS | 9. HB 647-Young, et al (Clemens) |
| (Griesheimer) | 10. HB 70-Day, et al (Rupp) |
| 5. HB 215-Stevenson, et al, with SCS | 11. HB 213-Cunningham (86), et al, with |
| (Goodman) | SCS (Rupp) |
| 6. HCS for HB 457, with SCS | 12. HCS for HBs 952 & 674, with SCS |
| (Griesheimer) | (Goodman) (In Fiscal Oversight) |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

- | | |
|---------------------------------|-----------------------|
| SS for SB 303-Loudon | SS for SB 570-Clemens |
| SS#4 for SCS for SB 430-Shields | |

SENATE BILLS FOR PERFECTION

- | | |
|--|---|
| SB 2-Gibbons, with SCS | SB 254-Nodler, et al, with SCS |
| SB 17-Shields, with SCS | SBs 260 & 71-Koster, et al, with SCS |
| SB 20-Griesheimer, with SCS | SB 274-Shields |
| SB 27-Bartle and Koster | SB 282-Griesheimer, with SCS & SS for |
| SB 53-Koster and Engler, with SCS | SCS (pending) |
| SB 101-Mayer | SB 287-Crowell and Vogel, with SS |
| SB 131-Rupp | (pending) |
| SB 153-Engler, et al, with SCS | SB 292-Mayer |
| SB 155-Engler, with SCS & SS for SCS | SB 297-Loudon, with SCS |
| (pending) | SB 300-Bartle |
| SB 160-Rupp, with SCS | SB 341-Goodman, with SCS |
| SB 168-Mayer and Crowell, with SCS, SS | SB 363-Bartle |
| for SCS & SA 1 (pending) | SB 364-Koster, with SCS, SS for SCS, |
| SB 169-Rupp, with SCS, SS for SCS & SA 3 | SA 1 & SSA 1 for SA 1 (pending) |
| (pending) | SBs 370, 375 & 432-Scott and Koster, |
| SB 205-Stouffer and Gibbons, with SCS | with SCS & SA 5 (pending) |
| SB 212-Goodman | SBs 372 & 366-Justus and Koster, with SCS |
| SB 213-McKenna | SB 385-Gibbons, with SCS |
| SB 242-Nodler, with SCS | SB 388-Mayer, with SCS |
| SB 250-Ridgeway and Vogel | SB 400-Crowell, et al |
| SB 252-Ridgeway and McKenna | SB 444-Goodman |

SB 453-Scott, with SCS
 SB 458-Gibbons
 SB 476-Crowell
 SB 480-Ridgeway, et al, with SCS
 SB 492-Crowell
 SB 499-Engler and Clemens, with SCS
 SB 511-Scott, with SCS
 SB 521-Lager, et al, with SCS
 SB 523-Scott, with SCS
 SB 531-Gibbons, with SCS
 SB 534-Nodler
 SB 537-Lager
 SB 542-Scott, with SCS

SBs 555 & 38-Gibbons, with SCS
 SB 563-Lager, with SCS & SS for SCS
 (pending)
 SB 572-Vogel
 SB 586-Crowell, with SCS
 SB 592-Scott, with SCS
 SB 599-Engler, with SCS
 SB 627-Ridgeway
 SB 635-Loudon, with SCS
 SB 644-Griesheimer
 SBs 660, 553, 557, 167, 258, 114 &
 378-Mayer, with SCS
 SB 698-Ridgeway, et al, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 39, with SCS (Koster)
 HB 42-Portwood, with SCS (Koster)
 HB 46-Viebrock and Stevenson (Stouffer)
 HB 69-Day, with SCS (Barnitz)
 HCS for HB 98 (Scott)
 HB 125-Franz, with SCS (Shoemyer)
 HCS for HB 135, with SCS (Koster)
 HB 155-Dusenbergh, et al (Ridgeway)
 HCS for HB 165, with SCS (Griesheimer)
 HCS for HB 184 (Rupp)
 HCS for HB 245 (Stouffer)
 SS for HB 265-Cunningham (86) (Rupp)
 HB 267-Jones (117) and Cunningham (86),
 with SA 5 (pending) (Rupp)
 HB 269-Nolte, et al (Ridgeway)
 HCS for HB 329, with SCS (Scott)
 HCS for HB 346 (Clemens)
 HCS for HB 431, with SCS (Goodman)
 HB 454-Jetton, et al (Mayer)
 HB 462-Munzlinger, et al (Purgason)
 HCS for HB 469, with SCS (Crowell)
 HB 482-Walton, et al (Goodman)
 HB 489-Baker (123), et al, with SCS
 (Shields)

HB 526-Pratt (Loudon)
 HB 527-Cooper (120) (Scott)
 HCS for HB 551, with SCS & SS for SCS
 (pending) (Koster)
 HCS for HB 583, with SCS (Gibbons)
 HB 596-St. Onge, with SCS (Stouffer)
 HCS for HB 620, with SCS (Ridgeway)
 HCS for HBs 654 & 938 (Crowell)
 HB 686-Smith (150) and Tilley (Stouffer)
 HCS for HB 741 (Koster)
 HCS for HB 774 (Crowell)
 HCS for HB 820, with SA 2 & SSA 1 for
 SA 2 (pending) (Engler)
 HCS for HB 827, with SCS (Justus)
 HCS for HB 845 (Crowell)
 HB 875-Franz, with SCS (Crowell)
 HCS for HB 894, with SCS & SS for SCS
 (pending) (Days)
 HB 1014-Wright, et al, with SCS (Mayer)
 HCS for HB 1055, with SCA 1 (Scott)
 HCS for HJR 1, with SCS (Rupp)
 HJR 7-Nieves, et al, with SCS (pending)
 (Engler)
 HJR 19-Bearden, et al (Ridgeway)

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Reported 2/15

SB 8-Kennedy

Reported 3/8

SB 185-Green

SENATE BILLS WITH HOUSE AMENDMENTS

SB 666-Scott, with HCS, as amended

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SB 25-Champion, with HCS, as amended
(Senate adopted CCR and passed CCS)
SB 30-Nodler and Ridgeway, with HCS, as
amended
SCS for SBs 62 & 41-Goodman and Koster,
with HCS, as amended (Senate adopted
CCR and passed CCS)
SCS for SB 64-Goodman and Koster, with
HCS, as amended (Senate requests House
grant further conference)
SB 81-Griesheimer, with HCS, as amended
(Senate adopted CCR and passed CCS)
SCS for SB 82-Griesheimer, with HCS, as
amended
SB 84-Champion, with HCS, as amended
SCS for SB 86-Champion, with HCS, as
amended
SCS for SB 156-Engler, with HCS, as
amended

SCS for SB 308-Crowell, et al, with HCS,
as amended
SB 406-Crowell, with HCS#2, as amended
(Senate adopted CCR#2 and passed
CCS#2)
SB 416-Goodman, with HCS (Senate adopted
CCR and passed CCS)
SS for SCS for SB 577-Shields, with HCS,
as amended
HB 255-Bruns, with SS for SCS, as
amended (Vogel)
HB 488-Wasson, with SA 1 (Stouffer)
(House adopted CCR and passed CCS)
HB 574-St. Onge, with SA 1 & SA 3
(Stouffer)
HB 665-Ervin, et al, with SS, as amended
(Ridgeway)

Requests to Recede or Grant Conference

HCS for HB 159, with SCS (Engler)
(House requests Senate recede or grant
conference)

HCS for HB 780, with SS for SCS, as
amended (Scott) (House requests
Senate recede or grant conference)

RESOLUTIONS

Reported from Committee

HCR 15-Threlkeld, et al, with SCS
(Shields)
SCR 10-Koster and Shields
HCR 25-Yates, et al (Bartle)
HCR 30-Pratt, et al (Koster)
HCR 11-Ervin and Flook (Ridgeway)

HCR 8-Loehner, et al (Barnitz)
SCR 9-Crowell
SCR 20-Crowell
HCR 24-Wilson (130), et al (Mayer)
HCR 16-Deeken (Gibbons)
HCR 17-Fisher, et al

To be Referred

SR 1360-Justus

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Journal of the Senate

FIRST REGULAR SESSION

SEVENTY-FIRST DAY—TUESDAY, MAY 15, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Peace of mind comes when your life is in harmony with true principles and values and in no other way.” (Stephen Covey)

Merciful Father, there are many challenges and actions that are required of us this day and every day and we desire that what we do and decide will come from those principles and values that we hold as most important. We pray for peace of mind that comes from Your strength to remain faithful and the actions we take are in keeping with Your teachings. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler

Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Lager offered Senate Resolution No. 1361, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bob Thompson, Hamilton, which was adopted.

Senator Clemens offered Senate Resolution No. 1362, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Charles Lewis, Nixa, which was adopted.

Senator Shields offered Senate Resolution No. 1363, regarding Mitchell Logan Myers, St. Joseph, which was adopted.

Senator Crowell offered Senate Resolution No. 1364, regarding Rachel Bequette, Marquand, which was adopted.

Senator Crowell offered Senate Resolution

No. 1365, regarding Denise Schnurbusch, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SS** for **SCS** for **SB 577**, as amended. Representatives: Schaaf, Hunter, Sater, Page and Talboy.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 22**, entitled:

An Act to repeal sections 41.655, 50.327, 50.332, 50.565, 50.660, 52.290, 52.312, 52.315, 52.317, 58.500, 58.510, 64.940, 66.010, 67.110, 67.320, 67.410, 67.463, 67.797, 67.1003, 67.1360, 67.1451, 67.1461, 67.1545, 67.2500, 67.2510, 67.2555, 70.220, 70.515, 70.545, 71.011, 71.012, 72.080, 77.020, 78.610, 79.050, 84.330, 87.006, 88.832, 89.010, 89.400, 94.660, 94.870, 94.875, 99.847, 100.050, 100.059, 105.452, 105.971, 110.130, 110.140, 110.150, 137.055, 137.100, 137.115, 141.150, 141.640, 144.030, 144.062, 162.431, 163.011, 182.015, 190.052, 190.305, 206.090, 226.527, 228.110, 238.202, 238.207, 238.208, 238.225, 238.230, 238.275, 247.060, 260.830, 260.831, 302.010, 320.106, 320.146, 320.200, 320.271, 320.310, 321.130, 392.410, 393.705, 393.710, 393.715, 393.720, 393.740, 393.825, 393.829, 393.847, 393.900, 393.933, 409.107, 432.070, 473.743, 479.010, 479.011, 537.035, 650.340, RSMo, section 67.1000, as enacted by senate committee substitute for senate bill no. 820, eighty-ninth general assembly, second regular session, and section 67.1000, as enacted by

house bill no. 1587, eighty-ninth general assembly, second regular session, and section 67.2505 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill nos. 795, 972, 1128 & 1161 merged with house substitute for senate committee substitute for senate bill no. 1155, ninety-second general assembly, second regular session, and section 67.2505, as enacted by senate substitute for senate committee substitute for house committee substitute for house bill no. 833 merged with house committee substitute for senate substitute for senate bill no. 732, ninety-second general assembly, second regular session, and to enact in lieu thereof one hundred fifty-eight new sections relating to political subdivisions, with penalty provisions and emergency clauses for certain sections.

With House Amendment No. 1 to House Amendment No. 1, House Amendment No. 1, as amended, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2, as amended, House Amendment No. 2 to House Amendment No. 3, House Amendment No. 3, as amended, House Amendment No. 1 to House Amendment No. 4, House Amendment No. 4, as amended, House Amendment No. 5, House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 6, House Substitute Amendment No. 1 for House Amendment No. 6, as amended, House Amendment Nos. 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, House Amendment No. 1 to House Amendment No. 23, House Amendment No. 23, as amended, House Amendment Nos. 25, 26, 27, 28, House Amendment No. 1 to House Amendment No. 30, House Amendment No. 30, as amended, House Amendment No. 1 to House Amendment No. 31, House Amendment No. 31, as amended, House Amendment Nos. 33, 35, House Amendment No. 1 to House Amendment No. 36, House Amendment No. 36, as amended, House Amendment Nos. 37, 38, 40, 41, 42, House

Amendment No. 1 to House Amendment No. 43, House Amendment No. 43, as amended, House Amendment Nos. 44, 45, House Amendment No. 1 to House Amendment No. 46, House Amendment No. 2 to House Amendment No. 46, House Amendment No. 46, as amended, House Amendment Nos. 47, 48, 49 and 50.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 1

Amend House Amendment No.1 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 1, Lines 8 and 9 by deleting all of said lines and inserting in lieu thereof the following:

“Further amend said Substitute, Section 67.319 by deleting all of said section; and”

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 52.312, Page 8, Line 5, by inserting an opening bracket “[” between the words “counties of” and by inserting a closing bracket “]” after the word “classification”; and,

Further amend said Substitute, Section 66.010, Page 12, Line 1, by inserting an opening bracket “[” before the word “first” and by inserting a closing bracket “]” after the word “class”; and,

Further amend said Substitute, Section 67.319, Page 17, Line 39, by deleting “**organization**” and inserting in lieu thereof “**organizations**”; and,

Further amend said Section and Page, Line 61, by inserting the word “a” before “**place**”; and,

Further amend said Substitute, Section 67.997, Page 26, Line 32, by deleting the words “**administered by the department of revenue**”; and,

Further amend said Substitute, Section 67.1016, Page 31, Line 4, by deleting the word “**cent**” and inserting in lieu thereof the word

“**percent**”; and,

Further amend said Substitute, Section 87.006, Page 75, Line 8, by inserting the word “**the**” before the word “line”; and,

Further amend said Substitute, Section 110.130, Page 94, Line 2, by deleting “**for**” and inserting in lieu thereof “**in**”; and,

Further amend said Substitute, Section 182.015, Page 124, Lines 81-82, by deleting the words “**The ballot of submission shall be in substantially the same form as provided in subdivision (4) of this subsection.**”; and,

Further amend said Substitute, Section 320.310, Page 169, Lines 11, 15, and 17, by inserting the word “**protection**” between the words “**fire association**”; and,

Further amend said Substitute, Section 321.162, Page 171, Line 15, by inserting the word “**protection**” between the words “**fire district**”; and,

Further amend said Substitute, Section 321.688, Page 171, Line 1, by deleting the words “**fire district**” and inserting in lieu thereof the words “**fire protection districts**”; and,

Further amend said Section and Page, Line 9, by deleting the word “**district**” and inserting in lieu thereof the word “**districts**”; and,

Further amend said Substitute, Section 393.715, Page 178, Line 62, by deleting “**10**” and inserting in lieu thereof “**X**”; and,

Further amend said Substitute, Section 393.900, Page 183, Line 30, by deleting the word “**curring**” and inserting in lieu thereof the word “**curing**”; and,

Further amend said Section and Page, Line 31, by deleting the word “**sewer**” and inserting in lieu thereof the word “**water**”; and,

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 1, Line 3, by inserting after “and,” the following:

Further amend said Substitute, Section 79.050, Page 75, Line 29, by inserting the following after all of said line:

“79.495. **1.** The county governing body of any county in which a city of the fourth class is located shall have the power to disincorporate such city upon petition of two-thirds of the voters of such city, without an election in such city, provided that the petition requests disincorporation without an election, and provided that the population of such city is less than one hundred.

2. Upon the application of any person or persons owning a tract of land containing five acres or more in a city of the fourth class with a population less than one hundred in any county, the governing body of such county may, in its discretion, diminish the limits of such city by excluding any such tract of land from said corporate limits without an election in such city; provided that such application shall be accompanied by a petition asking for such change without an election and signed by a majority of the registered voters in such city and to the extent there are no such registered voters available in such city, then such petition shall be signed by the parties owning a majority of the land area to be excluded from such city limits. Thereafter, such tract of land so excluded shall not be deemed or held to be any part of such city. “;and”; and,

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for

Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 78.610, Pages 73-74, Lines 1-27, by deleting said section from the substitute; and,

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO
HOUSE AMENDMENT NO. 3

Amend House Amendment No. 3 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 1, Line 2 by inserting immediately after “No. 22” the following:

“238.220. **1.** Notwithstanding anything to the contrary contained in section 238.216, if any persons eligible to be registered voters reside within the district the following procedures shall be followed:

(1) After the district has been declared organized, the court shall upon petition of any interested person order the county clerk to cause an election to be held in all areas of the district within one hundred twenty days after the order establishing the district, to elect the district board of directors which shall be not less than five nor more than fifteen;

(2) Candidates shall pay the sum of five dollars as a filing fee to the county clerk and shall file with the election authority of such county a statement under oath that he or she possesses all of the qualifications set out in this section for a director. Thereafter, such candidate shall have his or her name placed on the ballot as a candidate for director;

(3) The director or directors to be elected shall be elected at large. The candidate receiving the most votes from qualified voters shall be elected to the position having the longest term, the second highest total votes elected to the position having the next longest term, and so forth. Each initial director shall serve the one-, two- or three-year

term to which he or she was elected, and until a successor is duly elected and qualified. Each successor director shall serve a three-year term. The directors shall nominate and elect an interim director to complete any unexpired term of a director caused by resignation or disqualification; and

(4) Each director shall be a resident of the district. Directors shall be registered voters at least twenty-one years of age.

2. Notwithstanding anything to the contrary contained in section 238.216, if no persons eligible to be registered voters reside within the district, the following procedures shall apply:

(1) Within thirty days after the district has been declared organized, the circuit clerk of the county in which the petition was filed shall, upon giving notice by causing publication to be made once a week for two consecutive weeks in a newspaper of general circulation in the county, the last publication of which shall be at least ten days before the day of the meeting required by this section, call a meeting of the owners of real property within the district at a day and hour specified in a public place in the county in which the petition was filed for the purpose of electing a board of not less than five and not more than fifteen directors, to be composed of owners or representatives of owners of real property in the district; provided that, if all the owners of property in the district joined in the petition for formation of the district, such meeting may be called by order of the court without further publication. **For the purposes of determining board membership, the owner or owners of real property within the district and their legally authorized representative or representatives shall be deemed to be residents of the district; for business organizations and other entities owning real property within the district, the individual or individuals legally authorized to represent the business organizations or entities in regard to the district shall be deemed to be a**

resident of the district;

(2) The property owners, when assembled, shall organize by the election of a chairman and secretary of the meeting who shall conduct the election. At the election, each acre of real property within the district shall represent one share, and each owner may have one vote in person or by proxy for every acre of real property owned by such person within the district;

(3) The one-third of the initial board members receiving the most votes shall be elected to positions having a term of three years. The one-third of initial board members receiving the next highest number of votes shall be elected to positions having a term of two years. The lowest one-third of initial board members receiving sufficient votes shall be elected to positions having a term of one year. Each initial director shall serve the term to which he or she was elected, and until a successor is duly elected and qualified. Successor directors shall be elected in the same manner as the initial directors at a meeting of the real property owners called by the board. Each successor director shall serve a three-year term. The directors shall nominate and elect an interim director to complete any unexpired term of a director caused by resignation or disqualification;

(4) Directors shall be at least twenty-one years of age.

3. Notwithstanding any provision of section 238.216 and this section to the contrary, if the petition for formation of the district was filed pursuant to subsection 5 of section 238.207, the following procedures shall be followed:

(1) If the district is comprised of four or more local transportation authorities, the board of directors shall consist of the presiding officer of each local transportation authority within the district. If the district is comprised of two or three local transportation authorities, the board of directors shall consist of the presiding officer of each local transportation authority within the

district and one person designated by the governing body of each local transportation authority within the district;

(2) Each director shall be at least twenty-one years of age and a resident or property owner of the local transportation authority the director represents. A director designated by the governing body of a local transportation authority may be removed by such governing body at any time with or without cause; and

(3) Upon the assumption of office of a new presiding officer of a local transportation authority, such individual shall automatically succeed his predecessor as a member of the board of directors. Upon the removal, resignation or disqualification of a director designated by the governing body of a local transportation authority, such governing body shall designate a successor director.

4. The commission shall appoint one or more advisors to the board, who shall have no vote but shall have the authority to participate in all board meetings and discussions, whether open or closed, and shall have access to all records of the district and its board of directors.

5. If the proposed project is not intended to be merged into the state highways and transportation system under the commission's jurisdiction, the local transportation authority that will assume maintenance of the project shall appoint one or more advisors to the board of directors who shall have the same rights as advisors appointed by the commission.

6. Any county or counties located wholly or partially within the district which is not a "local transportation authority" pursuant to subdivision (4) of subsection 1 of section 238.202 may appoint one or more advisors to the board who shall have the same rights as advisors appointed by the commission."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 2, Page 191, Line 22, by inserting the following after all of said line:

"Section 3. In each transportation development district in which a sales tax has been imposed or increased under section 238.235, every retailer shall prominently display the rate of the sales tax imposed or increased at the cash register area."; and,

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 4

Amend House Amendment No. 4 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 71.515, Page 1, Line 10, by inserting immediately after the word "county" the following:

“, any home rule city with more than one hundred thirteen thousand two hundred but fewer than one hundred thirteen thousand three hundred inhabitants,”; and,

Further amend said Amendment, Section 250.140, Page 2, Line 28, by inserting immediately after the word "county" the following:

“, any home rule city with more than one hundred thirteen thousand two hundred but fewer than one hundred thirteen thousand three hundred inhabitants,”; and,

Further amend said Line, by deleting **“and”** and inserting in lieu thereof **“or”**; and,

Further amend said Amendment, Section 250.142, Page 3, Line 9, by inserting immediately after the word "county" the following:

“, any home rule city with more than one hundred thirteen thousand two hundred but fewer than one hundred thirteen thousand three

hundred inhabitants,”; and,

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 71.012, Page 71, Line 68, by inserting the following after all of said line:

“71.515. 1. No city, town, or village in this state supplying an occupant of a premises utility services shall hold an owner of such premises liable for the delinquent payment of such utilities of the occupant, unless the owner is the occupant. Such city, town, or village rendering such utility services may sue the occupant that received such services in such premises in a civil suit to recover any sums owed for such services, plus a reasonable attorney's fee to be fixed by the court.

2. This section shall not apply to any city not within a county or any home rule city with more than four hundred thousand inhabitants and located in more than one county.”; and

Further amend said Substitute, Section 247.060, Page 161, Line 28, by inserting the following after all of said line:

“250.140. 1. Sewerage services, water services, or water and sewerage services combined shall be deemed to be furnished to [both] the occupant [and owner] of the premises receiving such service and[, except as otherwise provided in subsection 2 of this section,] the city, town, village, or sewer district or water supply district organized and incorporated under chapter 247, RSMo, rendering such services shall have power to sue the occupant [or owner, or both,] of such real estate in a civil action to recover any sums due for such services less any deposit that is held by the city, town, village, or sewer district or water supply district organized and incorporated under chapter

247, RSMo, for such services, plus a reasonable attorney's fee to be fixed by the court.

2. [When the occupant is delinquent in payment for thirty days, the city, town, village, sewer district, or water supply district shall make a good faith effort to notify the owner of the premises receiving such service of the delinquency and the amount thereof. Notwithstanding any other provision of this section to the contrary, when an occupant is delinquent more than ninety days, the owner shall not be liable for sums due for more than ninety days of service; provided, however, that in any city not within a county and any home rule city with more than four hundred thousand inhabitants and located in more than one county, until January 1, 2007, when an occupant is delinquent more than one hundred twenty days the owner shall not be liable for sums due for more than one hundred twenty days of service, and after January 1, 2007, when an occupant is delinquent more than ninety days the owner shall not be liable for sums due for more than ninety days. Any notice of termination of service shall be sent to both the occupant and owner of the premises receiving such service.

3. The provisions of this section shall apply only to residences that have their own private water and sewer lines. In instances where several residences share a common water or sewer line, the owner of the real property upon which the residences sit shall be liable for water and sewer expenses.

4.] Notwithstanding any other provision of law to the contrary, any water provider who terminates service due to delinquency of payment by a consumer shall not be liable for any civil or criminal damages.

[5.] 3. The provisions of this section shall not apply to unapplied-for utility services. As used in this subsection, “unapplied-for utility services” means services requiring application by the property owner and acceptance of such application by the utility prior to the establishment of an

account. The property owner is billed directly for the services provided, and as a result, any delinquent payment of a bill becomes the responsibility of the property owner rather than the occupant.

4. This section shall not apply to any city not within a county and any home rule city with more than four hundred thousand inhabitants and located in more than one county.

250.142. 1. Sewerage services, water services, or water and sewerage services combined shall be deemed to be furnished to both the occupant and owner of the premises receiving such service and, except as otherwise provided in subsection 2 of this section, the city, town, village, or sewer district or water supply district organized and incorporated under chapter 247, RSMo, rendering such services shall have power to sue the occupant or owner, or both, of such real estate in a civil action to recover any sums due for such services less any deposit that is held by the city, town, village, or sewer district or water supply district organized and incorporated under chapter 247, RSMo, for such services, plus a reasonable attorney's fee to be fixed by the court.

2. When the occupant is delinquent in payment for thirty days, the city, town, village, sewer district, or water supply district shall make a good faith effort to notify the owner of the premises receiving such service of the delinquency and the amount thereof. Notwithstanding any other provision of this section to the contrary, when an occupant is delinquent more than ninety days, the owner shall not be liable for sums due for more than ninety days of service. Any notice of termination of service shall be sent to both the occupant and owner of the premises receiving such service.

3. The provisions of this section shall apply only to residences that have their own private water and sewer lines. In instances where several residences share a common water or

sewer line, the owner of the real property upon which the residences sit shall be liable for water and sewer expenses.

4. Notwithstanding any other provision of law to the contrary, any water provider who terminates service due to delinquency of payment by a consumer shall not be liable for any civil or criminal damages.

5. The provisions of this section shall not apply to unapplied-for utility services. As used in this subsection, "unapplied-for utility services" means services requiring application by the property owner and acceptance of such application by the utility prior to the establishment of an account. The property owner is billed directly for the services provided, and as a result, any delinquent payment of a bill becomes the responsibility of the property owner rather than the occupant.

6. This section shall only apply to any city not within a county and any home rule city with more than four hundred thousand inhabitants and located in more than one county."; and,

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 162.431, Page 115, Line 21, by inserting an opening bracket "[" and a closing bracket "]" around the word "and"; and,

Further amend said Section, Page 116, Line 23, by inserting immediately after the word "adjustment" the following:

“; and

(4) If the potential receiving district obtained a score consistent with the criteria for classification of the district as “accredited” on its most recent annual performance report and the potential sending district obtained a score

consistent with the criteria for classification of the district as “unaccredited” on its most recent annual performance report, the board shall approve the proposed boundary change for the educational well-being of the children enrolled in the potential sending district”; and,

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE SUBSTITUTE AMENDMENT NO. 1
FOR HOUSE AMENDMENT NO. 6

Amend House Substitute Amendment No. 1 for House Amendment No. 6 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 15, Section 67.110, by inserting after all of said section the following:

“67.112. The revenue derived from any increase in any tax within any tax increment financing district shall be used solely for the specified purposes of the tax increase. In no event shall any such revenue be used for or diverted to any redevelopment plan or project in any tax increment financing district.”; and

Further amend said Bill, Page 87, Section 94.950, by inserting after all of said section the following:

“99.805. As used in sections 99.800 to 99.865, unless the context clearly requires otherwise, the following terms shall mean:

(1) [“Blighted area”, an area which, by reason of the predominance of defective or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition

and use;] **“Blighted area”, any improved or vacant area within the boundaries of a redevelopment project area located within the territorial limits of the municipality where:**

(a) **If improved, industrial, commercial, and residential buildings or improvements are detrimental to the public safety, health, or welfare because of a combination of four or more of the following factors, each of which is present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the real property tax increment allocation redevelopment act and reasonably distributed throughout the improved part of the redevelopment project area:**

a. **Dilapidation. “Dilapidation” means an advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed;**

b. **Obsolescence. “Obsolescence” means the condition or process of falling into disuse; structures have become ill-suited for the original use;**

c. **Deterioration. “Deterioration” means with respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas show deterioration, including but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces;**

d. **Presence of structures below minimum**

code standards. “Presence of structures below minimum code standards” means all structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes;

e. **Illegal use of individual structures.** “Illegal use of individual structures” means the use of structures in violation of applicable federal, state, or local laws, exclusive of those applicable to the presence of structures below minimum code standards;

f. **Excessive vacancies.** “Excessive vacancies” means the presence of buildings that are unoccupied or under-used and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies;

g. **Lack of ventilation, light, or sanitary facilities.** “Lack of ventilation, light, or sanitary facilities” means the absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building;

h. **Inadequate utilities.** “Inadequate utilities” means underground and overhead utilities such as storm sewers, storm drainage, sanitary sewers, waterlines, gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are:

(i) Of insufficient capacity to serve the uses in the redevelopment project area;

(ii) Deteriorated, antiquated, obsolete, or in disrepair; or

(iii) Lacking within the redevelopment project area;

i. **Excessive land coverage and overcrowding of structures and community facilities.** “Excessive land coverage and overcrowding of structures and community facilities” means the over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are:

(i) The presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety; and

(ii) The presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings; increased threat of spread of fire due to the close proximity of buildings; lack of adequate or proper access to a public right-of-way; lack of reasonably required off-street parking; or inadequate provision for loading and service;

j. **Deleterious land use or layout.** “Deleterious land use or layout” means the existence of incompatible land use relationships, buildings occupied by inappropriate mixed uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area;

k. **Environmental clean-up.** “Environmental clean-up” means the proposed redevelopment project area has incurred division of environmental quality of the

department of natural resources or United States Environmental Protection Agency (EPA) remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by state or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area;

l. Lack of community planning. “Lack of community planning” means the proposed redevelopment project area was developed before or without the benefit or guidance of a community plan, or before the adoption by the municipality of a comprehensive or other community plan or the plan was not followed at the time of the area's development. This factor shall be documented by evidence of adverse or incompatible land use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning;

m. The total equalized assessed value of the proposed redevelopment project area has declined for two of the last five calendar years before the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for two of the last five calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or its successor agency for two of the last five calendar years before the year in which the redevelopment project area is designated;

(b) If vacant, the growth of the

redevelopment project area is impaired by a combination of two or more of the following factors, each of which is present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the real property tax increment allocation redevelopment act and reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

a. Obsolete platting of vacant land that results in parcels of limited or narrow size or configurations of parcels of irregular size or shape that would be difficult to develop on a planned basis and in a manner compatible with contemporary standards and requirements, or platting that failed to create rights-of-ways for streets or alleys or that created inadequate right-of-way widths for streets, alleys, or other public rights-of-way or that omitted easements for public utilities;

b. Diversity of ownership of parcels of vacant land sufficient in number to retard or impede the ability to assemble the land for development;

c. Tax and special assessment delinquencies exist or the property has been the subject of tax sales under Missouri property tax laws within the last five years;

d. Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land;

e. The area has incurred division of environmental quality of the department of natural resources or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by state or

federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area;

f. The total equalized assessed value of the proposed redevelopment project area has declined for two of the last five calendar years before the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for two of the last five calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or its successor agency for two of the last five calendar years before the year in which the redevelopment project area is designated;

(2) “Collecting officer”, the officer of the municipality responsible for receiving and processing payments in lieu of taxes or economic activity taxes from taxpayers or the department of revenue;

(3) [“Conservation area”, any improved area within the boundaries of a redevelopment area located within the territorial limits of a municipality in which fifty percent or more of the structures in the area have an age of thirty-five years or more. Such an area is not yet a blighted area but is detrimental to the public health, safety, morals, or welfare and may become a blighted area because of any one or more of the following factors: dilapidation; obsolescence; deterioration; illegal use of individual structures; presence of structures below minimum code standards; abandonment; excessive vacancies; overcrowding of structures and community facilities; lack of ventilation, light or sanitary facilities; inadequate utilities; excessive land coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of community planning. A conservation area shall meet at least three of the

factors provided in this subdivision for projects approved on or after December 23, 1997;] “Conservation area”, any improved area within the boundaries of a redevelopment project area located within the territorial limits of the municipality in which fifty percent or more of the structures in the area have an age of thirty-five years or more. Such an area is not yet a blighted area but because of a combination of three or more of the following factors is detrimental to the public safety, health, morals, or welfare and such an area may become a blighted area:

(a) Dilapidation. “Dilapidation” means an advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed;

(b) Obsolescence. “Obsolescence” means the condition or process of falling into disuse; structures have become ill-suited for the original use;

(c) Deterioration. “Deterioration” means with respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters, downspouts, and fascia. With respect to surface improvements, the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas show deterioration, including but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces;

(d) Presence of structures below minimum code standards. “Presence of structures below minimum code standards” means all structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but

not including housing and property maintenance codes;

(e) **Illegal use of individual structures.** “Illegal use of individual structures” means the use of structures in violation of applicable federal, state, or local laws, exclusive of those applicable to the presence of structures below minimum code standards;

(f) **Excessive vacancies.** “Excessive vacancies” means the presence of buildings that are unoccupied or under-used and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies;

(g) **Lack of ventilation, light, or sanitary facilities.** “Lack of ventilation, light, or sanitary facilities” means the absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence or inadequacy of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building;

(h) **Inadequate utilities.** “Inadequate utilities” means underground and overhead utilities such as storm sewers, storm drainage, sanitary sewers, waterlines, gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are:

a. Of insufficient capacity to serve the uses in the redevelopment project area;

b. Deteriorated, antiquated, obsolete, or in disrepair; or

c. Lacking within the redevelopment project area;

(i) **Excessive land coverage and overcrowding of structures and community facilities.** “Excessive land coverage and overcrowding of structures and community facilities” means the over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety, or the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions:

a. Insufficient provision for light and air within or around buildings;

b. Increased threat of spread of fire due to the close proximity of buildings;

c. Lack of adequate or proper access to a public right-of-way;

d. Lack of reasonably required off-street parking; or

e. Inadequate provision for loading and service;

(j) **Deleterious land use or layout.** “Deleterious land use or layout” means the existence of incompatible land use relationships, buildings occupied by inappropriate mixed uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area;

(k) **Lack of community planning.** “Lack of community planning” means the proposed redevelopment project area was developed before or without the benefit or guidance of a community plan, or the development occurred

before the adoption by the municipality of a comprehensive or other community plan or the plan was not followed at the time of the area's development. This factor shall be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning;

(l) The area has incurred division of environmental quality of the department of natural resources or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by state or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area;

(m) The total equalized assessed value of the proposed redevelopment project area has declined for two of the last five calendar years for which information is available or is increasing at an annual rate that is less than the balance of the municipality for two of the last five calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or its successor agency for two of the last five calendar years for which information is available;

(4) "Economic activity taxes", the total additional revenue from taxes which are imposed by a municipality and other taxing districts, and which are generated by economic activities within a redevelopment area over the amount of such

taxes generated by economic activities within such redevelopment area in the calendar year prior to the adoption of the ordinance designating such a redevelopment area, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, licenses, fees or special assessments. For redevelopment projects or redevelopment plans approved after December 23, 1997, if a retail establishment relocates within one year from one facility to another facility within the same county and the governing body of the municipality finds that the relocation is a direct beneficiary of tax increment financing, then for purposes of this definition, the economic activity taxes generated by the retail establishment shall equal the total additional revenues from economic activity taxes which are imposed by a municipality or other taxing district over the amount of economic activity taxes generated by the retail establishment in the calendar year prior to its relocation to the redevelopment area;

(5) "Economic development area", any area or portion of an area located within the territorial limits of a municipality, which does not meet the requirements of subdivisions (1) and (3) of this section, and in which the governing body of the municipality finds that redevelopment will not be solely used for development of commercial businesses which unfairly compete in the local economy and is in the public interest because it will:

(a) Discourage commerce, industry or manufacturing from moving their operations to another state; or

(b) Result in increased employment in the municipality; or

(c) Result in preservation or enhancement of the tax base of the municipality;

(6) "Gambling establishment", an excursion gambling boat as defined in section 313.800,

RSMo, and any related business facility including any real property improvements which are directly and solely related to such business facility, whose sole purpose is to provide goods or services to an excursion gambling boat and whose majority ownership interest is held by a person licensed to conduct gambling games on an excursion gambling boat or licensed to operate an excursion gambling boat as provided in sections 313.800 to 313.850, RSMo. This subdivision shall be applicable only to a redevelopment area designated by ordinance adopted after December 23, 1997;

(7) “Municipality”, a city, village, or incorporated town or any county of this state. For redevelopment areas or projects approved on or after December 23, 1997, “municipality” applies only to cities, villages, incorporated towns or counties established for at least one year prior to such date;

(8) “Obligations”, bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by a municipality to carry out a redevelopment project or to refund outstanding obligations;

(9) “Ordinance”, an ordinance enacted by the governing body of a city, town, or village or a county or an order of the governing body of a county whose governing body is not authorized to enact ordinances;

(10) “Payment in lieu of taxes”, those estimated revenues from real property in the area selected for a redevelopment project, which revenues according to the redevelopment project or plan are to be used for a private use, which taxing districts would have received had a municipality not adopted tax increment allocation financing, and which would result from levies made after the time of the adoption of tax increment allocation financing during the time the current equalized value of real property in the area selected for the redevelopment project exceeds the total initial equalized value of real property in such area until the designation is terminated pursuant to

subsection 2 of section 99.850;

(11) “Redevelopment area”, an area designated by a municipality, in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as a blighted area, a conservation area, an economic development area, an enterprise zone pursuant to sections 135.200 to 135.256, RSMo, or a combination thereof, which area includes only those parcels of real property directly and substantially benefited by the proposed redevelopment project;

(12) “Redevelopment plan”, the comprehensive program of a municipality for redevelopment intended by the payment of redevelopment costs to reduce or eliminate those conditions, the existence of which qualified the redevelopment area as a blighted area, conservation area, economic development area, or combination thereof, and to thereby enhance the tax bases of the taxing districts which extend into the redevelopment area. Each redevelopment plan shall conform to the requirements of section 99.810;

(13) “Redevelopment project”, any development project within a redevelopment area in furtherance of the objectives of the redevelopment plan; any such redevelopment project shall include a legal description of the area selected for the redevelopment project;

(14) “Redevelopment project costs” include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan or redevelopment project, as applicable. Such costs include, but are not limited to, the following:

(a) Costs of studies, surveys, plans, and specifications;

(b) **Extraordinary** professional service costs, including, but not limited to, architectural, engineering, legal, marketing, financial, planning or special services. **Extraordinary professional**

service costs shall only include costs required under the real property tax increment allocation redevelopment act. Except the reasonable costs incurred by the commission established in section 99.820 for the administration of sections 99.800 to 99.865, such costs shall be allowed only as an initial expense which, to be recoverable, shall be included in the costs of a redevelopment plan or project;

(c) Property assembly costs, including, but not limited to, acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, and the clearing and grading of land;

(d) Costs of rehabilitation, reconstruction, or repair or remodeling of existing buildings and fixtures;

(e) Initial costs for an economic development area;

(f) Costs of construction of public works or improvements;

(g) Financing costs, including, but not limited to, all necessary and incidental expenses related to the issuance of obligations, and which may include payment of interest on any obligations issued pursuant to sections 99.800 to 99.865 accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not more than eighteen months thereafter, and including reasonable reserves related thereto;

(h) All or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred in furtherance of the objectives of the redevelopment plan and project, to the extent the municipality by written agreement accepts and approves such costs;

(i) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or are required to be paid by federal or state law;

(j) Payments in lieu of taxes;

(15) "Special allocation fund", the fund of a municipality or its commission which contains at least two separate segregated accounts for each redevelopment plan, maintained by the treasurer of the municipality or the treasurer of the commission into which payments in lieu of taxes are deposited in one account, and economic activity taxes and other revenues are deposited in the other account;

(16) "Taxing districts", any political subdivision of this state having the power to levy taxes;

(17) "Taxing districts' capital costs", those costs of taxing districts for capital improvements that are found by the municipal governing bodies to be necessary and to directly result from the redevelopment project; and

(18) "Vacant land", any parcel or combination of parcels of real property not used for industrial, commercial, or residential buildings.

99.810. 1. Each redevelopment plan shall set forth in writing a general description of the program to be undertaken to accomplish the objectives and shall include, but need not be limited to, the estimated redevelopment project costs, the anticipated sources of funds to pay the costs, evidence of the commitments to finance the project costs, **noting conditions and contingencies, if any**, the anticipated type and term of the sources of funds to pay costs, the anticipated type and terms of the obligations to be issued, the most recent equalized assessed valuation of the property within the redevelopment area which is to be subjected to payments in lieu of taxes and economic activity taxes pursuant to section 99.845, an estimate as to the equalized assessed valuation after redevelopment, and the general land uses to apply in the redevelopment area. No redevelopment plan shall be adopted by a municipality without findings that:

(1) The redevelopment area on the whole is a blighted area, a conservation area, or an economic

development area, and has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of tax increment financing. Such a finding shall include, but not be limited to, a detailed description of the factors that qualify the redevelopment area or project pursuant to this subdivision and an affidavit, signed by the developer or developers and submitted with the redevelopment plan, attesting that the provisions of this subdivision have been met;

(2) The redevelopment plan conforms to the comprehensive plan for the development of the municipality as a whole;

(3) The estimated dates, which shall not be more than twenty-three years from the adoption of the ordinance approving a redevelopment project within a redevelopment area, of completion of any redevelopment project and retirement of obligations incurred to finance redevelopment project costs have been stated, provided that no ordinance approving a redevelopment project shall be adopted later than ten years from the adoption of the ordinance approving the redevelopment plan under which such project is authorized and provided that no property for a redevelopment project shall be acquired by eminent domain later than five years from the adoption of the ordinance approving such redevelopment project;

(4) A plan has been developed for relocation assistance for businesses and residences;

(5) A cost-benefit analysis showing the economic impact of the plan on each taxing district which is at least partially within the boundaries of the redevelopment area. The analysis shall show the impact on the economy if the project is not built, and is built pursuant to the redevelopment plan under consideration. The cost-benefit analysis shall include a fiscal impact study on every affected political subdivision, and sufficient information from the developer for the commission established in section 99.820 to evaluate whether

the project as proposed is financially feasible;

(6) A finding that the plan does not include the initial development or redevelopment of any gambling establishment, provided however, that this subdivision shall be applicable only to a redevelopment plan adopted for a redevelopment area designated by ordinance after December 23, 1997.

2. In the event that, within ten days after the passage of a municipal or county ordinance adopting a redevelopment plan, the appropriate local election authority receives a notice, signed by not less than one hundred registered voters of the municipality or county, stating the intention of such registered voters to cause a petition to be circulated to resubmit any such ordinance to a second vote by the municipal or county governing body, the ordinance shall not take effect as otherwise provided. In the event that, within forty days after the passage of a municipal or county ordinance adopting a redevelopment plan, the appropriate local election authority receives a petition, signed by a number of registered voters equal to at least ten percent of the number of total votes cast in such subdivision in the most recent mayoral or county commissioner election, requesting that approval of the redevelopment plan be resubmitted to the municipal or county governing body for a second vote, the municipal or county governing body shall vote again on the adoption of the redevelopment plan. No such plan shall become effective unless and until it receives the favorable vote of two-thirds of all the members of the governing body.

3. By the last day of February each year, each commission shall report to the director of economic development the name, address, phone number and primary line of business of any business which relocates to the district. The director of the department of economic development shall compile and report the same to the governor, the speaker of the house and the

president pro tempore of the senate on the last day of April each year.

99.820. 1. A municipality may:

(1) By ordinance introduced in the governing body of the municipality within fourteen to ninety days from the completion of the hearing required in section 99.825, approve redevelopment plans and redevelopment projects, and designate redevelopment project areas pursuant to the notice and hearing requirements of sections 99.800 to 99.865. No redevelopment project shall be approved unless a redevelopment plan has been approved and a redevelopment area has been designated prior to or concurrently with the approval of such redevelopment project and the area selected for the redevelopment project shall include only those parcels of real property and improvements thereon directly and substantially benefited by the proposed redevelopment project improvements;

(2) Make and enter into all contracts necessary or incidental to the implementation and furtherance of its redevelopment plan or project;

(3) Pursuant to a redevelopment plan, subject to any constitutional limitations, acquire by purchase, donation, lease or, as part of a redevelopment project, eminent domain, own, convey, lease, mortgage, or dispose of, land and other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the municipality or the commission determines is reasonably necessary to achieve the objectives of the redevelopment plan. No conveyance, lease, mortgage, disposition of land or other property, acquired by the municipality, or agreement relating to the development of the property shall be made except upon the adoption of an ordinance by the governing body of the municipality. Each municipality or its commission shall establish written procedures relating to bids and proposals for implementation of the redevelopment projects.

Furthermore, no conveyance, lease, mortgage, or other disposition of land or agreement relating to the development of property shall be made without making public disclosure of the terms of the disposition and all bids and proposals made in response to the municipality's request. Such procedures for obtaining such bids and proposals shall provide reasonable opportunity for any person to submit alternative proposals or bids;

(4) Within a redevelopment area, clear any area by demolition or removal of existing buildings and structures;

(5) Within a redevelopment area, renovate, rehabilitate, or construct any structure or building;

(6) Install, repair, construct, reconstruct, or relocate streets, utilities, and site improvements essential to the preparation of the redevelopment area for use in accordance with a redevelopment plan;

(7) Within a redevelopment area, fix, charge, and collect fees, rents, and other charges for the use of any building or property owned or leased by it or any part thereof, or facility therein;

(8) Accept grants, guarantees, and donations of property, labor, or other things of value from a public or private source for use within a redevelopment area;

(9) Acquire and construct public facilities within a redevelopment area;

(10) Incur redevelopment costs and issue obligations;

(11) Make payment in lieu of taxes, or a portion thereof, to taxing districts;

(12) Disburse surplus funds from the special allocation fund to taxing districts as follows:

(a) Such surplus payments in lieu of taxes shall be distributed to taxing districts within the redevelopment area which impose ad valorem taxes on a basis that is proportional to the current collections of revenue which each taxing district

receives from real property in the redevelopment area;

(b) Surplus economic activity taxes shall be distributed to taxing districts in the redevelopment area which impose economic activity taxes, on a basis that is proportional to the amount of such economic activity taxes the taxing district would have received from the redevelopment area had tax increment financing not been adopted;

(c) Surplus revenues, other than payments in lieu of taxes and economic activity taxes, deposited in the special allocation fund, shall be distributed on a basis that is proportional to the total receipt of such other revenues in such account in the year prior to disbursement;

(13) If any member of the governing body of the municipality, a member of a commission established pursuant to subsection 2 of this section, or an employee or consultant of the municipality, involved in the planning and preparation of a redevelopment plan, or redevelopment project for a redevelopment area or proposed redevelopment area, owns or controls an interest, direct or indirect, in any property included in any redevelopment area, or proposed redevelopment area, which property is designated to be acquired or improved pursuant to a redevelopment project, he or she shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates, terms, and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the governing body of the municipality and entered upon the minutes books of the governing body of the municipality. If an individual holds such an interest, then that individual shall refrain from any further official involvement in regard to such redevelopment plan, redevelopment project or redevelopment area, from voting on any matter pertaining to such redevelopment plan, redevelopment project or redevelopment area, or communicating with other members concerning any matter pertaining to that redevelopment plan, redevelopment project or

redevelopment area. Furthermore, no such member or employee shall acquire any interest, direct or indirect, in any property in a redevelopment area or proposed redevelopment area after either (a) such individual obtains knowledge of such plan or project, or (b) first public notice of such plan, project or area pursuant to section 99.830, whichever first occurs;

(14) Charge as a redevelopment cost the reasonable costs incurred by its clerk or other official in administering the redevelopment project. The charge for the clerk's or other official's costs shall be determined by the municipality based on a recommendation from the commission, created pursuant to this section.

2. Prior to adoption of an ordinance approving the designation of a redevelopment area or approving a redevelopment plan or redevelopment project, the municipality shall create a commission of nine persons if the municipality is a county or a city not within a county and not a first class county with a charter form of government with a population in excess of nine hundred thousand, and eleven persons if the municipality is not a county and not in a first class county with a charter form of government having a population of more than nine hundred thousand, and twelve persons if the municipality is located in or is a first class county with a charter form of government having a population of more than nine hundred thousand, to be appointed as follows:

(1) In all municipalities two members shall be appointed by the school boards whose districts are included within the redevelopment plan or redevelopment area. Such members shall be appointed in any manner agreed upon by the affected districts;

(2) In all municipalities one member shall be appointed, in any manner agreed upon by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for a redevelopment project or the redevelopment area, excluding representatives of the governing

body of the municipality;

(3) In all municipalities six members shall be appointed by the chief elected officer of the municipality, with the consent of the majority of the governing body of the municipality;

(4) In all municipalities which are not counties and not in a first class county with a charter form of government having a population in excess of nine hundred thousand, two members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(5) In a municipality which is a county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the cities in the county which have tax increment financing districts in a manner in which the cities shall agree;

(6) In a municipality which is located in the first class county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(7) At the option of the members appointed by the municipality, the members who are appointed by the school boards and other taxing districts may serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan or designation of a redevelopment area is considered for approval by the commission, or for a definite term pursuant to this subdivision. If the members representing school districts and other taxing districts are appointed for a term coinciding with the length of time a redevelopment project, plan or area is approved, such term shall terminate upon final approval of the project, plan or designation of the area by the governing body of the municipality. Thereafter the commission shall consist of the six members appointed by the municipality, except

that members representing school boards and other taxing districts shall be appointed as provided in this section prior to any amendments to any redevelopment plans, redevelopment projects or designation of a redevelopment area. If any school district or other taxing jurisdiction fails to appoint members of the commission within thirty days of receipt of written notice of a proposed redevelopment plan, redevelopment project or designation of a redevelopment area, the remaining members may proceed to exercise the power of the commission. Of the members first appointed by the municipality, two shall be designated to serve for terms of two years, two shall be designated to serve for a term of three years and two shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the municipality shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments.

3. The commission, subject to approval of the governing body of the municipality, may exercise the powers enumerated in sections 99.800 to 99.865, except final approval of plans, projects and designation of redevelopment areas. The commission shall hold public hearings and provide notice pursuant to sections 99.825 and 99.830. The commission shall vote on all proposed redevelopment plans, redevelopment projects and designations of redevelopment areas, and amendments thereto, within thirty days following completion of the hearing on any such plan, project or designation and shall make recommendations to the governing body within ninety days of the hearing referred to in section 99.825 concerning the adoption of or amendment to redevelopment plans and redevelopment projects and the designation of redevelopment areas. The requirements of subsection 2 of this section and this subsection shall not apply to redevelopment projects upon which the required hearings have been duly held prior to August 31, 1991.

4. If the commission makes a negative recommendation to the governing body regarding a redevelopment plan, redevelopment project, designation of redevelopment area, or amendments thereto, then such plan, project, designation, or amendment shall not be adopted except by a favorable vote of two-thirds of all the members of the governing body.”; and

Further amend said Bill, Page 87, Section 99.847, Line 3, by inserting immediately following the word “as” the following: **“a one hundred year”**; and

Further amend said bill, Page 87, Section 99.847 by inserting after all of said section the following:

“99.866. When a tax increment financing project includes residential uses except in central business districts as defined in section 99.918, absent a recommendation to the contrary from commission members representing the affected school board or boards, real property tax levies attributable to the residential portion of the development shall pass through to the school district or districts.”; and

Further amend said bill, Page 191, Section 2, by inserting after all of said section the following:

“Section 3. In any home rule city with more than four hundred thousand inhabitants and located in more than one county and any city not within a county, when tax increment financing is used for a project, those receiving the financing must make all good faith efforts to use minority business enterprises or women business enterprises to help complete the project.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1
FOR HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for

Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 1, In the Title, Line 12, by inserting after “RSMo,” the following:

“and sections 99.820 and 99.825 as truly agreed and finally passed in senate substitute for senate committee substitute for house committee substitute for house bill no. 327, ninety-fourth general assembly, first regular session,”; and

Further amend said bill, Page 2, Section A, Line 10, by inserting after “RSMo,” the following:

“and sections 99.820 and 99.825 as truly agreed and finally passed in senate substitute for senate committee substitute for house committee substitute for house bill no. 327, ninety-fourth general assembly, first regular session,”; and

Further amend said bill, Page 15, Section 67.110, Line 49, by inserting after all of said line the following:

“67.112. The revenue derived from any increase in any tax within any tax increment financing district shall be used solely for the specified purposes of the tax increase. In no event shall any such revenue be used for or diverted to any redevelopment plan or project in any tax increment financing district.”; and

Further amend said bill, Page 87, Section 94.950, Line 118, by inserting after all of said line the following:

“99.820. 1. A municipality may:

(1) By ordinance introduced in the governing body of the municipality within fourteen to ninety days from the completion of the hearing required in section 99.825, approve redevelopment plans and redevelopment projects, and designate redevelopment project areas pursuant to the notice and hearing requirements of sections 99.800 to 99.865. No redevelopment project shall be approved unless a redevelopment plan has been approved and a redevelopment area has been designated prior to or concurrently with the approval of such redevelopment project and the

area selected for the redevelopment project shall include only those parcels of real property and improvements thereon directly and substantially benefited by the proposed redevelopment project improvements;

(2) Make and enter into all contracts necessary or incidental to the implementation and furtherance of its redevelopment plan or project;

(3) Pursuant to a redevelopment plan, subject to any constitutional limitations, acquire by purchase, donation, lease or, as part of a redevelopment project, eminent domain, own, convey, lease, mortgage, or dispose of, land and other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the municipality or the commission determines is reasonably necessary to achieve the objectives of the redevelopment plan. No conveyance, lease, mortgage, disposition of land or other property, acquired by the municipality, or agreement relating to the development of the property shall be made except upon the adoption of an ordinance by the governing body of the municipality. Each municipality or its commission shall establish written procedures relating to bids and proposals for implementation of the redevelopment projects. Furthermore, no conveyance, lease, mortgage, or other disposition of land or agreement relating to the development of property shall be made without making public disclosure of the terms of the disposition and all bids and proposals made in response to the municipality's request. Such procedures for obtaining such bids and proposals shall provide reasonable opportunity for any person to submit alternative proposals or bids;

(4) Within a redevelopment area, clear any area by demolition or removal of existing buildings and structures;

(5) Within a redevelopment area, renovate, rehabilitate, or construct any structure or building;

(6) Install, repair, construct, reconstruct, or relocate streets, utilities, and site improvements essential to the preparation of the redevelopment area for use in accordance with a redevelopment plan;

(7) Within a redevelopment area, fix, charge, and collect fees, rents, and other charges for the use of any building or property owned or leased by it or any part thereof, or facility therein;

(8) Accept grants, guarantees, and donations of property, labor, or other things of value from a public or private source for use within a redevelopment area;

(9) Acquire and construct public facilities within a redevelopment area;

(10) Incur redevelopment costs and issue obligations;

(11) Make payment in lieu of taxes, or a portion thereof, to taxing districts;

(12) Disburse surplus funds from the special allocation fund to taxing districts as follows:

(a) Such surplus payments in lieu of taxes shall be distributed to taxing districts within the redevelopment area which impose ad valorem taxes on a basis that is proportional to the current collections of revenue which each taxing district receives from real property in the redevelopment area;

(b) Surplus economic activity taxes shall be distributed to taxing districts in the redevelopment area which impose economic activity taxes, on a basis that is proportional to the amount of such economic activity taxes the taxing district would have received from the redevelopment area had tax increment financing not been adopted;

(c) Surplus revenues, other than payments in lieu of taxes and economic activity taxes, deposited in the special allocation fund, shall be distributed on a basis that is proportional to the total receipt of such other revenues in such account in the year prior to disbursement;

(13) If any member of the governing body of the municipality, a member of a commission established pursuant to subsection 2 of this section, or an employee or consultant of the municipality, involved in the planning and preparation of a redevelopment plan, or redevelopment project for a redevelopment area or proposed redevelopment area, owns or controls an interest, direct or indirect, in any property included in any redevelopment area, or proposed redevelopment area, which property is designated to be acquired or improved pursuant to a redevelopment project, he or she shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates, terms, and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the governing body of the municipality and entered upon the minutes books of the governing body of the municipality. If an individual holds such an interest, then that individual shall refrain from any further official involvement in regard to such redevelopment plan, redevelopment project or redevelopment area, from voting on any matter pertaining to such redevelopment plan, redevelopment project or redevelopment area, or communicating with other members concerning any matter pertaining to that redevelopment plan, redevelopment project or redevelopment area. Furthermore, no such member or employee shall acquire any interest, direct or indirect, in any property in a redevelopment area or proposed redevelopment area after either (a) such individual obtains knowledge of such plan or project, or (b) first public notice of such plan, project or area pursuant to section 99.830, whichever first occurs;

(14) Charge as a redevelopment cost the reasonable costs incurred by its clerk or other official in administering the redevelopment project. The charge for the clerk's or other official's costs shall be determined by the municipality based on a recommendation from the commission, created pursuant to this section.

2. Prior to adoption of an ordinance approving the designation of a redevelopment area or approving a redevelopment plan or redevelopment project, the municipality shall create a commission of nine persons if the municipality is a county or a city not within a county and not a first class county with a charter form of government with a population in excess of nine hundred thousand, and eleven persons if the municipality is not a county and not in a first class county with a charter form of government having a population of more than nine hundred thousand, and twelve persons if the municipality is located in or is a first class county with a charter form of government having a population of more than nine hundred thousand, to be appointed as follows:

(1) In all municipalities two members shall be appointed by the school boards whose districts are included within the redevelopment plan or redevelopment area. Such members shall be appointed in any manner agreed upon by the affected districts;

(2) In all municipalities one member shall be appointed, in any manner agreed upon by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for a redevelopment project or the redevelopment area, excluding representatives of the governing body of the municipality;

(3) In all municipalities six members shall be appointed by the chief elected officer of the municipality, with the consent of the majority of the governing body of the municipality;

(4) In all municipalities which are not counties and not in a first class county with a charter form of government having a population in excess of nine hundred thousand, two members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(5) In a municipality which is a county with a charter form of government having a population in

excess of nine hundred thousand, three members shall be appointed by the cities in the county which have tax increment financing districts in a manner in which the cities shall agree;

(6) In a municipality which is located in the first class county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(7) **Effective January 1, 2008, in a municipality which is in a county under the authority of the East-West Gateway Council of Governments, except any municipality in any county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, the municipality shall create a commission in the same manner as the commission for a first class county with a charter form of government having a population of more than nine hundred thousand, such commission shall have twelve members with two such members appointed by the school boards whose districts are included in the county in a manner in which such school boards agree, with one such member to represent all other districts levying ad valorem taxes in a manner in which all such districts agree, six such members appointed either by the county executive or county commissioner, and three such members appointed by the cities in the county which have tax increment financing districts in a manner in which the cities shall agree;**

(8) **Effective January 1, 2008, when any city, town, or village under the authority of the East-West Gateway Council of Governments desires to implement a tax increment financing project, such city, town, or village shall first obtain the permission of the county tax increment financing commission created in this**

subsection within which the city, town, or village is located. In the event such commission votes in opposition to the redevelopment project, such redevelopment project shall not be approved unless at least two-thirds of the governing body of the city, town, or village votes to approve such project;

(9) At the option of the members appointed by the municipality, the members who are appointed by the school boards and other taxing districts may serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan or designation of a redevelopment area is considered for approval by the commission, or for a definite term pursuant to this subdivision. If the members representing school districts and other taxing districts are appointed for a term coinciding with the length of time a redevelopment project, plan or area is approved, such term shall terminate upon final approval of the project, plan or designation of the area by the governing body of the municipality. Thereafter the commission shall consist of the six members appointed by the municipality, except that members representing school boards and other taxing districts shall be appointed as provided in this section prior to any amendments to any redevelopment plans, redevelopment projects or designation of a redevelopment area. If any school district or other taxing jurisdiction fails to appoint members of the commission within thirty days of receipt of written notice of a proposed redevelopment plan, redevelopment project or designation of a redevelopment area, the remaining members may proceed to exercise the power of the commission. Of the members first appointed by the municipality, two shall be designated to serve for terms of two years, two shall be designated to serve for a term of three years and two shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the municipality shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the

same manner as were the original appointments.

3. The commission, subject to approval of the governing body of the municipality, may exercise the powers enumerated in sections 99.800 to 99.865, except final approval of plans, projects and designation of redevelopment areas. The commission shall hold public hearings and provide notice pursuant to sections 99.825 and 99.830. The commission shall vote on all proposed redevelopment plans, redevelopment projects and designations of redevelopment areas, and amendments thereto, within thirty days following completion of the hearing on any such plan, project or designation and shall make recommendations to the governing body within ninety days of the hearing referred to in section 99.825 concerning the adoption of or amendment to redevelopment plans and redevelopment projects and the designation of redevelopment areas. The requirements of subsection 2 of this section and this subsection shall not apply to redevelopment projects upon which the required hearings have been duly held prior to August 31, 1991.

99.825. 1. Prior to the adoption of an ordinance proposing the designation of a redevelopment area, or approving a redevelopment plan or redevelopment project, the commission shall fix a time and place for a public hearing and notify each taxing district located wholly or partially within the boundaries of the proposed redevelopment area, plan or project. At the public hearing any interested person or affected taxing district may file with the commission written objections to, or comments on, and may be heard orally in respect to, any issues embodied in the notice. The commission shall hear and consider all protests, objections, comments and other evidence presented at the hearing. The hearing may be continued to another date without further notice other than a motion to be entered upon the minutes fixing the time and place of the subsequent hearing. Prior to the conclusion of the hearing, changes may be made in the redevelopment plan,

redevelopment project, or redevelopment area, provided that each affected taxing district is given written notice of such changes at least seven days prior to the conclusion of the hearing. After the public hearing but prior to the adoption of an ordinance approving a redevelopment plan or redevelopment project, or designating a redevelopment area, changes may be made to the redevelopment plan, redevelopment projects or redevelopment areas without a further hearing, if such changes do not enlarge the exterior boundaries of the redevelopment area or areas, and do not substantially affect the general land uses established in the redevelopment plan or substantially change the nature of the redevelopment projects, provided that notice of such changes shall be given by mail to each affected taxing district and by publication in a newspaper of general circulation in the area of the proposed redevelopment not less than ten days prior to the adoption of the changes by ordinance. After the adoption of an ordinance approving a redevelopment plan or redevelopment project, or designating a redevelopment area, no ordinance shall be adopted altering the exterior boundaries, affecting the general land uses established pursuant to the redevelopment plan or changing the nature of the redevelopment project without complying with the procedures provided in this section pertaining to the initial approval of a redevelopment plan or redevelopment project and designation of a redevelopment area. Hearings with regard to a redevelopment project, redevelopment area, or redevelopment plan may be held simultaneously.

2. Effective January 1, 2008, if, after concluding the hearing required under this section, the commission makes a recommendation under section 99.820 in opposition to a proposed redevelopment plan, redevelopment project, or designation of a redevelopment area, or any amendments thereto, a municipality desiring to approve such project, plan, designation, or amendments shall

do so only upon a two-thirds majority vote of the governing body of such municipality.

3. Tax incremental financing projects within an economic development area shall apply to and fund only the following infrastructure projects: highways, roads, streets, bridges, sewers, traffic control systems and devices, water distribution and supply systems, curbing, sidewalks and any other similar public improvements, but in no case shall it include buildings.”; and

Further amend said bill, Page 191, Section 58.510, Line 4, by inserting after all of said line the following:

“[99.820. 1. A municipality may:

(1) By ordinance introduced in the governing body of the municipality within fourteen to ninety days from the completion of the hearing required in section 99.825, approve redevelopment plans and redevelopment projects, and designate redevelopment project areas pursuant to the notice and hearing requirements of sections 99.800 to 99.865. No redevelopment project shall be approved unless a redevelopment plan has been approved and a redevelopment area has been designated prior to or concurrently with the approval of such redevelopment project and the area selected for the redevelopment project shall include only those parcels of real property and improvements thereon directly and substantially benefited by the proposed redevelopment project improvements;

(2) Make and enter into all contracts necessary or incidental to the implementation and furtherance of its redevelopment plan or project;

(3) Pursuant to a redevelopment plan, subject to any constitutional limitations, acquire by purchase, donation, lease or,

as part of a redevelopment project, eminent domain, own, convey, lease, mortgage, or dispose of, land and other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the municipality or the commission determines is reasonably necessary to achieve the objectives of the redevelopment plan. No conveyance, lease, mortgage, disposition of land or other property, acquired by the municipality, or agreement relating to the development of the property shall be made except upon the adoption of an ordinance by the governing body of the municipality. Each municipality or its commission shall establish written procedures relating to bids and proposals for implementation of the redevelopment projects. Furthermore, no conveyance, lease, mortgage, or other disposition of land or agreement relating to the development of property shall be made without making public disclosure of the terms of the disposition and all bids and proposals made in response to the municipality's request. Such procedures for obtaining such bids and proposals shall provide reasonable opportunity for any person to submit alternative proposals or bids;

(4) Within a redevelopment area, clear any area by demolition or removal of existing buildings and structures;

(5) Within a redevelopment area, renovate, rehabilitate, or construct any structure or building;

(6) Install, repair, construct, reconstruct, or relocate streets, utilities, and site improvements essential to the preparation of the redevelopment area for

use in accordance with a redevelopment plan;

(7) Within a redevelopment area, fix, charge, and collect fees, rents, and other charges for the use of any building or property owned or leased by it or any part thereof, or facility therein;

(8) Accept grants, guarantees, and donations of property, labor, or other things of value from a public or private source for use within a redevelopment area;

(9) Acquire and construct public facilities within a redevelopment area;

(10) Incur redevelopment costs and issue obligations;

(11) Make payment in lieu of taxes, or a portion thereof, to taxing districts;

(12) Disburse surplus funds from the special allocation fund to taxing districts as follows:

(a) Such surplus payments in lieu of taxes shall be distributed to taxing districts within the redevelopment area which impose ad valorem taxes on a basis that is proportional to the current collections of revenue which each taxing district receives from real property in the redevelopment area;

(b) Surplus economic activity taxes shall be distributed to taxing districts in the redevelopment area which impose economic activity taxes, on a basis that is proportional to the amount of such economic activity taxes the taxing district would have received from the redevelopment area had tax increment financing not been adopted;

(c) Surplus revenues, other than payments in lieu of taxes and economic activity taxes, deposited in the special

allocation fund, shall be distributed on a basis that is proportional to the total receipt of such other revenues in such account in the year prior to disbursement;

(13) If any member of the governing body of the municipality, a member of a commission established pursuant to subsection 2 of this section, or an employee or consultant of the municipality, involved in the planning and preparation of a redevelopment plan, or redevelopment project for a redevelopment area or proposed redevelopment area, owns or controls an interest, direct or indirect, in any property included in any redevelopment area, or proposed redevelopment area, which property is designated to be acquired or improved pursuant to a redevelopment project, he or she shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates, terms, and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the governing body of the municipality and entered upon the minutes books of the governing body of the municipality. If an individual holds such an interest, then that individual shall refrain from any further official involvement in regard to such redevelopment plan, redevelopment project or redevelopment area, from voting on any matter pertaining to such redevelopment plan, redevelopment project or redevelopment area, or communicating with other members concerning any matter pertaining to that redevelopment plan, redevelopment project or redevelopment area. Furthermore, no such member or employee shall acquire any interest, direct or indirect, in any property in a

redevelopment area or proposed redevelopment area after either (a) such individual obtains knowledge of such plan or project, or (b) first public notice of such plan, project or area pursuant to section 99.830, whichever first occurs;

(14) Charge as a redevelopment cost the reasonable costs incurred by its clerk or other official in administering the redevelopment project. The charge for the clerk's or other official's costs shall be determined by the municipality based on a recommendation from the commission, created pursuant to this section.

2. Prior to adoption of an ordinance approving the designation of a redevelopment area or approving a redevelopment plan or redevelopment project, the municipality shall create a commission of nine persons if the municipality is a county or a city not within a county and not a first class county with a charter form of government with a population in excess of nine hundred thousand, and eleven persons if the municipality is not a county and not in a first class county with a charter form of government having a population of more than nine hundred thousand, and twelve persons if the municipality is located in or is a first class county with a charter form of government having a population of more than nine hundred thousand, to be appointed as follows:

(1) In all municipalities two members shall be appointed by the school boards whose districts are included within the redevelopment plan or redevelopment area. Such members shall be appointed in any manner agreed upon by the affected districts;

(2) In all municipalities one member

shall be appointed, in any manner agreed upon by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for a redevelopment project or the redevelopment area, excluding representatives of the governing body of the municipality;

(3) In all municipalities six members shall be appointed by the chief elected officer of the municipality, with the consent of the majority of the governing body of the municipality;

(4) In all municipalities which are not counties and not in a first class county with a charter form of government having a population in excess of nine hundred thousand, two members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(5) In a municipality which is a county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the cities in the county which have tax increment financing districts in a manner in which the cities shall agree;

(6) In a municipality which is located in the first class county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(7) In a municipality which is in a county under the authority of the East-West Gateway Council of Governments, except any municipality in any

county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, the municipality shall create a commission in the same manner as the commission for a first class county with a charter form of government having a population of more than nine hundred thousand, such commission shall have twelve members with two such members appointed by the school boards whose districts are included in the county in a manner in which such school boards agree, with one such member to represent all other districts levying ad valorem taxes in a manner in which all such districts agree, three such members appointed either by the county executive or county commissioner, and six such members appointed by the cities in the county which have tax increment financing districts in a manner in which the cities shall agree;

(8) When any city, town, or village under the authority of the East-West Gateway Council of Governments desires to implement a tax increment financing project, such city, town, or village shall first obtain the permission of the county tax increment financing commission created in this subsection within which the city, town, or village is located;

(9) At the option of the members appointed by the municipality, the members who are appointed by the school boards and other taxing districts may serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan or designation of a redevelopment

area is considered for approval by the commission, or for a definite term pursuant to this subdivision. If the members representing school districts and other taxing districts are appointed for a term coinciding with the length of time a redevelopment project, plan or area is approved, such term shall terminate upon final approval of the project, plan or designation of the area by the governing body of the municipality. Thereafter the commission shall consist of the six members appointed by the municipality, except that members representing school boards and other taxing districts shall be appointed as provided in this section prior to any amendments to any redevelopment plans, redevelopment projects or designation of a redevelopment area. If any school district or other taxing jurisdiction fails to appoint members of the commission within thirty days of receipt of written notice of a proposed redevelopment plan, redevelopment project or designation of a redevelopment area, the remaining members may proceed to exercise the power of the commission. Of the members first appointed by the municipality, two shall be designated to serve for terms of two years, two shall be designated to serve for a term of three years and two shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the municipality shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments.

3. The commission, subject to approval of the governing body of the municipality, may exercise the powers

enumerated in sections 99.800 to 99.865, except final approval of plans, projects and designation of redevelopment areas. The commission shall hold public hearings and provide notice pursuant to sections 99.825 and 99.830. The commission shall vote on all proposed redevelopment plans, redevelopment projects and designations of redevelopment areas, and amendments thereto, within thirty days following completion of the hearing on any such plan, project or designation and shall make recommendations to the governing body within ninety days of the hearing referred to in section 99.825 concerning the adoption of or amendment to redevelopment plans and redevelopment projects and the designation of redevelopment areas. The requirements of subsection 2 of this section and this subsection shall not apply to redevelopment projects upon which the required hearings have been duly held prior to August 31, 1991.]

[99.825. 1. Prior to the adoption of an ordinance proposing the designation of a redevelopment area, or approving a redevelopment plan or redevelopment project, the commission shall fix a time and place for a public hearing and notify each taxing district located wholly or partially within the boundaries of the proposed redevelopment area, plan or project. At the public hearing any interested person or affected taxing district may file with the commission written objections to, or comments on, and may be heard orally in respect to, any issues embodied in the notice. The commission shall hear and consider all protests, objections, comments and other evidence presented at the hearing. The hearing may be continued to another date

without further notice other than a motion to be entered upon the minutes fixing the time and place of the subsequent hearing. Prior to the conclusion of the hearing, changes may be made in the redevelopment plan, redevelopment project, or redevelopment area, provided that each affected taxing district is given written notice of such changes at least seven days prior to the conclusion of the hearing. After the public hearing but prior to the adoption of an ordinance approving a redevelopment plan or redevelopment project, or designating a redevelopment area, changes may be made to the redevelopment plan, redevelopment projects or redevelopment areas without a further hearing, if such changes do not enlarge the exterior boundaries of the redevelopment area or areas, and do not substantially affect the general land uses established in the redevelopment plan or substantially change the nature of the redevelopment projects, provided that notice of such changes shall be given by mail to each affected taxing district and by publication in a newspaper of general circulation in the area of the proposed redevelopment not less than ten days prior to the adoption of the changes by ordinance. After the adoption of an ordinance approving a redevelopment plan or redevelopment project, or designating a redevelopment area, no ordinance shall be adopted altering the exterior boundaries, affecting the general land uses established pursuant to the redevelopment plan or changing the nature of the redevelopment project without complying with the procedures provided in this section pertaining to the initial approval of a redevelopment plan or redevelopment project and designation

of a redevelopment area. Hearings with regard to a redevelopment project, redevelopment area, or redevelopment plan may be held simultaneously.

2. If, after concluding the hearing required under this section, the commission makes a recommendation under section 99.820 in opposition to a proposed redevelopment plan, redevelopment project, or designation of a redevelopment area, or any amendments thereto, a municipality desiring to approve such project, plan, designation, or amendments shall do so only upon a two-thirds majority vote of the governing body of such municipality.

3. Tax incremental financing projects within an economic development area shall apply to and fund only the following infrastructure projects: highways, roads, streets, bridges, sewers, traffic control systems and devices, water distribution and supply systems, curbing, sidewalks and any other similar public improvements, but in no case shall it include buildings.]”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 92.500, Page 77, Line 5, by deleting the words **“and for”** and inserting in lieu thereof the words **“which operations are defined to include, but not be limited to,”**; and

Further amend said Section, Page 78, Line 17, by deleting the word **“city”** and inserting in lieu thereof the following:

“city, including hiring more police officers, prosecuting more criminals, nuisance crimes,

and problem properties”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 191, Section 2, Line 22, by inserting after all of said line the following:

“Section 3. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest in the following described real property owned by the state in Jackson County to the city of Kansas City:

Parcel # 12-840-27-08-00-0-00-000

**JOHNSON'S SUB OF O T LANDS
BEG 460 W 185' S NE CE S SW 1/4
SE 1/4 TH SW 250' SE 220' NE 250' NW
220' TO POB**

Parcel # 12-840-26-02-00-0-00-000

**EAST KANSAS
LOT 1 & N 10 FT OF LOT 2 BL K 53**

Parcel # 12-840-26-03-00-0-00-000

**EAST KANSAS
ALL OF LOT 2 (EX N 10') & ALL OF
LOT 3 & N 10' OF LOT 4 BLK 53**

Section 4. The commissioner of administration shall set the terms and conditions for the sale as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, and the time, place, and terms of the sale.

Section 5. The attorney general shall approve as to form the instrument of conveyance.” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 77, Section 89.400, Line 24, by inserting after all of said line the following:

“92.035. 1. Any city having a charter form of government and a population of at least three hundred thousand, but less than six hundred and fifty thousand and located wholly or partially within a county of the first class having a charter form of government, in addition to the levy and imposition of taxes authorized by section 92.030, may, except as otherwise provided in this section, by ordinance, levy or impose a tax not to exceed the rate of ten cents on each one hundred dollars of assessed valuation of real and tangible personal property located within the city. The proceeds of the tax representing a rate of at least three cents on each one hundred dollars of assessed valuation to be used for the operation, improvement or construction expansion of museum facilities in existence on August 13, 1978, and the remaining proceeds of the tax to be used exclusively for the construction, operation, improvement, or expansion of additional facilities for such museum and no other. The word “museum” as used in this section, shall not be construed to mean or include an art gallery **or any facility that was previously used as a railroad terminal or any location adjacent to such former railroad terminal.** General admission to the museum's facility in existence prior to August 13, 1978, shall be free and open to the residents of such city. Before the city shall impose any tax under this section at a rate which exceeds two cents on each one hundred dollars of assessed valuation, the governing body of the city shall submit the proposed tax rate increase to the voters of the city for approval or rejection at an election.

2. The question shall be submitted in substantially the following form:

Shall there be an increased tax levy of

cents on the hundred dollars assessed valuation for museum purposes?

3. If a majority of the votes cast upon the proposal are in favor of the levy increase, the governing body of the city may, by ordinance, impose the additional tax. If a majority of the votes cast upon the proposal are against the levy increase, the governing body of the city shall not impose the increase. Nothing in this section shall prohibit a rejected proposal from being resubmitted to a vote of the voters.” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 19, Section 67.320, Line 21, by inserting after all of said line the following:

“67.321. 1. Notwithstanding any other provision of law to the contrary, the governing body of any county or municipality shall have the authority to establish an ordinance to allow patrons' pets, as defined in subdivision (20) of section 266.160, RSMo, except for specialty pets as defined in subdivision (25) of section 266.160, RSMo, within certain designated outdoor portions of public food service establishments.

2. The governing body shall require from the public food service establishment the following information:

(1) A diagram and description of the outdoor area to be designated as available to patrons' pets, including dimensions of the designated area;

(2) A depiction of the number and placement of tables, chairs, and restaurant equipment;

(3) Entryways and exits to the designated outdoor area;

(4) The boundaries of the designated area and of other areas of outdoor dining not available to patrons' pets;

(5) Any fences or other barriers;

(6) Surrounding property lines and public rights-of-way including sidewalks and common pathways; and

(7) Any other information deemed necessary by the governing body.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 74, Section 79.050, Line 20 by inserting after the word “**two**” the words “**, three**”; and

Further amend said Section, Page 75, Line 23 by inserting after the word “**two**” the words “**, three**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 137.115, Page 104, Line 163 by inserting after all of said line and section the following:

“139.055. Any county **or public water supply district** may accept payment by credit card or electronic transfers of funds for any tax, **fee**, or license payable to the county **or district**. A county collector **or district** shall not be required to accept payment by credit card if the credit card bank, processor, or issuer would charge the county **or district** a fee for such payment. However, a county **or district** may accept payment by credit card and charge the person making such payment by credit card a fee equal to the fee charged the county **or**

district by the credit card bank, processor, issuer for such payment. A county **or district** may accept payment by electronic transfer of funds in payment of any tax, **fee**, or license and charge the person making such payment a fee equal to the fee charged the county **or district** by the bank, processor, or issuer of such electronic payment.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 13

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 50.332, Page 5, Line 6, by deleting the opening bracket “[”]; and,

Further amend said Section and Page, Line 7, by inserting an opening bracket “[” before the word “contract”; and

Further amend said Section and Page, Line 9, by inserting the following after the closing bracket “]”:

“contract; provided however, that no more than one percent of the contract price may be allowed to the county collector under any such contract and may be retained by the county collector in addition to all other compensation provided by law, and the remainder of the contract price shall be deposited in the county general revenue fund”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, page 152, Section 206.090, Line 38, by inserting after all of said line the following:

“221.515. **1.** Any person designated a jailer

under the provisions of this chapter shall have the power to serve [an arrest warrant] **civil process and arrest warrants** on any person who **surrenders himself or herself to the facility under an arrest warrant** or is already an inmate in the custody of the facility in or at which such jailer is employed.

2. Under the rules and regulations of the sheriff, employees designated as jailers may carry firearms when necessary for the proper discharge of their duties as jailers in this state under the provisions of this chapter.

3. Such persons authorized to act by the sheriff as jailers under the rules and regulations of the sheriff shall have the same power as granted any other law enforcement officers in this state to arrest escaped prisoners and apprehend all persons who may be aiding and abetting such escape while in the custody of the sheriff in accordance with state law.”; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 15

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 97, Section 137.092, Line 6, by inserting after the word “**facility**” the following:

“or any self-service storage facility as defined in section 415.405, RSMo”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 17

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 105.452, Page 94, Line 29 by deleting the following “**2. No person shall offer**” and inserting in lieu thereof the following: “**(6) Offer**”; and

Further amend said Page, Line 30 by deleting all of said line and inserting in lieu thereof the following: “**any public office. For purposes of this section, the term “public office” shall mean any elected or appointed office of state, county, or municipal government.**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 18

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 113, Section 144.062, Line 13, by striking “**144.030,**” and inserting the following:

“144.030; or

(6) After June 30, 2007, the department of transportation or the state highways and transportation commission,”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 19

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 50.660, Page 7, Line 34, by inserting the following after all of said line:

52.240. 1. The statement and receipt required by section 52.230 shall be mailed to the address of the taxpayer as shown by the county assessor on the current tax books, and postage for the mailing of the statements and receipts shall be furnished by the county commission. The failure of the taxpayer to receive the notice provided for in section 52.230 in no case relieves the taxpayer of any tax liability **and penalties and interest** imposed on him by law. **However, no penalty and interest, including that found in this chapter and chapters 139 and 140, shall be charged on real property tax when there is clear and convincing evidence that an**

error or omission was made by the county in determining taxes owed by a taxpayer.

2. The county commission shall have the authority to refund penalties, interest and taxes if the county made an error or omission. If a taxpayer believes that an error or omission has occurred and discovers the error or omission after December 31 and the taxpayer has not paid current year taxes owing, the taxpayer shall pay the taxes along with any penalties or interest due and owing. The taxpayer may then submit a request for a refund of penalties, interest or taxes, in writing, to the county commission. If the county commission approves the refund of penalties, interest or taxes then such refunds approved by the county commission shall be handled under section 139.031(5).”; and,

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 20

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Pages 105 through 113, Section 144.030, Line 280, by inserting after all of said line the following:

“(41) Sales of textbooks, as defined by section 170.051, RSMo, when such textbook is purchased for use by a person at any Missouri public or private university, college, or other postsecondary institution of higher learning offering a course of study leading to a degree in the liberal arts, humanities, or sciences or in a professional, vocational, or technical field, provided that the books which are exempt from state and local sales and use tax are those required or recommended for a class. Upon request, the institution or department shall provide at least one list of textbooks to the bookstore each semester.”; and

Further amend said bill, Page 191, Section

105.971, by inserting after all of said section the following:

“[144.517. In addition to the exemptions granted pursuant to section 144.030, there shall also be exempted from state sales and use taxes all sales of textbooks, as defined by section 170.051, RSMo, when such textbook is purchased by a student who possesses proof of current enrollment at any Missouri public or private university, college or other postsecondary institution of higher learning offering a course of study leading to a degree in the liberal arts, humanities or sciences or in a professional, vocational or technical field, provided that the books which are exempt from state sales tax are those required or recommended for a class. Upon request the institution or department must provide at least one list of textbooks to the bookstore each semester. Alternately, the student may provide to the bookstore a list from the instructor, department or institution of his or her required or recommended textbooks. This exemption shall not apply to any locally imposed sales or use tax.]”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 21

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 75, Section 79.050, Line 29 by inserting after said line the following:

“82.020. Any city or town under special charter, as defined in Section 81.010, RSMo, and any other city in this state which now has or which may hereafter have a population of more than [ten] five thousand inhabitants according to the last preceding federal decennial census may frame and adopt or amend a charter for its own government by complying with the provisions of Sections 19 and 20 of article VI of the constitution of this state, or any amendments thereof.”; and

Further amend said bill by amending the title,

enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 23

Amend House Amendment No. 23 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 3, Section 67.457, Line 14, by deleting after the word "percent." all of the following:

"Any neighborhood improvement district in existence prior to August 28, 2007, where two-thirds of the property located in such district was owned by a single person, corporation, or limited liability partnership shall be nullified. Any remaining indebtedness resulting from the issuance of bonds to fund the improvements within the neighborhood improvement district shall revert to the governing body of the city or county."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 23

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 67.410, Page 22, Line 120, by inserting the following after all of said line:

"67.457. 1. To establish a neighborhood improvement district, the governing body of any city or county shall comply with either of the procedures described in subsection 2 or 3 of this section.

2. The governing body of any city or county proposing to create a neighborhood improvement district may by resolution submit the question of creating such district to all qualified voters residing within such district at a general or special election called for that purpose. Such resolution shall set forth the project name for the proposed improvement, the general nature of the proposed improvement, the estimated cost of such improvement, the boundaries of the proposed

neighborhood improvement district to be assessed, and the proposed method or methods of assessment of real property within the district, including any provision for the annual assessment of maintenance costs of the improvement in each year during the term of the bonds issued for the original improvement and after such bonds are paid in full. The governing body of the city or county may create a neighborhood improvement district when the question of creating such district has been approved by the vote of the percentage of electors within such district voting thereon that is equal to the percentage of voter approval required for the issuance of general obligation bonds of such city or county under article VI, section 26 of the constitution of this state. The notice of election containing the question of creating a neighborhood improvement district shall contain the project name for the proposed improvement, the general nature of the proposed improvement, the estimated cost of such improvement, the boundaries of the proposed neighborhood improvement district to be assessed, the proposed method or methods of assessment of real property within the district, including any provision for the annual assessment of maintenance costs of the improvement in each year after the bonds issued for the original improvement are paid in full, and a statement that the final cost of such improvement assessed against real property within the district and the amount of general obligation bonds issued therefor shall not exceed the estimated cost of such improvement, as stated in such notice, by more than twenty-five percent, and that the annual assessment for maintenance costs of the improvements shall not exceed the estimated annual maintenance cost, as stated in such notice, by more than twenty-five percent. The ballot upon which the question of creating a neighborhood improvement district is submitted to the qualified voters residing within the proposed district shall contain a question in substantially the following form:

Shall (name of city or county) be

authorized to create a neighborhood improvement district proposed for the (project name for the proposed improvement) and incur indebtedness and issue general obligation bonds to pay for all or part of the cost of public improvements within such district, the cost of all indebtedness so incurred to be assessed by the governing body of the (city or county) on the real property benefited by such improvements for a period of years, and, if included in the resolution, an assessment in each year thereafter with the proceeds thereof used solely for maintenance of the improvement?

3. As an alternative to the procedure described in subsection 2 of this section, the governing body of a city or county may create a neighborhood improvement district when a proper petition has been signed by the owners of record of at least two-thirds by area of all real property located within such proposed district. **Each owner of record of real property located in the proposed district is allowed one signature. Any person, corporation, or limited liability partnership owning more than one parcel of land located in such proposed district shall be allowed only one signature on such petition.** The petition, in order to become effective, shall be filed with the city clerk or county clerk. A proper petition for the creation of a neighborhood improvement district shall set forth the project name for the proposed improvement, the general nature of the proposed improvement, the estimated cost of such improvement, the boundaries of the proposed neighborhood improvement district to be assessed, the proposed method or methods of assessment of real property within the district, including any provision for the annual assessment of maintenance costs of the improvement in each year during the term of the bonds issued for the original improvement and after such bonds are paid in full, a notice that the names of the signers may not be withdrawn later than seven days after the petition is filed with the city clerk or county clerk, and a notice that the final cost of such improvement

assessed against real property within the district and the amount of general obligation bonds issued therefor shall not exceed the estimated cost of such improvement, as stated in such petition, by more than twenty-five percent, and that the annual assessment for maintenance costs of the improvements shall not exceed the estimated annual maintenance cost, as stated in such petition, by more than twenty-five percent. **Any neighborhood improvement district in existence prior to August 28, 2007, where two-thirds of the property located in such district was owned by a single person, corporation, or limited liability partnership shall be nullified. Any remaining indebtedness resulting from the issuance of bonds to fund the improvements within the neighborhood improvement district shall revert to the governing body of the city or county.**

4. Upon receiving the requisite voter approval at an election or upon the filing of a proper petition with the city clerk or county clerk, the governing body may by resolution or ordinance determine the advisability of the improvement and may order that the district be established and that preliminary plans and specifications for the improvement be made. Such resolution or ordinance shall state and make findings as to the project name for the proposed improvement, the nature of the improvement, the estimated cost of such improvement, the boundaries of the neighborhood improvement district to be assessed, the proposed method or methods of assessment of real property within the district, including any provision for the annual assessment of maintenance costs of the improvement in each year after the bonds issued for the original improvement are paid in full, and shall also state that the final cost of such improvement assessed against the real property within the neighborhood improvement district and the amount of general obligation bonds issued therefor shall not, without a new election or petition, exceed the estimated cost of such improvement by more than twenty-five percent.

5. The boundaries of the proposed district shall be described by metes and bounds, streets or other sufficiently specific description. The area of the neighborhood improvement district finally determined by the governing body of the city or county to be assessed may be less than, but shall not exceed, the total area comprising such district.

6. In any neighborhood improvement district organized prior to August 28, 1994, an assessment may be levied and collected after the original period approved for assessment of property within the district has expired, with the proceeds thereof used solely for maintenance of the improvement, if the residents of the neighborhood improvement district either vote to assess real property within the district for the maintenance costs in the manner prescribed in subsection 2 of this section or if the owners of two-thirds of the area of all real property located within the district sign a petition for such purpose in the same manner as prescribed in subsection 3 of this section.”; and,

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 25

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 94, Section 105.452, Line 30, by inserting after all of said line the following:

“108.170. 1. Notwithstanding any other provisions of any law or charter to the contrary, any issue of bonds, notes, or other evidences of indebtedness, including bonds, notes, or other evidences of indebtedness payable solely from revenues derived from any revenue-producing facility, hereafter issued under any law of this state by any county, city, town, village, school district, educational institution, drainage district, levee district, nursing home district, hospital district, library district, road district, fire protection district, water supply district, sewer district, housing

authority, land clearance for redevelopment authority, special authority created under section 64.920, RSMo, authority created pursuant to the provisions of chapter 238, RSMo, or other municipality, political subdivision or district of this state shall be negotiable, may be issued in bearer form or registered form with or without coupons to evidence interest payable thereon, may be issued in any denomination, and may bear interest at a rate not exceeding ten percent per annum, and may be sold, at any sale, at the best price obtainable, not less than ninety-five percent of the par value thereof, anything in any proceedings heretofore had authorizing such bonds, notes, or other evidence of indebtedness, or in any law of this state or charter provision to the contrary notwithstanding. Such issue of bonds, notes, or other evidence of indebtedness may bear interest at a rate not exceeding fourteen percent per annum if sold at public sale after giving reasonable notice of such sale, at the best price obtainable, not less than ninety-five percent of the par value thereof; provided, that such bonds, notes, or other evidence of indebtedness may be sold to any agency or corporate or other instrumentality of the state of Missouri or of the federal government at private sale at a rate not exceeding fourteen percent per annum.

2. Notwithstanding the provisions of subsection 1 of this section to the contrary, the sale of bonds, notes, or other evidence of indebtedness issued by the state board of public buildings created under section 8.010, RSMo, the state board of fund commissioners created under section 33.300, RSMo, any port authority created under section 68.010, RSMo, the bi-state metropolitan development district authorized under section 70.370, RSMo, any special business district created under section 71.790, RSMo, any county, as defined in section 108.465, exercising the powers granted by sections 108.450 to 108.470, the industrial development board created under section 100.265, RSMo, any planned industrial expansion authority created under section 100.320, RSMo,

the higher education loan authority created under section 173.360, RSMo, the Missouri housing development commission created under section 215.020, RSMo, the state environmental improvement and energy resources authority created under section 260.010, RSMo, the agricultural and small business development authority created under section 348.020, RSMo, any industrial development corporation created under section 349.035, RSMo, or the health and educational facilities authority created under section 360.020, RSMo, shall, with respect to the sales price, manner of sale and interest rate, be governed by the specific sections applicable to each of these entities.

3. Notwithstanding other provisions of this section or other law, the sale of bonds, notes or other evidence of indebtedness issued by any housing authority created under section 99.040, RSMo, may be sold at any sale, at the best price obtainable, not less than ninety-five percent of the par value thereof, and may bear interest at a rate not exceeding fourteen percent per annum. The sale shall be a public sale unless the issuing jurisdiction adopts a resolution setting forth clear justification why the sale should be a private sale except that private activity bonds may be sold either at public or private sale.

4. Notwithstanding other provisions of this section or law, industrial development revenue bonds may be sold at private sale and bear interest at a rate not exceeding fourteen percent per annum at the best price obtainable, not less than ninety-five percent of the par value thereof.

5. Notwithstanding other provisions in subsection 1 of this section to the contrary, revenue bonds issued for airport purposes by any constitutional charter city in this state which now has or may hereafter acquire a population of more than three hundred thousand but less than six hundred thousand inhabitants, according to the last federal decennial census, may bear interest at a rate not exceeding fourteen percent per annum if sold

at public sale after giving reasonable notice, at the best price obtainable, not less than ninety-five percent of the par value thereof.

6. For purposes of the interest rate limitations set forth in this section, the interest rate on bonds, notes or other evidence of indebtedness described in this section means the rate at which the present value of the debt service payments on an issue of bonds, notes or other evidence of indebtedness, discounted to the date of issuance, equals the original price at which such bonds, notes or other evidence of indebtedness are sold by the issuer. Interest on bonds, notes or other evidence of indebtedness may be paid periodically at such times as shall be determined by the governing body of the issuer and may be compounded in accordance with section 408.080, RSMo.

7. Notwithstanding any provision of law or charter to the contrary:

(1) Any entity referenced in subsection 1 or 2 of this section and any other political corporation of the state which entity or political corporation has an annual operating budget for the current year exceeding twenty-five million dollars may, in connection with managing the cost to such entity or political corporation of purchasing fuel, electricity, natural gas, and other commodities used in the ordinary course of its lawful operations, enter into agreements providing for fixing the cost of such commodity, including without limitation agreements commonly referred to as hedges, futures, and options; provided that as of the date of such agreement, such entity or political corporation shall have complied with subdivision (3) of this subsection; and further provided that no eligible school, as defined in section 393.310, RSMo, shall be authorized by this subsection to enter into such agreements in connection with the purchase of natural gas while the tariffs required under section 393.310, RSMo, are in effect;

(2) Any entity referenced in subsection 1 or

2 of this section and any other political corporation of the state may, in connection with its bonds, notes, or other obligations then outstanding or to be issued and bearing interest at a fixed or variable rate, enter into agreements providing for payments based on levels of or changes in interest rates, including without limitation certain derivative agreements commonly referred to as interest rate swaps, hedges, caps, floors, and collars, provided that:

(a) As of the date of issuance of the bonds, notes, or other obligations to which such agreement relates, such entity or political corporation will have bonds, notes, or other obligations outstanding in an aggregate principal amount of at least fifty million dollars; and

(b) As of the date of such agreement, such entity's or political corporation's bonds, notes, or other obligations then outstanding or to be issued have received a stand-alone credit rating in one of the two highest categories, without regard to any gradation within such categories, from at least one nationally recognized credit rating agency, or such entity or political corporation has an issuer or general credit rating, in one of the two highest categories, without regard to any gradation within such categories, from at least one nationally recognized credit rating agency; and

(c) As of the date of such agreement, such entity or political corporation shall have complied with subdivision (3) of this subsection;

(3) Prior to entering into any agreements pursuant to subdivision (1) or (2) of this subsection, the governing body of the entity or political corporations entering into such agreements shall have adopted a written policy governing such agreements. Such policy shall be prepared by integrating the recommended practices published by the Government Finance Officers Association or comparable nationally

recognized professional organization and shall provide guidance with respect to the permitted purposes, authorization process, mitigation of risk factors, ongoing oversight responsibilities, market disclosure, financial strategy, and any other factors in connection with such agreements determined to be relevant by the governing body of such entity or political corporation. Such entity or political corporation may enter into such agreements at such times and such agreements may contain such payment, security, default, remedy, and other terms and conditions as shall be consistent with the written policy adopted under this subdivision and as may be approved by the governing body of such entity or other obligated party, including any rating by any nationally recognized rating agency and any other criteria as may be appropriate;

(4) Nothing in this subsection shall be applied or interpreted to authorize any such entity or political corporation to enter into any such agreement for investment purposes or to diminish or alter the special or general power any such entity or political corporation may otherwise have under any other provisions of law including the special or general power of any interstate transportation authority.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 26

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 137.092, Page 97, Line 13, by inserting immediately after the word “facility” the following:

“if the owner of the rental or leasing facility knows of or has been made aware of the nature of such personal property”; and,

Further amend said bill by amending the title, enacting clause, and intersectional references

accordingly.

HOUSE AMENDMENT NO. 27

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 7, Section 50.660, by inserting after all of said section the following:

“50.1250. 1. If a member has less than five years of creditable service upon termination of employment, the member shall forfeit the portion of his or her defined contribution account attributable to board matching contributions or county matching contributions pursuant to section 50.1230. The proceeds of such forfeiture shall be applied towards matching contributions made by the board for the calendar year in which the forfeiture occurs. If the board does not approve a matching contribution, then forfeitures shall revert to the county employees' retirement fund. The proceeds of such forfeiture with respect to county matching contributions shall be applied toward matching contributions made by the respective county in accordance with rules prescribed by the board.

2. A member shall be eligible to receive a distribution of the member's defined contribution account in such form selected by the member as permitted under and in accordance with the rules and regulations formulated and adopted by the board from time to time, and commencing as soon as administratively feasible following separation from service, unless the member elects to receive the account balance at a later time, but no later than his or her required beginning date. Notwithstanding the foregoing, if the value of a member's defined contribution account balance is [five] **one** thousand dollars or less at the time of the member's separation from service, without respect to any board-matching contributions or employer-matching contribution which might be allocated following the member's separation from service, then his or her defined contribution account shall be distributed to the member in a single sum as soon as administratively feasible

following his or her separation from service. The amount of the distribution shall be the amount determined as of the valuation date described in section 50.1240, if the member has at least five years of creditable service. If the member has less than five years of creditable service upon his or her separation from service, then the amount of the distribution shall equal the portion of the member's defined contribution account attributable to the member's seed contributions pursuant to section 50.1220, if any, determined as of the valuation date.

3. If the member dies before receiving the member's account balance, the member's designated beneficiary shall receive the member's defined contribution account balance, as determined as of the immediately preceding valuation date, in a single sum. The member's beneficiary shall be his or her spouse, if married, or his or her estate, if not married, unless the member designates an alternative beneficiary in accordance with procedures established by the board.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 28

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 96, Section 110.150, Line 23, by inserting after all of said line the following:

“135.650. 1. As used in this section, the following terms mean:

(1) “Made in America”, manufactured or produced within the United States of America or, if premanufactured, having a fair market value at least seventy percent of which results from domestic labor and materials;

(2) “Storm shelter”, an above-ground safe room or an in-ground shelter in or near the taxpayer's primary residence that protects from

injury or death caused by dangerous and extreme windstorms, that is in compliance with the requirements established in the Federal Emergency Management Agency's Publication 320 or its successor publication in effect at the time the storm shelter was completed, and that is made in America;

(3) "Tax credit", a credit against the tax otherwise due under chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo;

(4) "Taxpayer", any individual subject to the tax imposed in chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo.

2. For all taxable years beginning on or after January 1, 2007, a taxpayer shall be allowed a tax credit for the costs incurred in building a storm shelter on or after January 1, 2003. The tax credit amount shall be equal to the lesser of two thousand dollars or fifty percent of the incurred costs. The amount of the tax credit issued shall not exceed the amount of the taxpayer's state tax liability for the tax year for which the credit is claimed. No amount of credit that the taxpayer is prohibited by this section from claiming in a tax year shall be refundable, nor shall any tax credit granted under this section be transferable.

3. The department of revenue may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently

held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

4. Under section 23.253, RSMo, of the Missouri Sunset Act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 30

Amend House Amendment No. 30 to House Committee Substitute to Senate Substitute to Senate Committee Substitute for Senate Bill No. 22, Page 2, Section 190.528, Line 15 by striking the word "patient" and replacing it with the word "passenger"

HOUSE AMENDMENT NO. 30

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 190.305, Page 127, Line 57, by inserting the following after all of said line:

"190.528. 1. No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or

profess to be engaged in the business or service of the transportation of passengers by stretcher van upon the streets, alleys, or any public way or place of the state of Missouri unless such person holds a currently valid license from the department for a stretcher van service issued pursuant to the provisions of sections 190.525 to 190.537 notwithstanding any provisions of chapter 390 or 622, RSMo, to the contrary.

2. Subsection 1 of this section shall not preclude any political subdivision that is authorized to operate a licensed ambulance service from adopting any law, ordinance or regulation governing the operation of stretcher vans that is at least as strict as the minimum state standards, and no such regulations or ordinances shall prohibit stretcher van services that were legally picking up passengers within a political subdivision prior to January 1, 2002, from continuing to operate within that political subdivision and no political subdivision which did not regulate or prohibit stretcher van services as of January 1, 2002, shall implement unreasonable regulations or ordinances to prevent the establishment and operation of such services.

3. In any county with a charter form of government and with more than one million inhabitants, the governing body of the county shall set reasonable standards for all stretcher van services which shall comply with subsection 2 of this section. All such stretcher van services must be licensed by the department. The governing body of such county shall not prohibit a licensed stretcher van service from operating in the county, as long as the stretcher van service meets county standards.

4. Nothing shall preclude the enforcement of any laws, ordinances or regulations of any political subdivision authorized to operate a licensed ambulance service that were in effect prior to August 28, 2001.

5. Stretcher van services may transport passengers.

6. A stretcher van shall be staffed by at least two individuals when transporting passengers.

7. The crew of the stretcher van is required to immediately contact the appropriate ground ambulance service if a passenger's condition deteriorates.

8. [Stretcher van services shall not transport patients, persons currently admitted to a hospital or persons being transported to a hospital for admission or emergency treatment.] **Passengers may be transported in a stretcher van provided the patient:**

(1) Needs no medical equipment (except self administered oxygen);

(2) Needs no medical monitoring;

(3) Needs routine transportation to or from a medical appointment or service if that person is convalescent or otherwise non-ambulatory and does not require medical monitoring, aid, care, or treatment during transport.

9. Stretcher van services shall not transport patients currently admitted to a hospital or patients being transported to a hospital for admission or emergency treatment. A stretcher van shall not transport a patient whom:

(1) Is acutely ill, wounded, or medically unstable.

(2) Is experiencing an emergency medical condition as defined in section 190.100, an acute medical condition, an exacerbation of a chronic medical condition, or a sudden illness or injury;

(3) Was administered a medication that might prevent the person from caring for his or her self;

(4) Is a hospital in-patient being transported to another hospital for the purpose of receiving a higher level of medical care;

(5) Is a hospital in-patient being discharged following treatment that could present the possibility of an adverse reaction;

(6) Is being transported to or from medical treatment, including but not limited to dialysis, wound care, and radiation, regardless of whether the treatment facility is a hospital or a freestanding facility.

10. A stretcher van shall always be operated with:

(1) Stretchers and mountings that meet or exceed current manufacturer's KKK-A-1822 specifications at the time of manufacture;

(2) Vehicles specifically designed, manufactured and equipped for use as a stretcher van which meets current Federal safety standards at the date of vehicle manufacture.

[9.] **11.** The department of health and senior services shall promulgate regulations, including but not limited to adequate insurance, on-board equipment, vehicle staffing, vehicle maintenance, vehicle specifications, vehicle communications, passenger safety and records and reports.

[10.] **12.** The department of health and senior services shall issue service licenses for a period of no more than five years for each service meeting the established rules.

[11.] **13.** Application for a stretcher van license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.525 to 190.537. The application form shall contain such information as the department deems necessary to make a determination as to whether the stretcher van agency meets all the requirements of sections 190.525 to 190.537 and rules promulgated pursuant to sections 190.525 to 190.537. The department shall conduct an inspection of the stretcher van service to verify compliance with the licensure standards of sections 190.525 to 190.537.

[12.] **14.** Upon the sale or transfer of any stretcher van service ownership, the owner of the stretcher van service shall notify the department of the change in ownership within thirty days prior to

the sale or transfer. The department shall conduct an inspection of the stretcher van service to verify compliance with the licensure standards of sections 190.525 to 190.537.

[13.] **15.** Ambulance services licensed pursuant to this chapter or any rules promulgated by the department of health and senior services pursuant to this chapter may provide stretcher van and wheelchair transportation services pursuant to sections 190.525 to 190.537.

[14.] **16.** Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.”; and,

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 31

Amend House Amendment No. 31 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 1, Line 1 by inserting before all of said line the following:

“Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 67.1360, Page 36, Lines 87 through 92 by deleting all of said lines and inserting in lieu thereof the following:

“fewer than six thousand five hundred inhabitants and located in more than one county”; and

Further”.

HOUSE AMENDMENT NO. 31

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 67.1360, Page 36, Line 117, by inserting the following after all of said line:

“67.1401. 1. Sections 67.1401 to 67.1571 shall be known and may be cited as the “Community Improvement District Act”.

2. For the purposes of sections 67.1401 to 67.1571, the following words and terms mean:

(1) “Approval” or “approve”, for purposes of elections pursuant to sections 67.1401 to 67.1571, a simple majority of those qualified voters voting in the election;

(2) “Assessed value”, the assessed value of real property as reflected on the tax records of the county clerk of the county in which the property is located, or the collector of revenue if the property is located in a city not within a county, as of the last completed assessment;

(3) “Blighted area”, an area which:

(a) By reason of the predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals or welfare in its present condition and use; or

(b) Has been declared blighted or found to be a blighted area pursuant to Missouri law including, but not limited to, chapter 353, RSMo, sections 99.800 to 99.865, RSMo, or sections 99.300 to 99.715, RSMo;

(4) “Board”, if the district is a political

subdivision, the board of directors of the district, or if the district is a not-for-profit corporation, the board of directors of such corporation;

(5) “Director of revenue”, the director of the department of revenue of the state of Missouri;

(6) “District”, a community improvement district, established pursuant to sections 67.1401 to 67.1571;

(7) “Election authority”, the election authority having jurisdiction over the area in which the boundaries of the district are located pursuant to chapter 115, RSMo;

(8) “Municipal clerk”, the clerk of the municipality;

(9) “Municipality”, any city, village, incorporated town, or county of this state, or in any unincorporated area that is located in any county with a charter form of government and with more than one million inhabitants;

(10) “Obligations”, bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by a district to carry out any of its powers, duties or purposes or to refund outstanding obligations;

(11) “Owner”, for real property, the individual or individuals or entity or entities who own a fee interest in real property that is located within the district or their legally authorized representative; for business organizations and other entities, the owner shall be deemed to be the individual which is legally authorized to represent the entity in regard to the district;

(12) “Per capita”, one head count applied to each individual, entity or group of individuals or entities having fee ownership of real property within the district whether such individual, entity or group owns one or more parcels of real property in the district as joint tenants, tenants in common, tenants by the entirety [or], tenants in partnership, **except that with respect to a condominium created under sections 448.1-101 to 448.4-120,**

RSMo, “per capita” means one head count applied to the applicable unit owners' association and not to each unit owner;

(13) “Petition”, a petition to establish a district as it may be amended in accordance with the requirements of section 67.1421;

(14) “Qualified voters”,

(a) For purposes of elections for approval of real property taxes:

a. Registered voters; or

b. If no registered voters reside in the district, the owners of one or more parcels of real property which is to be subject to such real property taxes and is located within the district per the tax records for real property of the county clerk, or the collector of revenue if the district is located in a city not within a county, as of the thirtieth day prior to the date of the applicable election;

(b) For purposes of elections for approval of business license taxes or sales taxes:

a. Registered voters; or

b. If no registered voters reside in the district, the owners of one or more parcels of real property located within the district per the tax records for real property of the county clerk as of the thirtieth day before the date of the applicable election; and

(c) For purposes of the election of directors of the board, registered voters and owners of real property which is not exempt from assessment or levy of taxes by the district and which is located within the district per the tax records for real property of the county clerk, or the collector of revenue if the district is located in a city not within a county, of the thirtieth day prior to the date of the applicable election; and

(15) “Registered voters”, persons who reside within the district and who are qualified and registered to vote pursuant to chapter 115, RSMo, pursuant to the records of the election authority as of the thirtieth day prior to the date of the

applicable election.”; and

Further amend said Substitute, Section 67.1461, Page 42, Line 113, by inserting the following after all of said line:

“67.1485. 1. Any district organized as a nonprofit corporation may merge with another district organized as a nonprofit organization. Such merger shall be conducted under the procedures for merger provided in chapter 355, RSMo, and shall not become effective unless:

(1) The boundaries of the merging districts are contiguous;

(2) The articles of merger required under section 355.361, RSMo, contain a legal description of the surviving district corporation;

(3) The term of existence of the surviving district corporation stated in the articles of merger shall be equal to the shortest length of time remaining for existence of either merging district corporation as determined by the applicable ordinances establishing the merging district corporations;

(4) A copy of the articles of merger is sent to the department of economic development.

2. If two district corporations merge under this section, the board of directors of the surviving district corporation may continue to levy special assessments against such tracts, lots, or parcels listed, and in an amount as provided in, a previously authorized petition under section 67.1521, provided that the level of service stated in such petition is not decreased by the surviving district corporation. A new special assessment petition may be submitted to the surviving district corporation and, if stated in the petition, may supersede or replace the previously authorized special assessment petitions.

3. No merger under this section shall be construed to be a petition for termination under

section 67.1481 or to invoke a plan of dissolution as provided in section 67.1481.”; and,

Further amend said Substitute, Section 67.1545, Page 43, Line 54, by inserting the following after all of said line:

“67.1561. No lawsuit to set aside a district established, or a special assessment or a tax levied under sections 67.1401 to 67.1571 or to otherwise question the validity of the proceedings related thereto shall be brought after the expiration of ninety days from the effective date of the ordinance establishing such district in question or the effective date of the resolution levying such special assessment or tax in question **or the effective date of a merger of two districts under section 67.1485.”; and,**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 33

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 154, Section 228.110, by inserting after all of said section the following:

“228.190. 1. All roads in this state that have been established by any order of the county commission, and have been used as public highways for a period of ten years or more, shall be deemed legally established public roads; and all roads that have been used as such by the public for ten years continuously, and upon which there shall have been expended public money or labor for such period, shall be deemed legally established roads; and nonuse by the public for five years continuously of any public road shall be deemed an abandonment and vacation of the same.

2. From and after January 1, 1990, any road in any county that has been identified as a county road for which the county receives allocations of county aid road trust funds from or through the department of transportation for a period of at least five years shall be conclusively deemed to be a

public county road without further proof of the status of the road as a public road. No such public road shall be abandoned or vacated except through the actions of the county commission declaring such road vacated after public hearing, or through the process set out in section 228.110.

3. In any litigation where the subject of a public road is at issue under this section, an exact location of the road is not required to be proven. Once the public road is determined to exist, the judge may order a survey to be conducted to determine the exact location of the public road and charge the costs of the survey to the party who asserted that the public road exists.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 35

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 67.320, Page 18, Line 7, by deleting the words “**in all subject areas of the county's orders and ordinances**” and inserting in lieu thereof “**, but only in the areas of traffic violations, solid waste management, county building codes, on-site sewer treatment, zoning orders, and animal control**”; and,

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 36

Amend House Amendment No. 36 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 168, Section 320.200, Lines 7 - 11, by deleting all of said lines and inserting in lieu thereof the following:

“(3) “Fire department”, an agency or organization that provides fire suppression and

related activities, including but not limited to, fire prevention, rescue, emergency medical services, hazardous material response, or special operation to a population within a fixed and legally recorded geographical area. The term “fire department” shall include any municipal fire department or any fire protection district as defined in section 321.010, RSMo, or voluntary fire protection association as defined in section 320.300, engaging in this type of activity.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 36

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 2, Page 191, Line 22 by inserting immediately after said Line the following:

“Section 3. 1. In any county of the third classification without a township form of government and with more than thirteen thousand seventy-five but fewer than thirteen thousand one hundred seventy-five inhabitants, the governing body of any fire protection district may impose a sales tax in an amount up to one percent on all retail sales made in such fire protection district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo, provided that such sales tax shall be accompanied by a reduction in the district's tax rate as defined in section 137.073, RSMo. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no sales tax imposed pursuant to the provisions of this section shall be effective unless the governing body of the fire protection district submits to the voters of such fire protection district, at a municipal or state general, primary or special election, a proposal to authorize the governing body of the fire protection district to impose a

tax pursuant to this section.

2. The ballot of submission shall contain, but need not be limited to, the following language:

“Shall.....(insert name of fire protection district) impose a sales tax of(insert amount up to one) percent for the purpose of providing revenues for the operation of the(insert name of fire protection district) and the total property tax levy on properties in the(insert name of the fire protection district) shall be reduced annually by an amount which reduces property tax revenues by an amount equal to fifty percent of the previous year's revenue collected from this sales tax?

Yes

No

If you are favor of the question, plan an “X” in the box opposite “Yes”. If you are opposed to the question, place an “X” in the box opposite “No”.”

3. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the sales tax authorized in this section shall be in effect and the governing body of the fire protection district shall lower the level of its tax rate by an amount which reduces property tax revenues by an amount equal to fifty percent of the amount of sales tax collected in the preceding year. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the fire protection district shall not impose the sales tax authorized in this section unless and until the governing body of such fire protection district resubmits a proposal to authorize the governing body of the fire protection district to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon.

4. All revenue received by a district from

the tax authorized pursuant to this section shall be deposited in two special trust funds, and be used solely for the purposes specified in the proposal submitted pursuant to this section for so long as the tax shall remain in effect.

5. Ninety-five percent of the sales taxes collected by the director of revenue pursuant to this section, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited into the "Ambulance or Fire Protection District Sales Tax Trust Fund" pursuant to section 321.552, RSMo. The remaining five percent of the sales taxes collected by the director of revenue pursuant to this section shall be deposited in a special trust fund, which is hereby created, to be known as the "Distressed Fire Protection District Fund". The moneys in the distressed fire protection district fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust and the amount collected in each district imposing a sales tax pursuant to this section, and the records shall be open to inspection by officers of the county and to the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month in equal parts to the governing body of any fire protection district located within any county with a charter form of government and with more than one million inhabitants, with a median household income of seventy percent or less of the median household income for the county in which such fire protection is located; such funds shall be deposited with the board treasurer of each such district.

6. The director of revenue may make refunds from the amounts in the trust fund and

credit any district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such district. If any district abolishes the tax, the district shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such district, the director of revenue shall remit the balance in the account to the district and close the account of that district. The director of revenue shall notify each district of each instance of any amount refunded or any check redeemed from receipts due the district.

7. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 37

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 432.070, Page 184, Line 14, by inserting the following after all of said line:

"451.040. 1. Previous to any marriage in this state, a license for that purpose shall be obtained from the officer authorized to issue the same, and no marriage contracted shall be recognized as valid unless the license has been previously obtained, and unless the marriage is solemnized by a person authorized by law to solemnize marriages.

2. Before applicants for a marriage license shall receive a license, and before the recorder of deeds shall be authorized to issue a license, the parties to the marriage shall present an application for the license, duly executed and signed in the presence of the recorder of deeds or their deputy. Each application for a license shall contain the Social Security number of the applicant, provided that the applicant in fact has a Social Security number, or the applicant shall sign a statement provided by the recorder that the applicant does not have a Social Security number. The Social Security number contained in an application for a marriage license shall be exempt from examination and copying pursuant to section 610.024, RSMo. [Upon the expiration of three days after] **After** the receipt of the application the recorder of deeds shall issue the license, unless one of the parties withdraws the application. The license shall be void after thirty days from the date of issuance.

3. [Provided, however, that such license may be issued on order of a circuit or associate circuit judge of the county in which the license is applied for, without waiting three days, such license being issued only for good cause shown and by reason of such unusual conditions as to make such marriage advisable.

4.] Any person violating the provisions of this section shall be deemed guilty of a misdemeanor.

[5.] **4.** Common-law marriages shall be null and void.

[6.] **5.** Provided, however, that no marriage shall be deemed or adjudged invalid, nor shall the validity be in any way affected for want of authority in any person so solemnizing the marriage pursuant to section 451.100, if consummated with the full belief on the part of the persons, so married, or either of them, that they were lawfully joined in marriage.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 38

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 14, Section 66.010, Line 58, by inserting after all of said line the following:

“66.450. No county with a charter form of government and with more than one million inhabitants shall enact any charter provision governing the establishment of areas within the unincorporated areas of such county for the collection and transfer of waste and recovered materials, or authorizing bids or proposals for the provision of such services. Any such charter provision shall be void.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 40

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 537.035, Page 189 by inserting after all of said section the following:

“537.610. 1. The commissioner of administration, through the purchasing division, and the governing body of each political subdivision of this state, notwithstanding any other provision of law, may purchase liability insurance for tort claims, made against the state or the political subdivision, but the maximum amount of such coverage shall not exceed two million dollars for all claims arising out of a single occurrence and shall not exceed three hundred thousand dollars for any one person in a single accident or occurrence, except for those claims governed by the provisions of the Missouri workers' compensation law, chapter 287, RSMo, and no amount in excess of the above limits shall be awarded or settled upon. Sovereign immunity for the state of Missouri and its political subdivisions is waived only to the maximum amount of and only for the purposes covered by such policy of insurance purchased pursuant to the provisions of this section and in

such amount and for such purposes provided in any self-insurance plan duly adopted by the governing body of any political subdivision of the state.

2. The liability of the state and its public entities on claims within the scope of sections 537.600 to 537.650, shall not exceed two million dollars for all claims arising out of a single accident or occurrence and shall not exceed three hundred thousand dollars for any one person in a single accident or occurrence, except for those claims governed by the provisions of the Missouri workers' compensation law, chapter 287, RSMo.

3. The liability of the state or any public entities created pursuant to sections 99.010 to 99.230, RSMo, and any officer or employee of such public entities arising out of the operation of a motor vehicle being operated within the course and scope of their office or employment with such public entities, shall not exceed two million dollars for all claims against all such public entities or individuals arising out of a single accident or occurrence. When a claim against the state or one of its public entities created pursuant to sections 99.010 to 99.230, RSMo, arises out of the operation of a motor vehicle as described in subdivision (1) of subsection 1 of section 537.600 and a claim is also brought against an officer or employee of such public entities arising out of the same accident or occurrence, the maximum allowable recovery against the state, such public entities, or any officer or employee of such public entities shall be reduced by any amount paid towards the claim by the state, such public entities or officers or employees of the same.

4. The liability of the state or public entities created pursuant to sections 99.010 to 99.230, RSMo, and officer or employee of such public entities arising out of any dangerous condition of property which the officer or employee allegedly caused or contributed to cause, shall not exceed two million dollars for all claims against all such public entities or individuals

arising out of the single accident or occurrence, and shall not exceed three hundred thousand dollars for any one person in a single accident or occurrence. When a claim against the state or such public entities arises out of a dangerous condition of property as described in subdivision (2) of subsection 1 of section 537.600, and the claim is also brought against an officer or employee of such public entities for causing or contributing to cause the dangerous condition, then the maximum allowable recovery against the state or such public entities or any officer or employee of such public entities who allegedly caused or contributed to cause the dangerous condition shall be reduced by the amount paid toward the claim made by the state, such public entities, or any officer or employee of the same.

5. The liability of the state or any public entities created pursuant to sections 99.010 to 99.230, RSMo, for operation of a motor vehicle is vicarious to the liability of the operator of the motor vehicle. Should the operator of the motor vehicle owned or operated on behalf of the state or such public entities be found to be immune from liability for operation of a motor vehicle because of official immunity or otherwise, the state or its public entities shall also have no liability arising from the operation of the motor vehicle.

[3.] 6. No award for damages on any claim against a public entity within the scope of sections 537.600 to 537.650, shall include punitive or exemplary damages.

[4.] 7. If the amount awarded to or settled upon multiple claimants exceeds two million dollars, any party may apply to any circuit court to apportion to each claimant his proper share of the total amount limited by subsection 1 of this section. The share apportioned each claimant shall be in the proportion that the ratio of the award or settlement made to him bears to the aggregate awards and settlements for all claims arising out of

the accident or occurrence, but the share shall not exceed three hundred thousand dollars.

[5.] **8.** The limitation on awards for liability provided for in this section shall be increased or decreased on an annual basis effective January first of each year in accordance with the Implicit Price Deflator for Personal Consumption Expenditures as published by the Bureau of Economic Analysis of the United States Department of Commerce. The current value of the limitation shall be calculated by the director of the department of insurance, who shall furnish that value to the secretary of state, who shall publish such value in the Missouri Register as soon after each January first as practicable, but it shall otherwise be exempt from the provisions of section 536.021, RSMo.

[6.] **9.** Any claim filed against any public entity under this section shall be subject to the penalties provided by supreme court rule 55.03.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 41

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 479.010, Page 185, Lines 2-3, by deleting said lines and inserting in lieu thereof the following:

“before divisions of the circuit court as hereinafter provided in this chapter. **“Heard and determined”**, for purposes of this chapter, shall mean any process under which the court in question”; and,

Further amend said Substitute, Section 479.011, Page 185, Line 3, by inserting a comma “,” after the word “civil”; and,

Further amend said Section, Page 186, Lines 31-33, by deleting said lines and inserting in lieu thereof the following:

“subject to review under chapter 536, RSMo,

or, at the request of the defendant made within ten days, a trial de novo in the circuit court. After expiration of the judicial review period under chapter 536, RSMo, unless stayed by a court of competent jurisdiction, the administrative”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 42

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, page 160, Section 238.275, Line 36, by inserting immediately after said line the following:

“246.005. 1. Notwithstanding any other provision of law, any drainage district, any levee district, or any drainage and levee district organized under the provisions of sections 242.010 to 242.690, RSMo, or sections 245.010 to 245.280, RSMo, which has, prior to April 8, 1994, been granted an extension of the time of corporate existence by the circuit court having jurisdiction, shall be deemed to have fully complied with all provisions of law relating to such extensions, including the time within which application for the extension must be made, unless, for good cause shown, the circuit court shall set aside such extension within ninety days after April 8, 1994.

2. Notwithstanding any other provision of law, any drainage district, any levee district, or any drainage and levee district organized under the provisions of sections 242.010 to 242.690, RSMo, or sections 245.010 to 245.280, RSMo, shall have [five] **ten** years after the lapse of the corporate charter in which to reinstate and extend the time of the corporate existence by the circuit court having jurisdiction, and such circuit court judgment entry and order shall be deemed to have fully complied with all provisions of law relating to such extensions.”; and

Further amend said bill, page 192, section B, line 14, by inserting immediately after said line the

following:

“Section C. Because of the need for continued flood protection, the repeal and reenactment of section 246.005 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 246.005 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 43

Amend House Amendment No. 43 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for House Bill No. 22, Page 1, Line 3, by deleting all of said line and inserting in lieu thereof the following:

“137.100, Lines 6 through 10, by deleting all of said lines and inserting in lieu thereof the following: “and equipments, and on public squares and lots kept open for health, use or ornament;”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 43

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 98, Section 137.100, Lines 1 to 62, by deleting all of said section; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 44

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 260.831, Page 163, Line 26 by inserting after all of said section and line the following:

“287.067. 1. In this chapter the term “occupational disease” is hereby defined to mean, unless a different meaning is clearly indicated by the context, an identifiable disease arising with or without human fault out of and in the course of the employment. Ordinary diseases of life to which the general public is exposed outside of the employment shall not be compensable, except where the diseases follow as an incident of an occupational disease as defined in this section. The disease need not to have been foreseen or expected but after its contraction it must appear to have had its origin in a risk connected with the employment and to have flowed from that source as a rational consequence.

2. An injury by occupational disease is compensable only if the occupational exposure was the prevailing factor in causing both the resulting medical condition and disability. The “prevailing factor” is defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability. Ordinary, gradual deterioration, or progressive degeneration of the body caused by aging or by the normal activities of day-to-day living shall not be compensable.

3. An injury due to repetitive motion is recognized as an occupational disease for purposes of this chapter. An occupational disease due to repetitive motion is compensable only if the occupational exposure was the prevailing factor in causing both the resulting medical condition and disability. The “prevailing factor” is defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability. Ordinary, gradual deterioration, or progressive degeneration of the body caused by aging or by the normal activities of day-to-day living shall not be compensable.

4. “Loss of hearing due to industrial noise” is recognized as an occupational disease for purposes of this chapter and is hereby defined to be a loss of hearing in one or both ears due to prolonged

exposure to harmful noise in employment. “Harmful noise” means sound capable of producing occupational deafness.

5. “Radiation disability” is recognized as an occupational disease for purposes of this chapter and is hereby defined to be that disability due to radioactive properties or substances or to Roentgen rays (X-rays) or exposure to ionizing radiation caused by any process involving the use of or direct contact with radium or radioactive properties or substances or the use of or direct exposure to Roentgen rays (X-rays) or ionizing radiation.

6. Disease of the lungs or respiratory tract, hypotension, hypertension, or disease of the heart or cardiovascular system, including carcinoma, may be recognized as occupational diseases for the purposes of this chapter and are defined to be disability due to exposure to smoke, gases, carcinogens, inadequate oxygen, of paid firefighters of a paid fire department or paid police officers of a paid police department certified under chapter 590, RSMo, if a direct causal relationship is established, or psychological stress of firefighters of a paid fire department **or paid police officers of a paid police department certified under chapter 590, RSMo**, if a direct causal relationship is established.

7. Any employee who is exposed to and contracts any contagious or communicable disease arising out of and in the course of his or her employment shall be eligible for benefits under this chapter as an occupational disease.

8. With regard to occupational disease due to repetitive motion, if the exposure to the repetitive motion which is found to be the cause of the injury is for a period of less than three months and the evidence demonstrates that the exposure to the repetitive motion with the immediate prior employer was the prevailing factor in causing the injury, the prior employer shall be liable for such occupational disease.”; and

Further amend said bill by amending the title,

enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 45

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 107, Section 144.030, Lines 72 to 73, by deleting all of said lines and inserting in lieu thereof the following: “more or trailers used by common carriers, as defined in section 390.020, RSMo, [solely] in the transportation of persons or property [in interstate commerce];”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 46

Amend House Amendment No. 46 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 2, Line 7, by inserting the following immediately after “**accredited**”:

“;

4. Unless the voters of a city not within a county vote to supersede this section by the same majority needed to change the charter of said city by September 1, 2008, this section shall be in force for the city not within a county. In addition, any employee who resides outside the city will forfeit one percent of his or her salary for the time the employee is not living in the city to offset any lost revenue to the city.

5. The ballot of submission for this authorization shall be in substantially the following form:

Shall . . . (insert name of city) be allowed to prevent fire department employees from paying one percent of their salaries to the city in order to reside outside the city limits when the public school system is or has been unaccredited

or provisionally accredited?

YES

NO

If you are in favor of the question, place an “X” in the box opposite “YES”> If you are opposed to the question, place an “X” in the box opposite “NO” “ and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO
HOUSE AMENDMENT NO. 46

Amend House Amendment No. 46 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 1, Section 320.097, Line 9, by inserting before the word “no” the following:

“Upon approval of the Board of Alderman,”

HOUSE AMENDMENT NO. 46

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 165, Section 302.010, Line 88, by inserting after all of said line the following:

“320.097. 1. As used in this section, “fire department” means any agency or organization that provides fire suppression and related activities, including but not limited to fire prevention, rescue, emergency medical services, hazardous material response, dispatching, or special operations to a population within a fixed and legally recorded geographical area.

2. No employee of a fire department shall, as a condition of employment, be required to reside within a fixed and legally recorded geographical area of the fire department if the only public school district available to the employee within such fire department's geographical area is a public school district that is or has been unaccredited or provisionally accredited in the last five years of such employee's employment. No charter school shall

be deemed a public school for purposes of this section.

3. No employee of a fire department who has not resided in such fire department's fixed and legally recorded geographical area, or who has changed such employee's residency because of conditions described in subsection 2 of this section, shall as a condition of employment be required to reside within the fixed and legally recorded geographical area of the fire department if such school district subsequently becomes fully accredited.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 47

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 41.655, Page 4, Line 46, by inserting the following after all of said line:

“49.700. 1. The governing body of any county without a charter form of government may enact a noise ordinance or order that:

(1) Prohibits a person from creating noise above a specified decibel level that is disturbing to other persons in the surrounding area during certain specified times of the day; or

(2) Prohibits any owner, occupant, or other person or legal entity with the legal right to use or enjoy the property from allowing another person to create noise above a specified decibel level that is disturbing to other persons in the surrounding area during a certain specified time of the day.

2. No noise ordinance or order enacted under this section shall supercede the immunities granted to the owners of firearm ranges under section 537.294, RSMo.

3. No governing body of any county of the first, second, third, or fourth classification shall have the authority to enact any noise ordinance

or order under this section governing any railroad company, telecommunications or wireless company, public utility, rural electric cooperative, or municipal utility.

4. No governing body of any county of the first, second, third, or fourth classification shall enact a noise ordinance or order under this section governing agricultural operations.”; and,

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 48

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 67.1360, Page 36, Line 117, by inserting the following after all of said line:

“67.1421. 1. Upon receipt of a proper petition filed with its municipal clerk, the governing body of the municipality in which the proposed district is located shall [hold a public hearing in accordance with section 67.1431 and may adopt an ordinance to establish the proposed district.] **submit the question of creating such a district to all qualified voters residing within the proposed district at a general or special election called for that purpose.**

2. A petition is proper if, based on the tax records of the county clerk, or the collector of revenue if the district is located in a city not within a county, as of the time of filing the petition with the municipal clerk, it meets the following requirements:

(1) It has been signed by property owners collectively owning more than fifty percent by assessed value of the real property within the boundaries of the proposed district;

(2) It has been signed by more than fifty percent per capita of all owners of real property within the boundaries of the proposed district; and

(3) It contains the following information:

(a) The legal description of the proposed district, including a map illustrating the district boundaries;

(b) The name of the proposed district;

(c) A notice that the signatures of the signers may not be withdrawn later than seven days after the petition is filed with the municipal clerk;

(d) A five-year plan stating a description of the purposes of the proposed district, the services it will provide, the improvements it will make and an estimate of costs of these services and improvements to be incurred;

(e) A statement as to whether the district will be a political subdivision or a not for profit corporation and if it is to be a not for profit corporation, the name of the not for profit corporation;

(f) If the district is to be a political subdivision, a statement as to whether the district will be governed by a board elected by the district or whether the board will be appointed by the municipality, and, if the board is to be elected by the district, the names and terms of the initial board may be stated;

(g) If the district is to be a political subdivision, the number of directors to serve on the board;

(h) The total assessed value of all real property within the proposed district;

(i) A statement as to whether the petitioners are seeking a determination that the proposed district, or any legally described portion thereof, is a blighted area;

(j) The proposed length of time for the existence of the district;

(k) The maximum rates of real property taxes, and, business license taxes in the county seat of a county of the first classification without a charter form of government containing a population of at least two hundred thousand, that may be submitted

to the qualified voters for approval;

(l) The maximum rates of special assessments and respective methods of assessment that may be proposed by petition;

(m) The limitations, if any, on the borrowing capacity of the district;

(n) The limitations, if any, on the revenue generation of the district;

(o) Other limitations, if any, on the powers of the district;

(p) A request that the district be established; and

(q) Any other items the petitioners deem appropriate; and

(4) The signature block for each real property owner signing the petition shall be in substantially the following form and contain the following information:

Name of owner:

Owner's telephone number
and mailing address:

If signer is different from owner:

Name of signer:

State basis of legal authority to sign:

Signer's telephone number and
mailing address:

If the owner is an individual, state if owner is
single or married:

If owner is not an individual, state what type of
entity:

Map and parcel number and assessed value of
each tract of real property within the proposed
district owned:

By executing this petition, the undersigned
represents and warrants that he or she is
authorized to execute this petition on behalf of
the property owner named immediately above.

.....

Signature of person signing for owner Date

STATE OF MISSOURI)

) ss.

COUNTY OF)

Before me personally appeared,
to me personally known to be the individual
described in and who executed the foregoing
instrument.

WITNESS my hand and official seal this ...
..... day of (month),
(year).

Notary Public

My Commission Expires:

3. Upon receipt of a petition the municipal clerk shall, within a reasonable time not to exceed ninety days after receipt of the petition, review and determine whether the petition substantially complies with the requirements of subsection 2 of this section. In the event the municipal clerk receives a petition which does not meet the requirements of subsection 2 of this section, the municipal clerk shall, within a reasonable time, return the petition to the submitting party by hand delivery, first class mail, postage prepaid or other efficient means of return and shall specify which requirements have not been met.

4. [After the close of the public hearing required pursuant to subsection 1 of this section,] the governing body of the municipality may adopt an ordinance [approving the petition and] establishing a district as set forth in the petition **when the question of creating such district has been approved by two-thirds of the qualified voters voting thereon.** [and] **The governing body also** may determine, if requested in the petition, whether the district, or any legally described portion thereof, constitutes a blighted area.

5. **The notice of election containing the question of creating a community improvement district shall contain all the information**

required in subdivision 3 of subsection 2 of this section, except subdivision (3)(c). [Amendments to a petition may be made which do not change the proposed boundaries of the proposed district if an amended petition meeting the requirements of subsection 2 of this section is filed with the municipal clerk at the following times and the following requirements have been met:

(1) At any time prior to the close of the public hearing required pursuant to subsection 1 of this section; provided that, notice of the contents of the amended petition is given at the public hearing;

(2) At any time after the public hearing and prior to the adoption of an ordinance establishing the proposed district; provided that, notice of the amendments to the petition is given by publishing the notice in a newspaper of general circulation within the municipality and by sending the notice via registered certified United States mail with a return receipt attached to the address of record of each owner of record of real property within the boundaries of the proposed district per the tax records of the county clerk, or the collector of revenue if the district is located in a city not within a county. Such notice shall be published and mailed not less than ten days prior to the adoption of the ordinance establishing the district;

(3) At any time after the adoption of any ordinance establishing the district a public hearing on the amended petition is held and notice of the public hearing is given in the manner provided in section 67.1431 and the governing body of the municipality in which the district is located adopts an ordinance approving the amended petition after the public hearing is held.

6. Upon the creation of a district, the municipal clerk shall report in writing the creation of such district to the Missouri department of economic development.

[67.1431. 1. Within a reasonable time, not to exceed forty-five days, after the receipt of the verified petition from the municipal clerk, the

governing body shall hold or cause to be held a public hearing on the establishment of the proposed district and shall give notice of the public hearing in the manner provided in subsection 3 of this section. All reasonable protests, objections and endorsements shall be heard at the public hearing.

2. The public hearing may be continued to another date without further notice other than a motion to be entered on the minutes fixing the date, time and place of the continuance of the public hearing.

3. Notice of the public hearing shall be given by publication and mailing. Notice by publication shall be given by publication in a newspaper of general circulation within the municipality once a week for two consecutive weeks prior to the week of the public hearing. Notice by mail shall be given not less than fifteen days prior to the public hearing by sending the notice via registered or certified United States mail with a return receipt attached to the address of record of each owner of record of real property within the boundaries of the proposed district. The published and mailed notices shall include the following:

(1) The date, time and place of the public hearing;

(2) A statement that a petition for the establishment of a district has been filed with the municipal clerk;

(3) The boundaries of the proposed district by street location, or other readily identifiable means if no street location exists; and a map illustrating the proposed boundaries;

(4) A statement that a copy of the petition is available for review at the office of the municipal clerk during regular business hours; and

(5) A statement that all interested persons shall be given an opportunity to be heard at the public hearing.]

67.1441. 1. Upon the written request of any real property owner within the district, the

governing body of the municipality may hold a public hearing for the removal of real property from a district and such real property may be removed from such district by ordinance, provided that:

(1) The board consents to the removal of such property;

(2) The district can meet its obligations without the revenues generated by or on the real property proposed to be removed; and

(3) The public hearing is conducted [in the same manner as required by section 67.1431] with notice of the hearing given in the same manner as required by **subsection 2 of this section**, [section 67.1431 and such] **which** notice shall include:

(a) The date, time and place of the public hearing;

(b) The name of the district;

(c) The boundaries by street location, or other readily identifiable means if no street location exists of the real property proposed to be removed from the district, and a map illustrating the boundaries of the existing district and the real property proposed to be removed; and

(d) A statement that all interested persons shall be given an opportunity to be heard at the public hearing.

2. With the consent of the board, real property may be added to the district by ordinance upon receipt of a proper petition and after a public hearing is held by the governing body of the municipality on the addition of the real property [in the manner provided in section 67.1431]. Notice of the public hearing shall be given by publication and mailed to the owners of real property within the boundaries of the district and the area proposed to be added [in the manner provided in section 67.1431.] The notice shall include the following information:

(1) The time, date and place of the public hearing;

(2) The name of the proposed or established district;

(3) The boundaries by street location, or other readily identifiable means if no street location exists, of the real property to be added to the district, and a map showing the boundaries of the existing district and the real property proposed to be added to the district;

(4) A statement that a copy of the petition is available for review during regular business hours at the office of the municipal clerk; and

(5) A statement that all interested persons shall be given an opportunity to be heard at the public hearing.

For the purposes of this section, a proper petition is one which meets the requirements of section 67.1421, which requirements shall only apply as to the real property proposed to be added.

3. A public hearing may be held to amend the petition and notice of such amendments given simultaneously with a public hearing to alter the district boundaries.”; and,

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 49

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 537.035, Page 189, Line 88, by inserting the following after all of said line:

“644.123. Repayment of principal and interest on loans or assistance awarded from the wastewater loan fund shall be credited to the wastewater loan fund. Any administrative fees pursuant to section 644.106 shall be paid to the director of revenue and deposited in the state treasury to the credit of an appropriate subaccount of the natural resources protection fund created in section 640.220, RSMo, and, subject to appropriation by the general assembly, shall be

used by the department to carry out the general administration of programs and projects financed, in part, by assistance from the water pollution control fund or the wastewater loan fund. **Administrative fees charged under section 644.106 may be used by the department for eligible activities under the federal Safe Drinking Water Act, as amended, or the federal Clean Water Act, as amended.**"; and,

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 50

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, page 2, Line 5, by inserting after "206.090,":

"221.040,"

and Page 2, Line 23 inserting after "206.090,":

"221.040,"

and Page 114, Section 206.090 by inserting after all this Section the following:

221.040. 1. It shall be the duty of the sheriff and jailer to receive, from constables and other officers, all persons who shall be apprehended by such constable or other officers, for offenses against this state, or who shall be committed such jail by any competent authority; and if any sheriff or jailer shall refuse to receive any such person or persons, he or she shall be adjudged guilty of a misdemeanor, and on conviction shall be fined in the discretion of the court.

2. The sheriff and jailer shall not be required to receive or detain a prisoner in custody under subsection 1 of this section until the arresting constable or other officer has had the prisoner examined by a physician or competent medical personnel if the prisoner appears to be:

(1) Unconscious;

(2) Suffering from a serious illness;

(3) Suffering from a serious injury; or

(4) Seriously impaired by alcohol, a controlled substance as defined in section 195.017, RSMo, a drug other than a controlled substance, or a combination of alcohol, a controlled substance, or drugs.

3. The cost of the examination and resulting treatment under subsection 2 of this section is the financial responsibility of the prisoner receiving the examination or treatment.

Further amend said bill by amending the title, enacting clause and intersectional references accordingly.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

CONFERENCE COMMITTEE REPORTS

Senator Griesheimer, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 82**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 82

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 82, with House Amendment Nos. 1, 2, 3, 4, 5, 6, 9, 10, and 11, House Amendment No. 1 to House Amendment No. 12, House Amendment No. 12 as amended, House Amendments Nos. 15, 16, 17, 19, 20, 21, and 22, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 82, as amended;

2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 82;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 82, be Third Read and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ John E. Griesheimer	/s/ Steven Tilley
/s/ Bill Stouffer	/s/ Dwight Scharnhorst
/s/ Carl M. Vogel	/s/ Michael L. Parson
/s/ Rita Heard Days	/s/ Bradley Robinson
/s/ Joan Bray	John Burnett

Senator Gross assumed the Chair.

Senator Rupp assumed the Chair.

Senator Griesheimer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Ridgeway
Rupp	Scott	Shoemyer	Stouffer
Vogel	Wilson—30		

NAYS—Senators

Justus	Purgason	Smith—3
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Absent—Senator Shields—1

Absent with leave—Senators—None

Vacancies—None

Senator Gross assumed the Chair.

On motion of Senator Griesheimer, **CCS** for **HCS** for **SCS** for **SB 82**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 82

An Act to repeal sections 301.010, 301.020, 301.030, 301.130, 301.140, 301.142, 301.144, 301.170, 301.177, 301.196, 301.200, 301.218, 301.221, 301.225, 301.227, 301.229, 301.280, 301.444, 301.550, 301.560, 301.567, 301.570, 301.640, 302.171, 302.302, 302.720, 304.022, 304.170, 407.730, 407.732, 407.815, RSMo, section 301.190 as enacted by house committee substitute for senate substitute no. 2 for senate committee substitute for senate bill no. 583, ninety-third general assembly, second regular session, section 301.190 as enacted by senate substitute for senate committee substitute for house bill no. 487 merged with senate bill no. 488, ninety-third general assembly, first regular session, section 301.566 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1288, ninety-second general assembly, second regular session, and section 301.566 as enacted by house substitute for senate substitute for senate committee substitute for senate bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular session, and to enact in lieu thereof thirty-three new sections relating to motor vehicles, with penalty provisions and an effective date for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Kennedy	Koster	Lager	Loudon

Mayer	McKenna	Nodler	Ridgeway
Rupp	Scott	Shields	Shoemyer
Stouffer	Vogel	Wilson—31	

NAYS—Senators

Justus	Purgason	Smith—3
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

REFERRALS

President Pro Tem Gibbons referred **SR 1360** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

CONFERENCE COMMITTEE REPORTS

Senator Champion, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 84**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 84**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 84, House Amendment Nos. 1, 2, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3 as amended, and House Amendment No. 4 begs leave to report that we, after free and fair discussion of the differences,

have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 84, as amended;

2. That the Senate recede from its position on Senate Bill No. 84;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 84, be Third Read and Finally Passed.

FOR THE SENATE:

FOR THE HOUSE:

/s/ Norma Champion

/s/ Ward Franz

/s/ Robert Mayer

/s/ Michael McGhee

/s/ Delbert Scott

Scott Muschany

/s/ Jolie Justus

/s/ Beth Low

/s/ Rita Heard Days

/s/ Jeanette Mott Oxford

Senator Engler assumed the Chair.

Senator Gross assumed the Chair.

Senator Champion moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Champion, **CCS** for **HCS** for **SB 84**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR SENATE BILL NO. 84

An Act to repeal sections 43.530, 210.482, 210.487, 210.570, 210.580, 210.595, 210.600, 210.610, 210.620, 210.622, 210.625, 210.630, 210.635, 210.640, 210.700, 210.762, 210.1012, 211.319, 211.444, 211.447, 453.010, and 453.011, RSMo, and to enact in lieu thereof nineteen new sections relating to children and minors, with penalty provisions and a contingent effective date for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE
APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 86**, as amended: Senators Champion, Lager, Griesheimer, Bray and Kennedy.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 91**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 384**, entitled:

An Act to repeal sections 301.130 and 301.301, RSMo, and to enact in lieu thereof two new sections relating to stolen license plate tabs, with an emergency clause for a certain section.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 384, Page 1, in the Title, Line 2, by deleting the words “stolen license plate tabs” and inserting in lieu thereof the following:

“deceptive practices”; and

Further amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 384, Page 4, Section B, Line 1, by inserting immediately preceding all of said Line the following:

“**407.485. 1. It shall be an unfair business**

practice, in violation of section 407.020 for a for profit entity or natural person to collect donations of unwanted household items via a public receptacle and resell the donated items for profit unless the donation receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: **“DONATIONS ARE NOT FOR CHARITABLE ORGANIZATIONS AND WILL BE RESOLD FOR PROFIT”**.

2. It shall be an unfair business practice, in violation of section 407.020 for a for profit entity or natural person to collect donations of unwanted household items via a public receptacle and resell the donated items where some or all of the proceeds from the sale are directly given to a not for profit entity unless the donation receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: **“DONATIONS TO THE FOR PROFIT COMPANY: (name of the company) ARE SOLD FOR PROFIT AND (% of proceeds donated to the not for profit) % OF ALL PROCEEDS ARE DONATED TO (name of the non-profit beneficiary organization's name).”**

3. It shall be an unfair business practice, in violation of section 407.020 for a for profit entity or natural person to collect donations of unwanted household items via a public receptacle and resell the donated items, where such for profit entity is paid a flat fee, not contingent upon the proceeds generated by the sale of the collected goods, and 100% of the proceeds from the sale of the items are given directly to the not for profit, unless the donation receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: **“THIS DONATION RECEPTACLE IS OPERATED BY THE FOR PROFIT ENTITY: (name of the for profit/individual) ON BEHALF of (name of the non-profit beneficiary organization's name)”**.

4. Nothing in section 407.485 shall apply to

paper, glass, or aluminum products that are donated for the purpose of being recycled in the manufacture of other products.

5. Any entity which, on or before June 1, 2007, has distributed 100 or more separate public receptacles within the state of Missouri to which the provisions of subsections 2 or 3 of this section would apply shall be deemed in compliance with the signage requirements imposed by this section for the first six months after the effective date of this legislation, provided such entity has made or is making good faith efforts to bring all signage in compliance with the provisions of this section and all such signage is in complete compliance no later than six months after the effective date of this legislation.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Purgason, Chairman of the Committee on Health and Mental Health, submitted the following report:

Mr. President: Your Committee on Health and Mental Health, to which was referred **HCS for HB 364**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Gross assumed the Chair.

HOUSE BILLS ON THIRD READING

HCS for HB 74 was placed on the Informal Calendar.

HB 801, with **SCS**, was placed on the Informal Calendar.

HCS for HB 914, entitled:

An Act to repeal sections 192.935, 317.001, 317.006, 317.011, 317.013, 317.015, 317.018, 327.011, 327.111, 327.181, 327.201, 327.291, 327.441, 327.633, 335.016, 335.036, 335.066, 335.068, 335.076, 335.096, 335.097, 336.010, 336.020, 336.030, 336.040, 336.050, 336.060, 336.070, 336.080, 336.090, 336.140, 336.160, 336.200, 336.220, 336.225, 337.600, 337.603, 337.604, 337.606, 337.609, 337.612, 337.615, 337.618, 337.622, 337.624, 337.627, 337.630, 337.636, 337.639, 337.650, 337.653, 337.659, 337.665, 337.668, 337.674, 337.677, 337.680, 337.686, 337.689, 339.100, 345.015, 345.030, 345.045, 345.055, 346.015, 346.030, 346.035, 346.055, 346.060, 346.110, 383.130, 383.133, 537.035, and 621.045, RSMo, and to enact in lieu thereof ninety-five new sections relating to the practice of certain licensed professionals, with penalty provisions and an effective date for certain sections.

Was taken up by Senator Scott.

Senator Scott offered **SS** for **HCS** for **HB 914**, entitled:

**SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 914**

An Act to repeal sections 41.950, 195.070, 195.100, 256.465, 317.001, 317.006, 317.011, 317.013, 317.015, 317.018, 324.520, 324.522, 327.011, 327.111, 327.181, 327.201, 327.291, 327.441, 327.633, 331.010, 334.104, 334.120, 335.016, 335.036, 335.066, 335.068, 335.076, 335.096, 335.097, 335.212, 336.010, 336.020, 336.030, 336.040, 336.050, 336.060, 336.070, 336.080, 336.090, 336.140, 336.160, 336.200, 336.220, 336.225, 337.600, 337.603, 337.604, 337.606, 337.609, 337.612, 337.615, 337.618, 337.622, 337.624, 337.627, 337.630, 337.636, 337.639, 337.650, 337.653, 337.659, 337.665, 337.668, 337.674, 337.677, 337.680, 337.686,

337.689, 337.700, 337.715, 337.718, 338.220, 339.100, 339.513, 344.020, 344.030, 344.040, 344.050, 344.060, 344.070, 344.080, 344.105, 345.015, 345.030, 345.045, 345.055, 346.015, 346.030, 346.035, 346.055, 346.060, 346.110, 383.130, 383.133, 620.010, and 621.045, RSMo, and to enact in lieu thereof one hundred twenty new sections relating to the division of professional registration, with penalty provisions and an effective date for certain sections.

Senator Scott moved that **SS** for **HCS** for **HB 914** be adopted.

Senator Shields offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 914, Page 1, In the Title, Line 18 of said page, by inserting after “RSMo,” the following: “and section 376.1753 as Truly Agreed To and Finally Passed by the first regular session of the ninety-fourth general assembly in Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill no. 818,”; and

Further amend said bill, Page 214, Section 337.686, Line 38 of said page, by inserting after all of said line the following:

“[376.1753. Notwithstanding any law to the contrary, any person who holds current ministerial or tocolological certification by an organization accredited by the National Organization for Competency Assurance (NOCA) may provide services as defined in 42 U.S.C. 1396 r-6(b)(4)(E)(ii)(I).]”; and

Further amend the enacting clause accordingly.

Senator Shields moved that the above amendment be adopted.

Senator Loudon offered **SSA 1** for **SA 1**:

**SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1**

Amend Senate Substitute for House Committee Substitute for House Bill No. 914, Page 54, Section 324.1148, Line 20 of said page, by inserting after all of said line the following:

“324.1230. 1. As used in sections 324.1230 to 324.1245, the following terms shall mean:

(1) “Antepartum”, before birth;

(2) “Board”, the board of direct-entry midwives;

(3) “Client”, a person who retains the services of a direct-entry midwife;

(4) “Direct-entry midwife”, any person who is certified by the North American Registry of Midwives (NARM) as a certified professional midwife (CPM) and provides for compensation those skills relevant to the care of women and infants in the antepartum, intrapartum, and postpartum period;

(5) “Division”, the division of professional registration;

(6) “Intrapartum”, during birth;

(7) “Postpartum”, after birth.

2. There is hereby created and established within the division of professional registration a “Board of Direct-Entry Midwives”.

3. No later than December 31, 2007, the governor shall appoint members to the board with the advice and consent of the senate. The board shall consist of five members each of whom is a United States citizen and who has been a resident of this state for at least one year immediately preceding their appointment. Of these five members, one member shall be a physician licensed under chapter 334, RSMo, who has provided out-of-hospital birth services, one member shall be a public member, three members shall be licensed direct-entry

midwives who attend births in homes or other out-of-hospital settings, provided that the first midwife members appointed need not be licensed at the time of appointment if they are actively working toward licensure under the provisions of sections 324.1230 to 324.1245.

4. The initial appointments to the board shall be one member for a term of one year, one member for a term of two years, one member for a term of three years, one member for a term of four years and one member for a term of five years. After the initial terms, each member shall serve a five-year term. No member of the board shall serve more than two consecutive five-year terms. The organization of the board shall be established by members of the board. Upon the death, resignation, or removal from office of any member of the board, the appointment to fill the vacancy shall be for the unexpired portion of the term so vacated and shall be made within sixty days after the vacancy occurs.

5. The public member shall not be a member of any profession regulated by chapter 334 or 335, RSMo, or under sections 324.1230 to 324.1245, or the spouse of such person. The public member is subject to the provisions of section 620.132, RSMo.

6. The board may sue and be sued in its own name and its members need not be named parties. Members of the board shall not be personally liable, either jointly or severally, for any act or acts committed in the performance of their official duties as board members. No board member shall be personally liable for any court costs which accrue in any action by or against the board.

7. Notwithstanding any other provision of law to the contrary, any appointed member of the board shall receive as compensation an amount established by the director of the division of professional registration not to exceed fifty dollars per day for board business

plus actual and necessary expenses. The director of the division of professional registration shall establish by rule the guidelines for payment.

8. The board shall employ administrative and clerical personnel necessary to enforce the provisions of sections 324.1230 to 324.1245.

9. The board shall hold an annual meeting at which time it shall elect from its membership a chairman and secretary. The board may hold such additional meetings as may be required in the performance of its duties, provided that notice of every meeting shall be given to each member at least ten days prior to the date of the meeting. A quorum of the board shall consist of a majority of its members.

10. No licensing activity or other statutory requirements shall become effective until expenditures or personnel are specifically appropriated for the purpose of conducting the business as required to administer the provisions of sections 324.1230 to 324.1245 and the initial rules filed have become effective.

324.1233. 1. The board shall issue licenses to applicants who:

(1) Present evidence of current certification by the North American Registry of Midwives (NARM) as a certified professional midwife (CPM);

(2) Present evidence of current certification in basic life support (BLS) for healthcare providers, and either infant cardiopulmonary resuscitation (CPR) or neonatal resuscitation;

(3) Pay a licensure fee set by the board; and

(4) Comply with the written disclosure requirement under subsection 1 of section 324.1239.

2. The board shall renew licenses to applicants who:

(1) Present evidence of attendance at a

minimum of ten hours per year of continuing education in midwifery or related fields;

(2) Present evidence of attendance at a minimum of three hours per year of peer review;

(3) Present evidence of current certification in basic life support (BLS) for healthcare providers, and either infant cardiopulmonary resuscitation (CPR) or neonatal resuscitation; and

(4) Pay a renewal fee set by the board.

3. Any license issued under sections 324.1230 to 324.1245 shall expire three years after the date of its issuance. The board may refuse to issue or renew any certificate of registration or authority, permit, or license required pursuant to this chapter for one or any combination of causes stated in subsection 4 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo. As an alternative to a refusal to issue or renew any certificate, registration, or authority, the board may, at its discretion, issue a license which is subject to probation, restriction, or limitation to an applicant for licensure for any one or any combination of causes stated in subsection 4 of this section. The board's order of probation, limitation, or restriction shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited, or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited, or restricted license seeking review of the board's

determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.

4. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit, or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit, or license for any one or any combination of the following causes:

(1) Violates any provision of sections 324.1230 to 324.1245 or the rules adopted thereafter;

(2) Engages in conduct detrimental to the health or safety of either the mother or infant, or both, as determined by the board; or

(3) Has an unpaid judgment resulting from providing direct-entry midwifery services.

5. After the filing of such complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 4 of this section, for disciplinary action are met, the board may, singly or in combination, warn, censure, or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years, or may suspend the person's license, certificate, or permit for a period not to exceed three years, or restrict or limit the person's license, certificate, or permit for an indefinite period of time, or revoke the person's license, certificate, or permit, or administer a public or private reprimand, or deny the person's application for

a license, or permanently withhold issuance of a license or require the person to submit to the care, counseling, or treatment of physicians designated by the board at the expense of the individual to be examined, or require the person to attend such continuing educational courses and pass such examinations as the board may direct.

6. The division may promulgate rules necessary to implement the administration of the licensure system established under sections 324.1230 to 324.1245. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

324.1236. 1. There is hereby established in the treasury a fund to be known as the "Board of Direct-Entry Midwives Fund". All fees of any kind and character authorized to be charged by the board shall be collected by the director of the division of professional registration and shall be transmitted to the department of revenue for deposit in the state treasury for credit to this fund, to be disbursed only in payment of expenses of maintaining the board and for the enforcement of the provisions of law concerning professions regulated by the board; and no other money shall be paid out of the state treasury for carrying out these provisions. Warrants shall be issued on the state treasurer for payment out of said fund.

2. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, RSMo, the state treasurer may approve disbursements. Upon appropriation, money in the fund shall be used solely for the administration of sections 324.1230 to 324.1245. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

324.1239. 1. Every licensed direct-entry midwife shall present a written disclosure statement to each client, which shall include but not be limited to, the following:

(1) A description of direct-entry midwifery education and related training;

(2) Licensure as a direct-entry midwife, including the effective dates of the licensure;

(3) The benefits and risks associated with childbirth in the setting selected by the client;

(4) A statement concerning the licensed direct-entry midwife's malpractice or liability insurance coverage; and

(5) A plan, specific to the client, for transfer to medical care, if needed.

2. Notwithstanding any other provision of the law, a licensed direct-entry midwife providing a service of direct-entry midwifery shall not be deemed to be engaged in the practice of medicine, nursing, nurse-midwifery, or any other medical or healing practice.

3. Nothing in sections 324.1230 to 324.1245 shall be construed to apply to a person who provides information and support in preparation for labor and delivery and assists in the delivery of an infant if that person does not

do the following:

(1) Advertise as a midwife or as a provider of midwife services;

(2) Assist, as primary attendant, in more than six births a year;

(3) Accept any form of compensation for midwife services; and

(4) Use any words, letters, signs, or figures to indicate that the person is a midwife.

4. A person who is a member of a recognized religious sect or division, as defined in 26 U.S.C. 1402(g), by reason of which they are conscientiously opposed to acceptance of benefits of any public or private insurance which makes payments in the event of death, disability, old age, or retirement or makes payments toward the cost of, or provides services for, medical bills, including benefits of any insurance system established under the Federal Social Security Act, 42 U.S.C. 301 to 42 U.S.C. 1397jj, shall not be subject to the provisions of sections 324.1230 to 324.1245.

5. A person shall not be subject to the licensure provisions of section 324.1233 if said person:

(1) Is a resident of this state;

(2) Is at least twenty-one years of age;

(3) Has passed the North American Registry of Midwives Skills Assessment;

(4) Has provided a service of midwifery for at least twenty of the last thirty years before August 28, 2007;

(5) Presents evidence of current certification in basic life support (BLS) for healthcare providers, and either infant cardiopulmonary resuscitation (CPR) or neonatal resuscitation;

(6) Presents a written disclosure statement to each client as provided under subsection 1 of this section, except such person shall disclose

evidence of the licensure exemption from the board required under subdivision (7) of this subsection; and

(7) Has requested and received an exemption from the Board of Direct-Entry Midwives.

6. No person other than the licensed direct-entry midwife who provided care to the client shall be liable for the direct-entry midwife's negligent or willful and wanton acts or omissions. Except as otherwise provided by law, no other licensed physician, licensed doctor of osteopathy, certified nurse midwife, licensed nurse, hospital, emergency medical technicians licensed under chapter 190, RSMo, or agents thereof, shall be exempt from liability for their own subsequent and independent negligent, grossly negligent, or willful and wanton acts or omissions.

7. The provisions of sections 324.1230 to 324.1245 shall be remedial and curative in nature.

8. Nothing in sections 324.1230 to 324.1245 shall be construed to prohibit the attendance at birth of the mother's choice of family, friends, or other uncompensated labor support attendants.

324.1242. No licensed direct-entry midwife shall be permitted to:

- (1) Prescribe drugs or medications;
- (2) Perform medical inductions or cesarean sections during the delivery of an infant;
- (3) Use forceps during the delivery of an infant; or
- (4) Perform vacuum delivery of an infant.

324.1245. Any person who violates the provisions of sections 324.1230 to 324.1245, or any rule or order made under sections 324.1230 to 324.1245 is guilty of a class A misdemeanor.”; and

Further amend said bill, page 65, section 331.010, line 15, by inserting after all of said line, the following:

“334.010. 1. It shall be unlawful for any person not now a registered physician within the meaning of the law to practice medicine or surgery in any of its departments, to engage in the practice of medicine across state lines or to profess to cure and attempt to treat the sick and others afflicted with bodily or mental infirmities, [or engage in the practice of midwifery in this state.] except as herein provided.

2. For the purposes of this chapter, the “practice of medicine across state lines” shall mean:

(1) The rendering of a written or otherwise documented medical opinion concerning the diagnosis or treatment of a patient within this state by a physician located outside this state as a result of transmission of individual patient data by electronic or other means from within this state to such physician or physician's agent; or

(2) The rendering of treatment to a patient within this state by a physician located outside this state as a result of transmission of individual patient data by electronic or other means from within this state to such physician or physician's agent.

3. A physician located outside of this state shall not be required to obtain a license when:

(1) In consultation with a physician licensed to practice medicine in this state; and

(2) The physician licensed in this state retains ultimate authority and responsibility for the diagnosis or diagnoses and treatment in the care of the patient located within this state; or

(3) Evaluating a patient or rendering an oral, written or otherwise documented medical opinion, or when providing testimony or records for the purpose of any civil or criminal action before any judicial or administrative proceeding of this state

or other forum in this state; or

(4) Participating in a utilization review pursuant to section 376.1350, RSMo.”; and

Further amend said bill, section 334.120, page 69, line 6 by striking “, and midwives”; and

Further amend said bill, Page 208, Section 327.633, line 39 of said page, by inserting after all of said line the following:

“[334.260. On August 29, 1959, all persons licensed under the provisions of chapter 334, RSMo 1949, as midwives shall be deemed to be licensed as midwives under this chapter and subject to all the provisions of this chapter.]”; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Justus, McKenna and Scott.

SSA 1 for SA 1 was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Coleman	Days	Gibbons	Goodman
Green	Griesheimer	Gross	Justus
Koster	Loudon	McKenna	Purgason
Rupp	Scott	Shoemyer	Stouffer

Vogel—21

NAYS—Senators

Champion	Clemens	Crowell	Engler
Graham	Kennedy	Lager	Mayer
Nodler	Ridgeway	Shields	Smith

Wilson—13

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Rupp offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Committee Substitute for House Bill No. 914, Page 207, Section 621.045, Line 24 of said page, by inserting after all of said line the following:

“Section 1. The inspection to be conducted by the department under subsection 14 of section 190.105, RSMo, shall be limited to the verification of compliance with standards for renewal of an existing license, and shall not include the criteria set forth in subsection 3 of section 190.109, RSMo, or any other criteria that may exist for issuance of a license to a non-license-holder or for a licensee seeking to expand its ambulance service area. Any licenses acquired upon a sale or transfer of any ground ambulance service ownership shall remain in full force and effect after the sale or transfer unless suspended or revoked for cause as provided in section 190.165, RSMo. After the inspection referenced in subsection 14 of section 190.105, RSMo, the department of health and senior services shall issue a new ground ambulance license to the acquiring entity. That issuance shall not be affected by any judicial, administrative, or other action that causes or results in a change in the licensing status of the seller or transferor if such change in licensing status occurs after the sale or transfer.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Justus offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Committee Substitute for House Bill No. 914, Page 99, Section 336.140, Line 5, by striking the opening bracket; and

Further amend said page, section, and line by

striking “thirty”, and inserting in lieu thereof, the following: “**ten**”; and

Further amend said page, section, line 6, by striking the closing bracket.

Senator Justus moved that the above amendment be adopted, which motion prevailed.

Senator Barnitz offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Committee Substitute for House Bill No. 914, Pages 8-9, Section 195.070, by striking said section from the bill; and

Further amend said bill, pages 65-69, section 334.104, by striking said section from the bill; and

Further amend said bill, page 75, section 335.019, lines 7-23, by striking said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Barnitz moved that the above amendment be adopted, which motion failed.

Senator Crowell offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for House Committee Substitute for House Bill No. 914, Section A, Page 2, Line 27 by inserting immediately after said Line the following:

“37.800. 1. This section shall be known and may be cited as the “The Human Voice Contact Act”.

2. A state agency that uses automated telephone answering equipment to answer incoming telephone calls shall, during normal business hours of the agency, provide the caller with the option of speaking to a live operator. This section shall not apply to field offices, telephone lines dedicated as hotlines for emergency services, telephone lines dedicated to providing general information, and any system

that is designed to permit an individual to conduct a complete transaction with the state agency over the telephone solely by pressing one or more touch tone telephone keys in response to automated prompts. As used in this section, “state agency” refers to each board, commission, department, officer or other administrative office or unit of the state other than the general assembly, the courts, the governor, or a political subdivision of the state, existing under the constitution or statute.”; and Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Senator Crowell moved that the above amendment be adopted.

At the request of Senator Scott, **HCS** for **HB 914**, with **SS** and **SA 5** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 429**, entitled:

An Act to repeal sections 43.030, 43.050, 43.160, 43.210, 43.220, 43.530, 50.565, 84.160, 174.700, 174.703, 174.706, 191.225, 192.925, 195.010, 195.017, 195.417, 210.1012, 217.670, 221.040, 287.067, 302.060, 302.311, 302.750, 304.022, 304.070, 304.230, 306.111, 306.112, 306.114, 306.116, 306.117, 311.310, 311.325, 311.326, 409.5-508, 409.6-604, 431.056, 488.5025, 544.157, 545.050, 550.040, 556.036, 559.021, 559.106, 561.031, 565.024, 565.063, 565.070, 565.072, 565.074, 565.081, 565.082, 565.083, 565.182, 570.040, 573.037, 575.080, 575.100, 575.260, 575.353, 577.020, 577.023, 577.026, 577.029, 577.037, 577.041, 577.208, 577.500, 577.505, 578.250, 578.255, 578.260, 578.265, 590.050, 590.120, 590.190, 595.030,

595.209, 650.055, 650.340, and 650.457, RSMo, and to enact in lieu thereof one hundred nineteen new sections relating to crime, with penalty provisions.

With House Amendment No. 1 to House Amendment No. 1, House Amendment No. 2 to House Amendment No. 1, House Amendment No. 1, as amended, House Amendment Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, House Amendment No. 1 to House Amendment No. 16, House Amendment No. 16, as amended, House Amendment Nos. 19, 20, 21, 22, 23, 25, 27, 28, 29, 30 and 33.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Page 2, Section 188.021, Line 12, by deleting the letter “C” and substitute the letter “A.”

HOUSE AMENDMENT NO. 2 TO HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Page 2, Section 188.021, Line 12, by inserting after the word “felony” the following:

“In addition, any physician that performs abortion shall be required to receive a Certificate of Need from the Missouri Health Facilities Review Committee.”

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Section 174.712, Page 10, Line 5 by inserting immediately after said Line the following:

“188.015. Unless the language or context clearly indicates a different meaning is intended, the following words or phrases for the purposes of sections 188.010 to 188.130 shall be given the

meaning ascribed to them:

(1) “Abortion”, the intentional destruction of the life of an embryo or fetus in his or her mother's womb or the intentional termination of the pregnancy of a mother with an intention other than to increase the probability of a live birth or to remove a dead or dying unborn child;

(2) “Abortion facility”, a clinic, physician's office, or any other place or facility in which abortions are performed other than a hospital;

(3) “Conception”, the fertilization of the ovum of a female by a sperm of a male;

(4) “Gestational age”, length of pregnancy as measured from the first day of the woman's last menstrual period;

(5) **“Partial-birth abortion”, an abortion in which the person performing the abortion:**

(a) Deliberately and intentionally vaginally delivers a living fetus until, in the case of a head first presentation, the entire fetal head is outside the body of the mother, or in the case of breech presentation, any part of the fetal trunk past the navel is outside the body of the mother, for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus; and

(b) Performs the overt act, other than completion of delivery, that kills the partially delivered living fetus;

(6) “Physician”, any person licensed to practice medicine in this state by the state board of registration of the healing arts;

[(6)] (7) “Unborn child”, the offspring of human beings from the moment of conception until birth and at every stage of its biological development, including the human conceptus, zygote, morula, blastocyst, embryo, and fetus;

[(7)] (8) “Viability”, that stage of fetal development when the life of the unborn child may be continued indefinitely outside the womb by

natural or artificial life-supportive systems.”; and

188.021. 1. Any physician who knowingly performs a partial-birth abortion and thereby kills a human fetus shall be guilty of a class C felony.

2. Subsection 1 shall not apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, physical illness, or physical injury, including a life endangering physical condition caused by or arising from the pregnancy itself.

3. The father, if married to the mother at the time she receives a partial-birth abortion procedure, and the maternal grandparents of the fetus, if the mother has not attained the age of eighteen years of age at the time of the abortion, may have a civil cause of action against any person in violation of subsection 1 of this section to obtain appropriate relief, unless the pregnancy resulted from the plaintiff's criminal conduct or the plaintiff consented to the abortion. Such appropriate relief shall include money damages for all psychological and physical injuries that occurred as a result of a violation of this section and statutory damages equal to three times the cost of the partial-birth abortion.

4. A defendant accused of a violation of subsection 1 of this section may seek a hearing before the state board of registration for the healing arts on whether the physician's conduct was necessary to save the life of the mother whose life was endangered by a physical disorder, physical illness, or physical injury, including a life endangering physical condition caused by or arising from the pregnancy itself. The findings on said issue are admissible at the trial of the defendant. Upon a motion of the defendant, the court shall delay the beginning of the trial for not more than thirty days to permit such a hearing to take place.

5. Any woman upon whom a partial-birth abortion is performed may not be prosecuted under this section or for a conspiracy to violate this section.

188.075. Except as provided in section 188.021, any person who contrary to the provisions of sections 188.010 to 188.085 knowingly performs or aids in the performance of any abortion or knowingly fails to perform any action required by sections 188.010 to 188.085 shall be guilty of a class A misdemeanor and, upon conviction, shall be punished as provided by law.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Section 43.050, Page 3, Line 26 by inserting immediately after said Line the following:

“43.060. 1. Patrolmen and radio personnel shall not be less than twenty-one years of age. No person shall be appointed as superintendent or member of the patrol or as a member of the radio personnel who has been convicted of a felony or any crime involving moral turpitude, or against whom any indictment or information may then be pending charging the person with having committed a crime, nor shall any person be appointed who is not of good character or who is not a citizen of the United States and who at the time of appointment is not a citizen of the state of Missouri; or who [is not a graduate of an accredited four-year high school or in lieu thereof] **has not completed a high school program of education under chapter 167, RSMo, or who has not obtained a General Education Development (GED) certificate** [of equivalency from the state department of elementary and secondary education or other source recognized by that department],

and who has not obtained advanced education and experience as approved by the superintendent, or who does not possess ordinary physical strength, and who is not able to pass the physical and mental examination that the superintendent prescribes.

2. Except as provided in subsections 3 and 4 of this section, no member of the patrol shall hold any other commission or office, elective or appointive, while a member of the patrol, except that the superintendent may authorize specified members to accept federal commissions providing investigative and arrest authority to enforce federal statutes while working with or at the direction of a federal law enforcement agency. No member of the patrol shall accept any other employment, compensation, reward, or gift other than regular salary and expenses as herein provided except with the written permission of the superintendent. No member of the patrol shall perform any police duty connected with the conduct of any election, nor shall any member of the patrol at any time or in any manner electioneer for or against any party ticket, or any candidate for nomination or election to office on any party ticket, nor for or against any proposition of any kind or nature to be voted upon at any election.

3. Members of the patrol shall be permitted to be candidates for and members or directors of the school board in any school district where they meet the requirements for that position as set forth in chapter 162, RSMo. Members of the patrol who become school board directors or members within the state shall be permitted to receive benefits or compensation for their service to the school board as provided by chapter 162, RSMo.

4. The superintendent may, by general order, set forth the circumstances under which members of the patrol may, in addition to their duties as members of the patrol, be engaged in secondary employment.”; and

Further amend said Substitute, Section 589.683, Page 104, Line 10 by inserting immediately after

said Line the following:

“590.030. 1. The POST commission shall establish minimum standards for the basic training of peace officers. Such standards may vary for each class of license established pursuant to subsection 2 of section 590.020.

2. The director shall establish minimum age, citizenship, and general education requirements and may require a qualifying score on a certification examination as conditions of eligibility for a peace officer license. **Such general education requirements shall require completion of a high school program of education under chapter 167, RSMo, or obtainment of a general education development (GED) certificate.**

3. The director shall provide for the licensure, with or without additional basic training, of peace officers possessing credentials by other states or jurisdictions, including federal and military law enforcement officers.

4. The director shall establish a procedure for obtaining a peace officer license and shall issue the proper license when the requirements of this chapter have been met.

5. As conditions of licensure, all licensed peace officers shall:

(1) Obtain continuing law enforcement education pursuant to rules to be promulgated by the POST commission; and

(2) Maintain a current address of record on file with the director.

6. A peace officer license shall automatically expire if the licensee fails to hold a commission as a peace officer for a period of five consecutive years, provided that the POST commission shall provide for the relicensure of such persons and may require retraining as a condition of eligibility for relicensure, and provided that the director may provide for the continuing licensure, subject to restrictions, of persons who hold and exercise a

law enforcement commission requiring a peace officer license but not meeting the definition of a peace officer pursuant to this chapter.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Section 595.031, Page 108, Line 12 by inserting immediately after said Line the following:

“595.036. 1. Any party aggrieved by a decision of the department on a claim under the provisions of sections 595.010 to 595.070 may, within thirty days following the date of notification of mailing of such decision, file a petition with the division of workers' compensation of the department of labor and industrial relations to have such decision heard de novo by an administrative law judge. The administrative law judge may affirm, reverse, or set aside the decision of the department of public safety on the basis of the evidence previously submitted in such case or may take additional evidence or may remand the matter to the department of public safety with directions. The division of workers' compensation shall promptly notify the parties of its decision and the reasons therefor.

2. Any of the parties to a decision of an administrative law judge of the division of workers' compensation, as provided by subsection 1 of this section, on a claim heard under the provisions of sections 595.010 to 595.070 may, within thirty days following the date of notification or mailing of such decision, file a petition with the labor and industrial relations commission to have such decision reviewed by the commission. The commission may allow or deny a petition for review. If a petition is allowed, the commission may affirm, reverse, or set aside the

decision of the division of workers' compensation on the basis of the evidence previously submitted in such case or may take additional evidence or may remand the matter to the division of workers' compensation with directions. The commission shall promptly notify the parties of its decision and the reasons therefor.

[2.] **3. Any petition for review filed pursuant to subsection 1 of this section shall be deemed to be filed as of the date endorsed by the United States Postal Service on the envelope or container in which such petition is received.**

[3.] **4. Any party who is aggrieved by a final decision of the labor and industrial relations commission pursuant to the provisions of subsections [1 and] 2 and 3 of this section [may seek judicial review thereof, as provided in sections 536.100 to 536.140, RSMo] shall within thirty days from the date of the final decision, appeal the decision to the court of appeals. Such appeal may be taken by filing notice of appeal with the commission, whereupon the commission shall, under its certificate, return to the court all documents and papers on file in the matter, together with a transcript of the evidence, the findings and award, which shall thereupon become the record of the cause. Upon appeal no additional evidence shall be heard and, in the absence of fraud, the findings of fact made by the commission within its powers shall be conclusive and binding. The court, on appeal, shall review only questions of law and may modify, reverse, remand for rehearing, or set aside the award upon any of the following grounds and no other:**

(1) That the commission acted without or in excess of its powers;

(2) That the award was procured by fraud;

(3) That the facts found by the commission do not support the award;

(4) That there was not sufficient competent evidence in the record to warrant the making of

the award.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Line 10 of the Title by inserting after “RSMO,” the following: “and Section 1 as truly agreed and finally passed in Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 327, Ninety-fourth General Assembly, First Regular Session,”; and

Further amend said Bill, Page 2, Section A, Line 9, by inserting after “RSMo,” the following: “and Section 1 as truly agreed and finally passed in Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 327, Ninety-fourth General Assembly, First Regular Session,”; and

Further amend said Bill, Page 118, Section 650.470, Line 50, by inserting after said Line the following:

[Section 1. No person, firm, limited liability company, or corporation shall purchase more than twenty tickets at one time, except that any ticket issuer may allow the purchaser of any amount of tickets through a group sales office.]; and

Further amend said Bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Page 118, Section 650.470, Line 50, by inserting after all of said Section, the following:

“Section 1. Nothing in this section or in any

law or ordinance of any city, county, or other political subdivision shall prohibit or be deemed to prohibit a person, firm, limited liability company, or corporation from reselling or offering to resell via the Internet an admission ticket, at any price, or charging any fee in connection with the resale or offering of an admission ticket to any athletic contest, dance, theater, concert, circus, or other amusement, if such Internet web site's operator guarantees a full refund or future credit of the amount paid for the ticket under each of the following conditions:

(a) The ticketed event is cancelled;

(b) The purchaser is denied admission to the ticketed event, using the purchased ticket, unless such denial is due to the action or omission of the purchaser.

(2) The Internet web site's guarantee under this subsection shall be clearly posted and all prospective purchasers shall be directed to such guaranty before completion of the resale transaction.

(3) A refund issued under any of the conditions provided in this subsection shall include any service, handling, or processing fees unless such fees are declared nonrefundable under the terms of the guarantee.

(4) The provisions of this subsection do not apply to student or other discounted tickets issued by institutions of higher education or any other state or federal not-for-profit institutions.”; and

Further amend said Bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Page 39, Section 195.017, Line 648, by inserting after all of said line the

following:

“195.217. 1. A person commits the offense of distribution of a controlled substance near a park, as defined in section 253.010, RSMo, if such person violates section 195.211 by unlawfully distributing or delivering heroin, cocaine, LSD, amphetamine, or methamphetamine to a person in or on, or within one thousand feet of, the real property comprising a public park, state park, county park, or municipal park or a public or private park designed for public recreational purposes.

2. Distribution of a controlled substance near a park is a class A felony.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Section 455.003, Page 67, Line 16 by inserting immediately after said line the following:

“479.260. 1. Municipalities by ordinance may provide for fees in an amount per case to be set pursuant to sections 488.010 to 488.020, RSMo, for each municipal ordinance violation case filed before a municipal judge, and in the event a defendant pleads guilty or is found guilty, the judge may assess costs against the defendant except in those cases where the defendant is found by the judge to be indigent and unable to pay the costs. In the event the case is dismissed before the defendant pleads guilty or is found guilty, the municipal judge may assess municipal court costs as determined by section 488.012, RSMo, against the defendant if the defendant consents to paying the costs except in those cases where the defendant is found by the judge to be unable to pay the costs. The fees authorized in this subsection are in addition to service charges, witness fees and jail costs that may otherwise be authorized to be assessed, but are in lieu of other

court costs. The fees provided by this subsection shall be collected by the municipal division clerk in municipalities electing or required to have violations of municipal ordinances tried before a municipal judge pursuant to section 479.020, or to employ judicial personnel pursuant to section 479.060, and disbursed as provided in subsection 1 of section 479.080. Any other court costs required in connection with such cases shall be collected and disbursed as provided in sections 488.010 to 488.020, RSMo; provided that, each municipal court may establish a judicial education fund in an account under the control of the municipal court to retain one dollar of the fees collected on each case and to use the fund only to pay for:

(1) The continuing education and certification required of the municipal judges by law or supreme court rule; and

(2) Judicial education and training for the court administrator and clerks of the municipal court.

Provided further, that no municipal court shall retain more than one thousand five hundred dollars in the fund for each judge, administrator or clerk of the municipal court. Any excess funds shall be transmitted quarterly to the general revenue fund of the county or municipal treasury.

2. In municipal ordinance violation cases which are filed in the associate circuit division of the circuit court, fees shall be assessed in each case in an amount to be set pursuant to sections 488.010 to 488.020, RSMo. In the event a defendant pleads guilty or is found guilty, the judge shall assess costs against the defendant except in those cases where the defendant is found by the judge to be indigent and unable to pay the costs. In the event a defendant is acquitted or the case is dismissed, the judge shall not assess costs against the municipality. The costs authorized in this subsection are in addition to service charges, witness fees and jail costs that may otherwise be authorized to be assessed, but are in lieu of other

court costs. The costs provided by this subsection shall be collected by the municipal division clerk in municipalities electing or required to have violations of municipal ordinances tried before a municipal judge pursuant to section 479.020, or to employ judicial personnel pursuant to section 479.060, and disbursed as provided in subsection 2 of section 479.080. Any other court costs required in connection with such cases shall be collected and disbursed as provided in sections 488.010 to 488.020, RSMo.

3. A municipality, when filing cases before an associate circuit judge, shall not be required to pay fees.

4. No fees for a judge, city attorney or prosecutor shall be assessed as costs in a municipal ordinance violation case.

5. In municipal ordinance violation cases, when there is an application for a trial de novo, there shall be an additional fee in an amount to be set pursuant to sections 488.010 to 488.020, RSMo, which shall be assessed in the same manner as provided in subsection 2 of this section.

6. Municipalities by ordinance may provide for a schedule of costs to be paid in connection with pleas of guilty which are processed in a traffic violations bureau. If a municipality files its municipal ordinance violation cases before a municipal judge, such costs shall not exceed the court costs authorized by subsection 1 of this section. If a municipality files its municipal ordinance violations cases in the associate circuit division of the circuit court, such costs shall not exceed the court costs authorized by subsection 2 of this section.”; and

Further amend said Substitute, Section 488.5025, Page 68, Line 18 by inserting immediately after said Line the following:

“488.5032. In the event a criminal case is dismissed in a circuit court in this state before the defendant pleads guilty or is found guilty, the circuit judge may assess costs as determined

by section 488.012, RSMo, against any defendant if the defendant consents to paying the costs except in those cases where the defendant is found by the judge to be indigent and unable to pay the costs.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Section 595.209, Pages 108 through 112, by inserting after all of said section the following:

“610.021. Except to the extent disclosure is otherwise required by law, a public governmental body is authorized to close meetings, records and votes, to the extent they relate to the following:

(1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public government body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of section 610.011, however, the amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed; provided, however, in matters involving the exercise of the power of eminent domain, the vote shall be

announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record;

(2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate;

(3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body shall be made available with a record of how each member voted to the public within seventy-two hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two-hour period before such decision is made available to the public. As used in this subdivision, the term "personal information" means information relating to the performance or merit of individual employees;

(4) The state militia or national guard or any part thereof;

(5) Nonjudicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment;

(6) Scholastic probation, expulsion, or graduation of identifiable individuals, including records of individual test or examination scores; however, personally identifiable student records

maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years;

(7) Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again;

(8) Welfare cases of identifiable individuals;

(9) Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups;

(10) Software codes for electronic data processing and documentation thereof;

(11) Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid;

(12) Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected;

(13) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such, and the names of private sources donating or contributing money to the salary of a chancellor or president at all public colleges and universities in the state of Missouri and the amount of money contributed by the source;

(14) Records which are protected from disclosure by law;

(15) Meetings and public records relating to scientific and technological innovations in which

the owner has a proprietary interest;

(16) Records relating to municipal hotlines established for the reporting of abuse and wrongdoing;

(17) Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to this chapter;

(18) Operational guidelines and policies developed, adopted, or maintained by any public agency responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. Nothing in this exception shall be deemed to close information regarding expenditures, purchases, or contracts made by an agency in implementing these guidelines or policies. When seeking to close information pursuant to this exception, the agency shall affirmatively state in writing that disclosure would impair its ability to protect the safety or health of persons, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records. This exception shall sunset on December 31, 2008;

(19) Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, and information that is voluntarily submitted by a nonpublic entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety:

(a) Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open;

(b) When seeking to close information

pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;

(c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the receiving agency within ninety days of submission to determine if retention of the document is necessary in furtherance of a state security interest. If retention is not necessary, the documents shall be returned to the nonpublic governmental body or destroyed;

(d) This exception shall sunset on December 31, 2008;

(20) Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by, or on behalf of, a public governmental body for such computer, computer system, computer network, or telecommunications network shall be open; [and]

(21) Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body.

Nothing in this section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body; and

(22) Records and documents of and pertaining to internal investigations by a law enforcement agency into matters of fitness and conduct of a law enforcement officer employed by such investigating law enforcement agency used solely in connection with matters relating to the employment of such law enforcement officer, and records and documents pertaining to any determinations or actions relating to an officer's employment status taken in connection with or following such investigations. However, if such records and documents are used or shared by an agency in a criminal investigation involving an officer, provisions regarding incident reports, investigative reports or other documents covered under section 610.100 shall apply.

610.100. 1. As used in sections 610.100 to 610.150, the following words and phrases shall mean:

(1) "Arrest", an actual restraint of the person of the defendant, or by his or her submission to the custody of the officer, under authority of a warrant or otherwise for a criminal violation which results in the issuance of a summons or the person being booked;

(2) "Arrest report", a record of a law enforcement agency of an arrest and of any detention or confinement incident thereto together with the charge therefor;

(3) "Inactive", an investigation in which no further action will be taken by a law enforcement agency or officer for any of the following reasons:

(a) A decision by the law enforcement agency not to pursue the case;

(b) Expiration of the time to file criminal charges pursuant to the applicable statute of limitations, or ten years after the commission of the offense; whichever date earliest occurs;

(c) Finality of the convictions of all persons convicted on the basis of the information contained in the investigative report, by exhaustion of or expiration of all rights of appeal of such persons;

(4) "Incident report", a record of a law enforcement agency consisting of the date, time, specific location, name of the victim and immediate facts and circumstances surrounding the initial report of a crime or incident, including any logs of reported crimes, accidents and complaints maintained by that agency;

(5) "Investigative report", a record, other than an arrest or incident report, prepared by personnel of a law enforcement agency, inquiring into a crime or suspected crime, either in response to an incident report or in response to evidence developed by law enforcement officers in the course of their duties;

(6) Investigative reports and incident reports, or other law enforcement records covered under this section, shall not include any records or documents pertaining to internal investigations by law enforcement agencies into matters of fitness and conduct of law enforcement officers employed by such investigating law enforcement agencies and used solely in connection with such officers' employment, as described in subdivision (22) of section 610.021. However, if such records and documents are used or shared by an agency in a criminal investigation involving an officer, provisions regarding incident reports, investigative reports, or other documents covered under this section shall apply.

2. Each law enforcement agency of this state, of any county, and of any municipality shall maintain records of all incidents reported to the agency, investigations and arrests made by such

law enforcement agency. All incident reports and arrest reports shall be open records. Notwithstanding any other provision of law other than the provisions of subsections 4, 5 and 6 of this section or section 320.083, RSMo, investigative reports of all law enforcement agencies are closed records until the investigation becomes inactive. If any person is arrested and not charged with an offense against the law within thirty days of the person's arrest, the arrest report shall thereafter be a closed record except that the disposition portion of the record may be accessed and except as provided in section 610.120.

3. Except as provided in subsections 4, 5, 6 and 7 of this section, if any portion of a record or document of a law enforcement officer or agency, other than an arrest report, which would otherwise be open, contains information that is reasonably likely to pose a clear and present danger to the safety of any victim, witness, undercover officer, or other person; or jeopardize a criminal investigation, including records which would disclose the identity of a source wishing to remain confidential or a suspect not in custody; or which would disclose techniques, procedures or guidelines for law enforcement investigations or prosecutions, that portion of the record shall be closed and shall be redacted from any record made available pursuant to this chapter.

4. Any person, including a family member of such person within the first degree of consanguinity if such person is deceased or incompetent, attorney for a person, or insurer of a person involved in any incident or whose property is involved in an incident, may obtain any records closed pursuant to this section or section 610.150 for purposes of investigation of any civil claim or defense, as provided by this subsection. Any individual, his or her family member within the first degree of consanguinity if such individual is deceased or incompetent, his or her attorney or insurer, involved in an incident or whose property is involved in an incident, upon written request, may obtain a complete unaltered and unedited

incident report concerning the incident, and may obtain access to other records closed by a law enforcement agency pursuant to this section. Within thirty days of such request, the agency shall provide the requested material or file a motion pursuant to this subsection with the circuit court having jurisdiction over the law enforcement agency stating that the safety of the victim, witness or other individual cannot be reasonably ensured, or that a criminal investigation is likely to be jeopardized. If, based on such motion, the court finds for the law enforcement agency, the court shall either order the record closed or order such portion of the record that should be closed to be redacted from any record made available pursuant to this subsection.

5. Any person may bring an action pursuant to this section in the circuit court having jurisdiction to authorize disclosure of the information contained in an investigative report of any law enforcement agency, which would otherwise be closed pursuant to this section. The court may order that all or part of the information contained in an investigative report be released to the person bringing the action. In making the determination as to whether information contained in an investigative report shall be disclosed, the court shall consider whether the benefit to the person bringing the action or to the public outweighs any harm to the public, to the law enforcement agency or any of its officers, or to any person identified in the investigative report in regard to the need for law enforcement agencies to effectively investigate and prosecute criminal activity. The investigative report in question may be examined by the court in camera. The court may find that the party seeking disclosure of the investigative report shall bear the reasonable and necessary costs and attorneys' fees of both parties, unless the court finds that the decision of the law enforcement agency not to open the investigative report was substantially unjustified under all relevant circumstances, and in that event, the court may assess such reasonable and necessary costs and attorneys' fees to the law

enforcement agency.

6. Any person may apply pursuant to this subsection to the circuit court having jurisdiction for an order requiring a law enforcement agency to open incident reports and arrest reports being unlawfully closed pursuant to this section. If the court finds by a preponderance of the evidence that the law enforcement officer or agency has knowingly violated this section, the officer or agency shall be subject to a civil penalty in an amount up to one thousand dollars. If the court finds that there is a knowing violation of this section, the court may order payment by such officer or agency of all costs and attorneys' fees, as provided by section 610.027. If the court finds by a preponderance of the evidence that the law enforcement officer or agency has purposely violated this section, the officer or agency shall be subject to a civil penalty in an amount up to five thousand dollars and the court shall order payment by such officer or agency of all costs and attorney fees, as provided in section 610.027. The court shall determine the amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the offense, and whether the law enforcement officer or agency has violated this section previously.

7. The victim of an offense as provided in chapter 566, RSMo, may request that his or her identity be kept confidential until a charge relating to such incident is filed.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Section 650.470, Page 118, Line 50 by inserting immediately after said Line the following:

“Section 1. The University of Missouri Geographic Resources Center shall identify, by

using geographic information system technology, any sexual offender who is in violation of section 566.147 and shall publish an annual study that includes such information. Such annual study shall be provided to the state highway patrol for distribution to all law enforcement agencies in this state.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Section 566.226, Page 81, Line 10 by inserting immediately after said Line the following:

“568.045. 1. A person commits the crime of endangering the welfare of a child in the first degree if:

(1) The person knowingly acts in a manner that creates a substantial risk to the life, body, or health of a child less than seventeen years old; or

(2) The person knowingly engages in sexual conduct with a person under the age of seventeen years over whom the person is a parent, guardian, or otherwise charged with the care and custody;

(3) The person knowingly encourages, aids or causes a child less than seventeen years of age to engage in any conduct which violates the provisions of chapter 195, RSMo;

(4) Such person enlists the aid, either through payment or coercion, of a person less than seventeen years of age to unlawfully manufacture, compound, produce, prepare, sell, transport, test or analyze amphetamine or methamphetamine or any of their analogues, or to obtain any material used to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues; or

(5) Such person, in the presence of a person less than seventeen years of age or in a residence

where a person less than seventeen years of age resides, unlawfully manufactures, or attempts to manufacture compounds, produces, prepares, sells, transports, tests or analyzes amphetamine or methamphetamine or any of their analogues.

2. Except as provided in subsection 3 of this section endangering the welfare of a child in the first degree is a class C felony unless the offense is committed as part of a ritual or ceremony, or except on a second or subsequent offense, in which case the crime is a class B felony.

3. Endangering the welfare of a child in the first degree when committed under subdivision (1) of subsection 1 of this section, and when the manner in which such person acts to create a substantial risk to the life, body, or health of a child is by shaking a child under the age of five by the arms, legs, chest, or shoulders, is a felony for which the authorized term of imprisonment is any term of years but not less than fifteen years.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Section 84.160, Page 9, Line 71 by inserting immediately after said Line the following:

“172.755. The University of Missouri shall perform a check of the state sex offender registry for each applicant for student housing to determine whether the applicant has been adjudicated a sex offender, as defined in section 589.400, RSMo. The university shall require that each application for student housing be accompanied by the identifying information necessary to perform the check and a supplemental fee to cover the cost of performing the check. The university shall not grant student housing to any person required to be registered

as a sex offender under sections 589.400 to 589.425, RSMo.

174.459. Each state college or university governed by this chapter shall perform a check of the state sex offender registry for each applicant for student housing to determine whether the applicant has been adjudicated a sex offender, as defined in section 589.400, RSMo. The college or university shall require that each application for student housing be accompanied by the identifying information necessary to perform the check and a supplemental fee to cover the cost of performing the check. The college or university shall not grant student housing to any person required to be registered as a sex offender under sections 589.400 to 589.425, RSMo.”; and

Further amend said Substitute, Section 174.712, Page 10, Line 5 by inserting immediately after said Line the following:

“175.075. Lincoln University shall perform a check of the state sex offender registry for each applicant for student housing to determine whether the applicant has been adjudicated a sex offender, as defined in section 589.400, RSMo. The university shall require that each application for student housing be accompanied by the identifying information necessary to perform the check and a supplemental fee to cover the cost of performing the check. The university shall not grant student housing to any person required to be registered as a sex offender under sections 589.400 to 589.425, RSMo.

178.645. Linn State Technical College shall perform a check of the state sex offender registry for each applicant for student housing to determine whether the applicant has been adjudicated a sex offender, as defined in section 589.400, RSMo. The college shall require that each application for student housing be accompanied by the identifying information necessary to perform the check and a

supplemental fee to cover the cost of performing the check. The college shall not grant student housing to any person required to be registered as a sex offender under sections 589.400 to 589.425, RSMo.

178.965. Each community college or junior college governed by this chapter shall perform a check of the state sex offender registry for each applicant for student housing to determine whether the applicant has been adjudicated a sex offender, as defined in section 589.400, RSMo. The college shall require that each application for student housing be accompanied by the identifying information necessary to perform the check and a supplemental fee to cover the cost of performing the check. The college shall not grant student housing to any person required to be registered as a sex offender under sections 589.400 to 589.425, RSMo.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Section 311.326, Page 64, Line 17 by inserting immediately after said Line the following:

“407.485. 1. It shall be an unfair business practice, in violation of section 407.020 for a for profit entity or natural person to collect donations of unwanted household items via a public receptacle and resell the donated items for profit unless the donation receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: “DONATIONS ARE NOT FOR CHARITABLE ORGANIZATIONS AND WILL BE RESOLD FOR PROFIT”.

2. It shall be an unfair business practice, in violation of section 407.020 for a for profit

entity or natural person to collect donations of unwanted household items via a public receptacle and resell the donated items where some or all of the proceeds from the sale are directly given to a not for profit entity unless the donation receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: “ DONATIONS TO THE FOR PROFIT COMPANY: (name of the company) ARE SOLD FOR PROFIT AND (% of proceeds donated to the not for profit) % OF ALL PROCEEDS ARE DONATED TO (name of the non-profit beneficiary organization's name).”

3. It shall be an unfair business practice, in violation of section 407.020 for a for profit entity or natural person to collect donations of unwanted household items via a public receptacle and resell the donated items, where such for profit entity is paid a flat fee, not contingent upon the proceeds generated by the sale of the collected goods, and 100% of the proceeds from the sale of the items are given directly to the not for profit, unless the donation receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: “THIS DONATION RECEPTACLE IS OPERATED BY THE FOR PROFIT ENTITY: (name of the for profit/individual) ON BEHALF of (name of the non-profit beneficiary organization's name)”.

4. Nothing in section 407.485 shall apply to paper, glass, or aluminum products that are donated for the purpose of being recycled in the manufacture of other products.

5. Any entity which, on or before June 1, 2007, has distributed one hundred or more separate public receptacles within the state of Missouri to which the provisions of subsections or 3 of this section would apply, shall be deemed in compliance with the signage requirements imposed by this section until February 28, 2008, provided such entity has made or is making

good faith efforts to bring all signage in compliance with the provisions of this section and all such signage is in complete compliance no later than February 28, 2008.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 13

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Section 210.1012, Page 48, Line 27 by inserting immediately after said Line the following:

“217.145. The department of corrections shall establish and maintain on the department's Internet web site a listing of all victims' rights under chapter 595, RSMo, which involve the department.”; and

Further amend said Substitute, Section 595.209, Page 109, Lines 36-50 by deleting all of said Lines and inserting in lieu thereof the following:

“(6) For victims, the right to be informed by appropriate juvenile authorities of probation revocation hearings initiated by the juvenile authority and the right to be heard at such hearings or to offer a written statement, video or audio tape, counsel or a representative designated by the victim in lieu of a personal appearance, the right to be informed by the board of probation and parole of probation revocation hearings initiated by the board and of parole hearings, the right to be present at each and every phase of parole hearings [and], the right to be heard at probation revocation and parole hearings or to offer a written statement, video or audio tape, counsel or a representative designated by the victim in lieu of a personal appearance, the right to have upon written request of the victim, a partition set up in the probation or parole hearing room, set up in such a way that the victim is shielded from the view of the probationer or parolee, the right to

be notified of the hearing, and the right to be notified, in writing, of each of these rights at the time of notice for probation revocation hearings and parole revocation hearings, and the right to be informed by the custodial mental health facility or agency thereof of any hearings for the release of a person committed pursuant to the provisions of chapter 552, RSMo, the right to be present at such hearings, the right to be heard at such hearings or to offer a written statement, video or audio tape, counsel or a representative designated by the victim in lieu of personal appearance. If a victim's request to have a partition set up in the hearing room cannot be accommodated at the time of the scheduled hearing, the hearing shall be delayed for not more than thirty days until such time as a partition is set up for the hearing;”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Section A, Pages 1 and 2 Line 22 by inserting after all of said section and line the following:

“41.970. 1. As used in this section the following terms shall mean:

(1) “Civil air patrol”, the civilian auxiliary of the United States Air Force established by the United States Congress in 36 U.S.C. Section 40301 et seq. and 10 U.S.C. Section 9441 et seq. Civil air patrol missions include search and rescue, disaster relief, and aerial reconnaissance;

(2) “Office of air search and rescue”, as established by section 41.960, within military division of the executive department, office of adjutant general, the wing commander of Missouri wing, civil air patrol; Missouri wing emergency service personnel; and others as

necessary for duties assigned to the office.

2. The civil air patrol may be used to support national guard missions in support of civil authorities or in support of noncombatant national guard missions, and to support state agencies under memorandums of understanding (MOU) or agreements established between the agencies and the civil air patrol.

3. Requests for activation or support of the civil air patrol shall be made to the commander of the Missouri wing of the civil air patrol. Missions shall be in accordance with laws and regulations applicable to the United States Air Force and the civil air patrol. Prior to activation of the civil air patrol, the adjutant general or the Missouri civil air patrol wing commander shall apply to the Air Force Rescue Coordination Center, the Air Force National Security Emergency Preparedness agency, or the civil air patrol national operations center for federal mission status and funding.

4. If an operation or mission of the civil air patrol is granted funded federal mission status and assigned an accompanying federal mission number, the following shall apply:

(1) The operation or mission shall be funded by the federal government;

(2) When training or operating under a federal mission number, the members of the civil air patrol shall be considered federal employees for the purposes of tort claims and workers' compensation arising from the performance of the mission or any actions incident to the performance of the mission.

5. If an operation or mission of the civil air patrol is not granted federal mission status and is not assigned an accompanying federal mission number, the following shall apply:

(1) Except for missions and operations supporting the office of adjutant general, all requests for activation and authorization for any mission or operation of the civil air patrol

on behalf of state agencies shall first be approved by the department director of the requesting agency, the adjutant general and the commissioner of administration;

(2) Operations and administration of the civil air patrol relating to missions within the state and for state agencies not qualifying for funded federal mission status shall be funded by the state from moneys appropriated to the requesting state agency for that purpose;

(3) When performing a mission within the state and for state agencies that does not qualify for funded federal mission status, members of the civil air patrol shall be considered state employees for purposes of the state legal expense fund as provided under section 105.711, RSMo, and for purposes of workers' compensation coverage, as provided under section 105.810, RSMo;

(4) The procedures in this section apply to any civil air patrol personnel and aircraft from any state that are flying or otherwise supporting missions for Missouri state agencies;

(5) Notwithstanding the provisions of this section to the contrary, emergency operations or missions as determined by the commander of the Missouri wing of the civil air patrol and approved by the adjutant general may be conducted pending funding authorization for federal, state, or other sources.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 15

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Section 565.182, Page 80, Line 9 by inserting immediately after said Line the following:

“566.147. 1. Any person who, since July 1, 1979, has been or hereafter has pleaded guilty or

nolo contendere to, or been convicted of, or been found guilty of violating any of the provisions of this chapter or the provisions of subsection 2 of section 568.020, RSMo, incest; section 568.045, RSMo, endangering the welfare of a child in the first degree; subsection 2 of section 568.080, RSMo, use of a child in a sexual performance; section 568.090, RSMo, promoting a sexual performance by a child; section 573.023, RSMo, sexual exploitation of a minor; section 573.025, RSMo, promoting child pornography in the first degree; section 573.035, RSMo, promoting child pornography in the second degree; section 573.037, RSMo, possession of child pornography, or section 573.040, RSMo, furnishing pornographic material to minors, **or any offense committed in another state, or any federal offense, or any military offense which, if committed in this state, would be a violation of any offense listed in this subsection;** shall not reside within one thousand feet of any public school as defined in section 160.011, RSMo, or any private school giving instruction in a grade or grades not higher than the twelfth grade, or child-care facility as defined in section 210.201, RSMo, which is in existence at the time the individual begins to reside at the location.

2. If such person has already established a residence and a public school, a private school, or child-care facility is subsequently built or placed within one thousand feet of such person's residence, then such person shall, within one week of the opening of such public school, private school, or child-care facility, notify the county sheriff where such public school, private school, or child-care facility is located that he or she is now residing within one thousand feet of such public school, private school, or child-care facility and shall provide verifiable proof to the sheriff that he or she resided there prior to the opening of such public school, private school, or child-care facility.

3. For purposes of this section, “resides” means sleeps in a residence, which may include more than one location and may be mobile or

transitory.

4. Violation of the provisions of subsection 1 of this section is a class D felony except that the second or any subsequent violation is a class B felony. Violation of the provisions of subsection 2 of this section is a class A misdemeanor except that the second or subsequent violation is a class D felony.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 16

Amend House Amendment No. 16 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Page 1, Section 198.097, Lines 10-19, and page 2, line 1-12 by deleting said lines and inserting in lieu thereof the following:

198.097. **1.** Any person who assumes the responsibility of managing the financial affairs of an elderly **or disabled** person who is a resident of [a nursing home] **any facility licensed under chapter 198**, shall be guilty of a class D felony if such person misappropriates the funds and fails to pay for the [nursing home] **facility** care of the elderly **or disabled** person. **For the purposes of this section, a person assumes the responsibility of managing the financial affairs of an elderly or disabled person when he or she receives, has access to, handles or controls the elderly or disabled person's monetary funds, including but not limited to Social Security income, pension, cash or other resident income.**

2. Evidence of misappropriating funds and failing to pay for the care of an elderly or disabled person may include, but shall not be limited to proof that the facility has sent, by certified mail with confirmation receipt requested, notification of failure to pay facility care expenses incurred by a resident to the person who has assumed responsibility of

managing the financial affairs of the resident.

3. Nothing in subsection 2 of this section shall be construed as limiting the investigations or prosecutions of violations of subsection 1 of this section or the crime of financial exploitation of an elderly or disabled person as defined by section 570.145, RSMo.

HOUSE AMENDMENT NO. 16

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Section 195.017, Page 39, Line 648, by inserting the following after all of said line:

“22. Logs of transactions required to be kept and maintained by this section and section 195.417, shall create a rebuttable presumption that the person whose name appears in the logs is the person whose transactions are recorded in the logs.”; and,

Further amend said substitute, Section 195.552, Page 47, Line 11, by inserting the following after all of said line:

“198.097. 1. Any person who assumes the responsibility of managing the financial affairs of an elderly person who is a resident of a nursing home [shall be] is guilty of a class D felony if such person misappropriates the funds and fails to pay for the nursing home care of the elderly person.

2. It shall be evidence of misappropriating funds and failing to pay for the nursing home care of an elderly person if:

(1) The nursing home sends written notification of failure to pay nursing home expenses incurred by an elderly resident to the person who has assumed responsibility of managing the financial affairs of the elderly person;

(2) The nursing home does not receive payment within thirty days of such person receiving actual notice in writing for the first time and the nursing home sends a second

written notification of failure to pay nursing home expenses;

(3) The nursing home does not receive payment within thirty days of such person receiving actual notice in writing for the second time and the nursing home sends a third and final written notification of failure to pay nursing home expenses; and

(4) The nursing home does not receive payment within thirty days of such person receiving actual notice in writing for the third and final time.

As used in this subsection, “actual notice in writing” means notice of the nonpayment which is actually received by the person who has assumed responsibility of managing the financial affairs of an elderly person. Such notice may include, but shall not be limited to, notice by certified mail, return receipt requested.”; and,

Further amend said substitute, Section 573.037, Page 82, Line 7, by inserting the following after all of said line:

“575.065. 1. A person commits the crime of obstruction of justice if such person, with the intent to prevent the apprehension or obstruct the prosecution or defense of any person, knowingly commits any of the following acts:

(1) Destroys, alters, conceals, or disguises physical evidence, plants false evidence, furnishes false information; or

(2) Induces a witness having knowledge material to the subject at issue to leave the state or conceal himself or herself; or

(3) Possessing knowledge material to the subject at issue he or she leaves the state or conceals himself or herself.

2. Obstruction of justice is a class A misdemeanor unless the actor obstructs prosecution or defense of a felony in which case it is a class D felony.

575.070. No person shall be convicted of a violation of sections 575.040, 575.050 [or] , 575.060, **or 575.065** based upon the making of a false statement except upon proof of the falsity of the statement by:

- (1) The direct evidence of two witnesses; or
- (2) The direct evidence of one witness together with strongly corroborating circumstances; or
- (3) Demonstrative evidence which conclusively proves the falsity of the statement; or
- (4) A directly contradictory statement by the defendant under oath together with
 - (a) The direct evidence of one witness; or
 - (b) Strongly corroborating circumstances; or
- (5) A judicial admission by the defendant that he **or she** made the statement knowing it was false. An admission, which is not a judicial admission, by the defendant that he **or she** made the statement knowing it was false may constitute strongly corroborating circumstances.”; and,

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 19

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Section 577.023, Page 90, Line 124 by inserting immediately after said line the following:

“577.024. When a person is convicted of an intoxication-related traffic offense the following penalties apply when the person's blood, breath, or urine was sixteen-hundredths of one percent or more based on the definition of blood, breath, saliva, or urine units in section 577.012:

- (1) A person who is convicted of an intoxication-related traffic offense a first time, in addition to any other penalty that may be imposed, is subject to a mandatory minimum of

one hundred hours of community service and a minimum fine of five hundred dollars;

- (2) A person who is convicted of an intoxication-related traffic offense a second time within a ten-year period, in addition to any other penalty that may be imposed, is subject to a mandatory minimum of two days of imprisonment and a minimum fine of one thousand two hundred fifty dollars;

- (3) A person who is convicted of an intoxication-related traffic offense a third time within a twenty-year period is guilty of a Class B felony and, in addition to any other penalty that may be imposed, is subject to a mandatory minimum of ninety days of imprisonment and a minimum fine of two thousand five hundred dollars;

- (4) A person who is convicted of an intoxication-related traffic offense a fourth or subsequent time, in addition to any other penalty that may be imposed, is not eligible for a sentence of probation or condition discharge and is subject to a minimum fine of two thousand five hundred dollars.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 20

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Section 311.326, Page 64, Line 17 by inserting after all of said line the following:

“407.300. 1. Every purchaser or collector of, or dealer in junk, scrap metal, or any secondhand property shall keep a register [which shall contain the name and address of the person from whom] containing a written or electronic record for each purchase or trade in which each type of metal subject to the provisions of this section is obtained for value. There shall be a separate record for each transaction involving any

copper, **aluminum** wire or cable [is purchased], whatever may be the condition or length of such [copper wire or cable] **metal. The record shall contain the following data: A copy of the operator's license or other state-issued or federally issued form of identification of the person from whom the material is obtained; [the residence or place of business and driver's license number of such person;] the date, time, and place of and a full description of each such purchase or trade including the quantity by weight thereof; and shall permit any peace officer to inspect the register at any reasonable time].**

2. The records required under this section shall be maintained for a minimum of twenty-four months from when such material is obtained and shall be available for inspection by any law enforcement agent.

3. Anyone convicted of violating this section shall be [fined not less than twenty-five dollars nor more than five hundred dollars, or imprisoned for not less than thirty days nor more than six months, or both] guilty of a class A misdemeanor.

4. This section shall not apply to any of the following transactions:

(1) Any transaction for which the total amount paid for all regulated scrap metal purchased or sold does not exceed fifty dollars or fifty pounds, whichever is greater;

(2) Any transaction in which the seller is an established scrap metal dealer that operates a business with a fixed location that can be reasonably identified as a scrap metal dealer;

(3) Any transaction for which the seller has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business; or

(4) Any transaction for which the type of metal subject to subsection 1 of this section is a minor part of a larger item, except for equipment used in the generation and transmission of electrical power.”; and

Further amend said bill, Section 570.040, Page 82, Line 16 by inserting after all of said line the following:

“570.055. Any person who steals or appropriates, without consent of the owner, any energized or live wire, electrical transformer, or any other device that at the time of the theft is conducting electricity shall be guilty of a class D felony.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 21

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Section 304.230, Page 57, Line 54 by inserting after all of said line the following:

“Commercial vehicle officers selected and designated as peace officers by the superintendent of the Missouri state highway patrol are hereby declared to be peace officers of the state of Missouri, with full power and authority to make arrests solely for violations under the powers granted in subdivisions (1) to (3) of this subsection. “; and

Further amend said section, Page 57, Line 57 by inserting after the word “patrol” on said line the following

“and have completed the mandatory standards for the basic training and licensure of peace officers established by the peace officers standards and training commission under subsection 1 of section 590.030, RSMo. Commercial vehicle officers who are employed and performing their duties on August 28, 2007,

shall have until July 1, 2011, to comply with the mandatory standards regarding police officer basic training and licensure.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 22

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Page 81, Section 566.148, Line 19, by inserting after all of said section the following:

“566.150 1. Any person who has pleaded guilty to, or been convicted of, or been found guilty of violating any of the provisions of this chapter or the provisions of subsection 2 of section 568.020, RSMo, incest; section 568.045, RSMo, endangering the welfare of a child in the first degree; subsection 2 of section 568.080, RSMo, use of a child in a sexual performance; section 568.090, RSMo, promoting a sexual performance by a child; section 573.023, RSMo, sexual exploitation of a minor; section 573.025, RSMo, promoting child pornography; or section 573.040, RSMo, furnishing pornographic material to minors; shall not serve as an athletic coach, manager, or athletic trainer for any sports team in which a child less than seventeen years of age is a member.

2. The first violation of the provisions of this section shall be a class A misdemeanor.

3. Any second or subsequent violation of this section shall be a class D felony.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 23

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Section 409.6-604, Page 66, Line 60 by inserting immediately after said

Line the following:

“427.225. 1. Deceptive use of a financial institution's name in notification or solicitation occurs when a business, or a person acting on its behalf, engages in the following activity:

(1) Through advertisement, solicitation, or other notification, either verbally or through any other means, informs a consumer of the availability of any type of goods or services that are not free;

(2) The name of an unrelated and unaffiliated financial institution is mentioned in any manner;

(3) The goods or services mentioned are not actually provided by the unrelated and unaffiliated financial institution whose name is mentioned;

(4) The business on whose behalf the notification or solicitation is made does not have a consensual right to mention the name of the unrelated and unaffiliated financial institution; and

(5) Neither the actual name nor trade name of the business on whose behalf the notification or solicitation is being made is stated, nor the actual name or trade name of any actual provider of the goods or services is stated, so as to clearly identify for the consumer a name that is distinguishable and separate from the name of the unrelated and unaffiliated financial institution whose name is mentioned in any manner in the notification or solicitation, and thereby a misleading implication or ambiguity is created, such that a consumer who is the recipient of the advertisement, solicitation or notification may reasonably but erroneously believe:

(a) That the goods or services whose availability is mentioned are made available by or through the unrelated and unaffiliated financial institution whose name is mentioned; or

(b) That the unrelated and unaffiliated financial institution whose name is mentioned is the one communicating with the consumer.

2. Deceptive use of another's name in

notification or solicitation occurs when a business, or a person acting on its behalf, engages in the following activity:

(1) Falsely states or implies that any person, product or service is recommended or endorsed by a named third-person financial institution; or

(2) Falsely states that information about the consumer including but not limited to the name, address, or phone number of the consumer has been provided by a third-person financial institution, whether that person is named or unnamed.

3. [Only] The financial institution whose name is deceptively used, as provided in this section, may bring a private civil action and recover a minimum amount of ten thousand dollars, court costs, and attorney fees plus any damages such financial institution may prove at trial.

4. For the purposes of this section, a financial institution includes a commercial bank, savings and loan association, savings bank, credit union, mortgage banker, or consumer finance company, or an institution chartered pursuant to the provisions of an act of the United States known as the Farm Credit Act of 1971.

5. Nothing contained in this section shall bar the attorney general from enforcing the provisions of sections 407.010 to 407.145, RSMo.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 25

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Section 544.157, Page 69, Line 43 by inserting immediately after said Line the following:

“544.560. **1. Except as provided in subsection 2 of this section,** when any sheriff or other officer shall arrest a party by virtue of a

warrant upon an indictment, or shall have a person in custody under a warrant of commitment on account of failing to find conditions for release as provided in section 544.455, and the conditions for release required are specified on the warrant, or if the case is a misdemeanor, such officer may set the conditions for release, and discharge the person so held from actual custody.

2. Subject to the provisions of section 544.170, no peace officer may release any person arrested for manufacturing or attempting to manufacture a controlled substance pursuant to section 195.211, RSMo, or violating subsection 8 of section 195.222, RSMo, or violating subsection 9 of section 195.223, RSMo, from custody until the person appears before a judge.

3. In determining bond and other conditions of release, the judge shall consider any evidence that the person is in any manner dependent upon a controlled dangerous substance or has a pattern of regular, illegal use of any controlled dangerous substance. A rebuttable presumption that no conditions of release on bond would assure the safety of the community or any person therein shall arise if the state shows by a preponderance of the evidence that:

(1) The person was arrested for manufacturing or attempting to manufacture a controlled substance pursuant to section 195.211, RSMo, or violating subsection 8 of section 195.222, RSMo, or violating subsection 9 of section 195.223, RSMo; and

(2) The person is in any manner dependent upon a controlled dangerous substance or has a pattern of regular, illegal use of a controlled substance, and the person violating either statute referred to in subdivision (1) of this subsection committed or attempted to commit the violation to maintain or facilitate the person's dependence or pattern of illegal use.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 27

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Section 577.029, Page 92, Line 2 by inserting after the word “his” the following:

“**or her**”; and

Further amend said Substitute, said Section, said Page, Line 4 by inserting immediately after the word “his” the following:

“**or her**”; and

Further amend said Substitute, said Section, said Page, Line 12 by inserting immediately after the word “him” the following:

“**or her**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 28

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Section 221.040, Page 49, Line 21 by inserting immediately after said Line the following:

“221.515. **1. Any person designated a jailer under the provisions of this chapter shall have the power to serve [an arrest warrant] civil process and arrest warrants on any person who surrenders himself or herself to the facility under an arrest warrant or is already an inmate in the custody of the facility in or at which such jailer is employed.**

2. Under the rules and regulations of the sheriff, employees designated as jailers may carry firearms when necessary for the proper discharge of their duties as jailers in this state under the provisions of this chapter.

3. Such persons authorized to act by the sheriff as jailers under the rules and regulations of the sheriff shall have the same power as granted any other law enforcement officers in this state to arrest escaped prisoners and apprehend all persons who may be aiding and abetting such escape while in the custody of the sheriff in accordance with state law.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 29

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Page 10, Section 174.712, Line 5, by inserting after all of said line the following:

“188.080. **1. Notwithstanding any other provision of law to the contrary that may allow a non-physician to provide services related to pregnancy (including prenatal, delivery, and post partum services), any person who is not a physician who performs or induces or attempts to perform or induce an abortion on another is guilty of a class B felony, and, upon conviction, shall be punished as provided by law.**

2. Any physician performing or inducing an abortion who does not have clinical privileges at a hospital which offers obstetrical or gynecological care located within thirty miles of the location at which the abortion is performed or induced shall be guilty of a class A misdemeanor, and, upon conviction shall be punished as provided by law.”; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 30

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Page 50, Section 287.067, Line 46, by inserting after all of said line the

following:

“287.243. 1. Sections 287.243 and 287.245 shall be known and may be cited as the “Line of Duty Compensation Act”.

2. As used in sections 287.243 and 287.245, unless otherwise provided, the following words shall mean:

(1) “Aviation medical crew member”, a person serving as a flight paramedic, a flight nurse, or as a pilot in command;

(2) “Department of corrections employee” or “juvenile justice employee”, supervisors, wardens, superintendents and their assistants, guards and keepers, correctional officers, youth supervisors, parole agents, school teachers, correctional counselors, or any employee having daily contact with inmates in any facility of either the department of corrections or within the juvenile justice system;

(3) “Emergency medical technician”, a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to 190.245, RSMo, and by rules adopted by the department of health and senior services under sections 190.001 to 190.245, RSMo;

(4) “Firefighter”, any person, including a volunteer firefighter, employed by the state or a local governmental entity as, or otherwise serving as, a member or officer of a fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims;

(5) “Killed in the line of duty”, when any individual defined in this section loses one's life as a result of injury received in the active performance of duties in his or her respective profession, if the death occurs within three hundred weeks from the date the injury was received and if that injury arose from violence of another or accidental cause subject to the provisions of paragraph (a) and (b) of this

subdivision. The term excludes death resulting from the willful misconduct or intoxication of the officer, emergency medical technician, paramedic, firefighter, aviation medical crew member, juvenile justice employee, or department of corrections employee. The division of workers' compensation shall have the burden of proving such willful misconduct or intoxication;

(a) For juvenile justice employees and department of corrections employees, the death shall be caused by the direct or indirect willful act of an inmate, work releasee, parolee, parole violator, person under conditional release, or any person sentenced or committed, or otherwise subject to confinement by the department of corrections or juvenile justice employees while the individual is within the facilities under the control of the department of corrections or the juvenile justice system, the individual is in the act of transporting inmates from one location to another, or the individual is performing any other official duty;

(b) For firefighters, law enforcement officers, emergency medical technicians, aviation medical crew members, and paramedics, the death shall be caused by accident or as a result of a willful act of violence committed by a person other than the officer, firefighter, emergency medical technician, aviation medical crew member, or paramedic, and a relationship exists between the commission of such act and the individual's performance of his or her duties as a law enforcement officer, firefighter, emergency medical technician, aviation medical crew member, or paramedic, regardless of whether the injury is received while the individual is on duty; the injury is received by a law enforcement officer while he or she is attempting to prevent the commission of a criminal act of another person or attempting to apprehend an individual suspected of committing a crime, regardless of whether the

injury is received while the individual is on duty as a law enforcement officer; or the injury is received by the individual while traveling to or from his or her employment or during any meal break, or other break, which takes place during the period in which the law enforcement officer, firefighter, emergency medical technician, aviation medical crew member, or paramedic is on duty;

(6) “Law enforcement officer” or “officer”, any person employed by the state or a local governmental entity as a policeman, peace officer, auxiliary policeman or in some like position involving the enforcement of the law and protection of the public interest at the risk of that person's life;

(7) “Local governmental entity”, includes counties, municipalities, fire protection districts, and municipal corporations;

(8) “Paramedic”, an emergency medical technician paramedic certified by the department of health and senior services of the state;

(9) “State”, the state of Missouri and its departments, divisions, boards, bureaus, commissions, authorities, and colleges and universities;

(10) “Volunteer firefighter”, a person having principal employment other than as a firefighter, but who is carried on the rolls of a regularly constituted fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims, the members of which are under the jurisdiction of the corporate authorities of a city, village, incorporated town, or fire protection district. Volunteer firefighter shall not mean an individual who volunteers assistance without being regularly enrolled as a firefighter.

3. (1) A claim for compensation under this section shall be filed with the division of

workers' compensation not later than one year from the date of death of a law enforcement officer, emergency medical technician, paramedic, aviation medical crew member, firefighter, juvenile justice employee, or department of corrections employee killed in the line of duty. A claim may be filed by a person who, at the time of injury, is a dependent or spouse of the deceased, or if such person is an incapacitated or disabled person, or a minor, by the person's parent, conservator, or guardian on behalf of the eligible claimant. If a claim is made within one year of the date of death of a law enforcement officer, emergency medical technician, paramedic, aviation medical crew member, firefighter, juvenile justice employee, or department of corrections employee killed in the line of duty, compensation shall be paid if the claim is found to be compensable under sections 287.243 and 287.245, by the division of workers' compensation from the line of duty compensation fund established in section 287.245 to the claimant.

(2) The amount of compensation paid to the spouse or dependent shall be one hundred thousand dollars, subject to appropriations, paid from the line of duty compensation fund established in section 287.245 for death occurring on or after January 1, 2009.

4. A burial benefit of up to a maximum of ten thousand dollars, subject to appropriations paid from the line of duty compensation fund established under section 287.245, shall be payable to the surviving spouse, dependent, or estate of a law enforcement officer, firefighter, emergency medical technician, paramedic, aviation medical crew member, juvenile justice employee, or department of corrections employee, who is killed in the line of duty on or after the effective date of this section.

5. Notwithstanding subsection 3 of this section, no compensation is payable under this section unless a claim is filed within the time

specified under this section setting forth:

(1) The name, address, and title or designation of the position in which the officer, emergency medical technician, paramedic, aviation medical crew member, firefighter, juvenile justice employee, or department of corrections employee was serving at the time of his or her death;

(2) The names and addresses of the dependents or spouse making a claim to receive the compensation;

(3) A full, factual account of the circumstances resulting in or the course of events causing the death at issue; and

(4) Such other information that is reasonably required by the division.

When a claim is filed, the division of workers' compensation shall make an investigation for substantiation of matters set forth in the application.

6. The compensation provided for under this section is in addition to, and not exclusive of, any pension rights, death benefits, or other compensation the claimant may otherwise be entitled to by law.

7. Any person seeking compensation under the provisions of sections 287.243 and 287.245, who is aggrieved by the decision of the division of workers' compensation regarding his or her compensation claim, may make application for a hearing as provided in section 287.450. The procedures applicable to the processing of such hearings and determinations shall be those established by this chapter. Decisions of the administrative law judge under this section shall be binding, subject to review by either party under the provisions of section 287.480.

8. Under section 23.253, RSMo, of the Missouri Sunset Act:

(1) The provisions of the new program authorized under this section shall

automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

287.245. 1. There is hereby established in the state treasury, the "Line of Duty Compensation Fund". Funds transferred to the line of duty compensation fund shall be made from general revenue and appropriated solely for the purpose set out in section 287.243. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

2. The division of workers' compensation shall annually submit to the governor and members of the general assembly by February first of each year, a report containing a full and complete account of compensation payments made from the line of duty compensation fund.

3. All compensation paid under sections 287.243 and 287.245 and all appropriations for administration of sections 287.243 and 287.245 shall be made from the line of duty compensation fund. Any unexpended balance remaining in the line of duty compensation fund at the end of each year, apart from any balance remaining in the subaccount retained in subsection 4 of this section shall,

notwithstanding the provisions of section 33.080, RSMo, be transferred to the general revenue fund. In the event that there are insufficient funds in the line of duty compensation fund to pay all claims in full, all claims shall be paid on a pro rata basis. If there are no funds in the line of duty compensation fund, then no claim shall be paid until funds have again accumulated in the line of duty compensation fund. When sufficient funds become available from the fund, compensation which has not been paid shall be paid in chronological order with the oldest paid first. In the event compensation was to be paid in installments and some remaining installments have not been paid due to a lack of funds, then when funds do become available, that compensation shall be paid in full. All such compensation on which installments remain due shall be paid in full in chronological order before any other postdated compensation shall be paid. Any compensation pursuant to this subsection is specifically not a claim against the state if it cannot be paid due to a lack of funds in the line of duty compensation fund.

4. Any gifts, contributions, grants, or federal funds specifically given to the division of workers' compensation for the benefit of claimants under sections 287.243 and 287.245 shall be credited to and retained in a subaccount of the line of duty compensation fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any unexpended balance remaining in this subaccount at the end of the biennium shall not revert to the general revenue fund.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 33

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Section 488.5025, Page 68, Line 18 by inserting immediately after said line

the following:

“516.190. 1. Whenever a cause of action has been fully barred by the laws of the state, territory or country in which it originated, said bar shall be a complete defense to any action thereon, brought in any of the courts of this state.

2. Notwithstanding any other provision of law, whenever a judgment has been fully barred by the laws of the state, territory or county in which it originated, said bar shall be a complete defense to any action to enforce or revive a judgment registered thereon in this state pursuant to section 577.760, RSMo or any other applicable law, or to any action to enforce to revive any judgment obtained pursuant to an action to enforce that original judgment, and no execution, order, or process shall issue thereon, nor shall any suit be brought, had or maintained thereon for any purposes whatsoever. Said bar shall be a complete defense to the enforcement of any lien resulting from any such judgment and shall cause said lien to expire and not be subject to revival.

3. The provisions of subsection 2 shall not apply to any judgment, order or decree awarding child support or maintenance which mandates the making of payments over a period of time.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Senator Shields requested unanimous consent of the Senate to suspend the rules for the purpose of allowing the conferees on **HCS** for **SS** for **SCS** for **SB 577**, as amended, to meet while the Senate is in session, which request was denied.

REFERRALS

President Pro Tem Gibbons referred **HCS** for **HB 364** to the Committee on Governmental

Accountability and Fiscal Oversight.

On motion of Senator Shields, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Nodler.

RESOLUTIONS

Senator Graham offered Senate Resolution No. 1366, regarding Tim Baldwin, which was adopted.

Senator Vogel offered Senate Resolution No. 1367, regarding Daniel Joseph A. Young, Jefferson City, which was adopted.

Senator Graham offered Senate Resolution No. 1368, regarding Dr. Deb Corkery, Columbia, which was adopted.

Senator Kennedy offered Senate Resolution No. 1369, regarding Timothy L. Ryan, Oakville, which was adopted.

Senator Smith offered Senate Resolution No. 1370, regarding Ann Collins, St. Louis, which was adopted.

Senator Barnitz offered Senate Resolution No. 1371, regarding Greg Dunmore Jr., Waynesville, which was adopted.

Senator Barnitz offered Senate Resolution No. 1372, regarding Jordan Cera, Waynesville, which was adopted.

PRIVILEGED MOTIONS

Senator Engler moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 159**, and grant the House a conference thereon and further that the conferees are allowed to exceed the differences so as to exclude second, third and fourth class counties from the entire bill and that the conferees be bound thereto, which motion prevailed.

Senator Scott moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HCS** for **HB 780**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Griesheimer moved that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SB 22**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon.

Senator Shields announced that photographers from KTVI-TV were given permission to take pictures in the Senate Chamber today.

Senator Engler assumed the Chair.

At the request of Senator Griesheimer, the above motion was withdrawn.

CONFERENCE COMMITTEE REPORTS

Senator Nodler, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 30**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 30

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 30, with House Amendment Nos. 1, 2, 3, 4, 5, 6, House Amendment No. 1 to House Amendment No. 7, House Amendment No. 7, as amended, House Amendment No. 8, House Substitute Amendment No. 1 for House Amendment No. 1 to House Amendment No. 9, House Amendment No. 9, as amended, House Amendment Nos. 10, 11, 12, 13, 14, 15, House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 16, House Substitute Amendment No. 1 for House Amendment No. 16, House Amendment No. 16, as amended, and House Amendment No. 17, begs leave to report that we, after free and fair discussion of the differences,

have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 30, as amended;

2. That the Senate recede from its position on Senate Bill No. 30;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 30, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Gary Nodler /s/ Bryan P. Stevenson

/s/ Robert Mayer /s/ Mike Sutherland

/s/ John E. Griesheimer /s/ Shannon Cooper

/s/ Ryan McKenna /s/ Rachel L. Bringer

/s/ Wes Shoemyer /s/ Clint Zweifel

Senator Rupp assumed the Chair.

Senator Nodler moved that the above conference committee report be adopted.

At the request of Senator Nodler, the above motion was withdrawn.

PRIVILEGED MOTIONS

Senator Griesheimer moved that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SB 22**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 159**: Senators Engler, Lager, Griesheimer,

Green and Callahan.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 780**, as amended: Senators Scott, Nodler, Engler, Green and Kennedy.

HOUSE BILLS ON THIRD READING

Senator Engler moved that **HJR 7**, with **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HJR 7** was again taken up.

At the request of Senator Engler, **HJR 7**, with **SCS** (pending), was placed on the Informal Calendar.

CONFERENCE COMMITTEE REPORTS

Senator Nodler moved that the conference committee report on **HCS** for **SB 30**, as amended, be again taken up for adoption, which motion prevailed.

Senator Nodler moved that the conference committee report on **HCS** for **SB 30**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Green
Griesheimer	Gross	Kennedy	Koster
Lager	Loudon	Mayer	McKenna
Nodler	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—30		

NAYS—Senators

Bray	Justus	Purgason—3
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Absent—Senators—None

Absent with leave—Senator Graham—1

Vacancies—None

On motion of Senator Nodler, **CCS** for **HCS** for **SB 30**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 30

An Act to repeal sections 67.1360, 71.011, 71.012, 135.030, 144.030, 144.083, 144.518, 208.750, 238.410, 320.093, and 390.030, RSMo, and to enact in lieu thereof twenty-two new sections relating to taxation.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Green
Griesheimer	Gross	Kennedy	Koster
Lager	Mayer	McKenna	Nodler
Ridgeway	Rupp	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—28

NAYS—Senators

Bray	Justus	Loudon	Purgason
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Scott—5

Absent—Senators—None

Absent with leave—Senator Graham—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Gibbons moved that the Senate refuse

to concur in **HCS** for **SS** for **SCS** for **SB 429**, as amended and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HCS** for **HBs 952** and **674**, with **SCS** and **HCS** for **HB 338**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

PRIVILEGED MOTIONS

Senator Crowell moved that the Senate refuse to adopt the conference committee report on **HCS** for **SCS** for **SB 308**, as amended, and request the House to grant the Senate a further conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HBs 619** and **118**, with **SCS**, was placed on the Informal Calendar.

HB 215, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 457**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 227** was placed on the Informal Calendar.

HCS for **HB 338**, with **SCS**, was placed on the Informal Calendar.

HB 647 was placed on the Informal Calendar.

HB 70 was placed on the Informal Calendar.

HB 213, with **SCS**, was placed on the Informal Calendar.

HCS for **HBs 952** and **674**, with **SCS**,

entitled:

An Act to repeal sections 198.073, 198.076, 198.079, and 198.086, RSMo, and to enact in lieu thereof nine new sections relating to fire protection in long-term care facilities.

Was taken up by Senator Goodman.

SCS for HCS for HBs 952 and 674, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE
FOR HOUSE BILLS NOS. 952 & 674**

An Act to repeal sections 198.073 and 198.086, RSMo, and to enact in lieu thereof five new sections relating to protection of vulnerable persons in long-term care facilities, with a termination date for a certain section.

Was taken up.

Senator Goodman moved that **SCS for HCS for HBs 952 and 674** be adopted.

Senator Goodman offered **SS for SCS for HCS for HBs 952 and 674**, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 952 & 674**

An Act to repeal sections 198.073, 198.076, 198.079, 198.086, and 320.202, RSMo, and to enact in lieu thereof eight new sections relating to protection of vulnerable persons in long-term care facilities, with a termination date for a certain section.

Senator Goodman moved that **SS for SCS for HCS for HBs 952 and 674** be adopted.

Senator Stouffer offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 952 and 674, Page 14, Section 198.076, Lines 17-19, by deleting all of

said line;

and further amend said bill, section 198.079, page 15, lines 24-26 of said page, by deleting all of said line.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 952 and 674, Page 9, Section 198.074, Line 14 of said page, by inserting immediately following the word “facilities” on said line “with more than thirty residents”.

Senator Stouffer moved that the above amendment be adopted.

Senator Green offered **SA 1 to SA 2**, which was read:

**SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 2**

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 952 and 674, Page 1, Section 198.074, Line 3, by striking “thirty” and inserting in lieu thereof “**twenty**”.

Senator Green moved that the above amendment be adopted, which motion prevailed.

SA 2, as amended, was again taken up.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 952 and 674, Page 21, Section 1, Line 9, by inserting

immediately after the opening quotation mark ““” the following: “**Electrician/Sprinkler and**”; and further amend line 19, by inserting immediately after “as” the following: “**electrician/sprinkler and**”; and further amend line 23, by inserting immediately after the word “for” the following: “**electrician/sprinkler and**”.

Senator Green moved that the above amendment be adopted.

Senator Lager offered **SSA 1** for **SA 3**, which was read:

**SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 3**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 952 and 674, Pages 21-22, Section 1, by striking said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above substitute amendment be adopted, which motion prevailed.

Senator Green offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 952 and 674, Page 9, Section 198.074, Line 26, by striking the second comma on said line and inserting in lieu thereof a period; and further amend Lines 27-28 by striking all of said lines from the bill; and further amend said bill and section, page 10, lines 1-6 by striking all of said lines from the bill; and

Further renumber the remaining subsections accordingly.

Senator Green moved that the above amendment be adopted, which motion failed.

Senator Bray offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate

Committee Substitute for House Committee Substitute for House Bills Nos. 952 and 674, Page 10, Section 198.074, Lines 7-28, by deleting said lines;

And further amend same section, page 11, line 1-8; and renumber subsequent subsections of said section accordingly.

And further amend page 12, section 198.075, line 21, by deleting said section in its entirety;

And further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Gibbons offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 952 and 674, Page 11, Section 198.074, Line 8, by adding at the end of said line the following:

“(4) No payments or interest shall be due until the average total reimbursement rate for the care of persons eligible for Medicaid public assistance is equal to or greater than forty-eight dollars.”

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

Senator Goodman moved that **SS** for **SCS** for **HCS** for **HBs 952** and **674**, as amended, be adopted, which motion prevailed.

On motion of Senator Goodman, **SS** for **SCS** for **HCS** for **HBs 952** and **674**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager

Loudon	Mayer	McKenna	Nodler
Purgason	Rupp	Scott	Shields
Shoemyer	Stouffer	Vogel	Wilson—32

committee from the House on **HCS** for **SCS** for **SB 64**, as amended: Senators Goodman, Shields, Mayer, Smith and Wilson.

NAYS—Senator Smith—1

Absent—Senator Ridgeway—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has granted the Senate further conference on **HCS** for **SCS** for **SB 64**, as amended.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons reappointed the following conference committee to act with a like

INTRODUCTIONS OF GUESTS

Senator Griesheimer introduced to the Senate, Samuel Rusee, Ross Bohle, Jamielee Buenemann and Meranda Hoemann, Washington; and Samuel, Ross, Jamielee and Meranda were made honorary pages.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Jeffrey L. Craver, M.D., St. Louis.

Senator Scott introduced to the Senate, Nick Self and Harper and Eli Schroder, Benton County; and Nick, Harper and Eli were made honorary pages.

Senator Scott introduced to the Senate, Kristen and Chase Lackey, Cedar County; and Kristen and Chase were made honorary pages.

Senator Goodman introduced to the Senate, Jonathan Ratliff, Blue Eye.

Senator Shields introduced to the Senate, fourth grade students from English Landing Elementary School, Kansas City; and Jacob Barnes, Chaynelle Smith, Erica Timmerman and Katrina Kaltefleiter were made honorary pages.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SEVENTY-SECOND DAY—WEDNESDAY, MAY 16, 2007

FORMAL CALENDAR

SENATE BILLS FOR PERFECTION

1. SB 571-Mayer, with SCS

2. SB 652-Coleman and Gibbons, with SCS

- | | |
|--|------------------------------------|
| 3. SB 699-Lager, with SCS | 9. SJR 15-Green |
| 4. SB 11-Coleman, with SCS | 10. SB 629-Smith, with SCS |
| 5. SB 536-Lager, with SCS | 11. SB 122-Bray and Days, with SCS |
| 6. SB 552-Bartle | 12. SB 491-Ridgeway |
| 7. SB 484-Stouffer, with SCS | |
| 8. SBs 348, 626 & 461-Koster, et al,
with SCS | |

HOUSE BILLS ON THIRD READING

HCS for HB 364 (Purgason)
(In Fiscal Oversight)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SB 303-Loudon
SS#4 for SCS for SB 430-Shields

SS for SB 570-Clemens

SENATE BILLS FOR PERFECTION

- | | |
|--|---|
| SB 2-Gibbons, with SCS | SB 252-Ridgeway and McKenna |
| SB 17-Shields, with SCS | SB 254-Nodler, et al, with SCS |
| SB 20-Griesheimer, with SCS | SBs 260 & 71-Koster, et al, with SCS |
| SB 27-Bartle and Koster | SB 274-Shields |
| SB 53-Koster and Engler, with SCS | SB 282-Griesheimer, with SCS & SS for
SCS (pending) |
| SB 101-Mayer | SB 287-Crowell and Vogel, with SS (pending) |
| SB 131-Rupp | SB 292-Mayer |
| SB 153-Engler, et al, with SCS | SB 297-Loudon, with SCS |
| SB 155-Engler, with SCS & SS for SCS
(pending) | SB 300-Bartle |
| SB 160-Rupp, with SCS | SB 341-Goodman, with SCS |
| SB 168-Mayer and Crowell, with SCS, SS
for SCS & SA 1 (pending) | SB 363-Bartle |
| SB 169-Rupp, with SCS, SS for SCS & SA 3
(pending) | SB 364-Koster, with SCS, SS for SCS,
SA 1 & SSA 1 for SA 1 (pending) |
| SB 205-Stouffer and Gibbons, with SCS | SBs 370, 375 & 432-Scott and Koster,
with SCS & SA 5 (pending) |
| SB 212-Goodman | SBs 372 & 366-Justus and Koster, with SCS |
| SB 213-McKenna | SB 385-Gibbons, with SCS |
| SB 242-Nodler, with SCS | SB 388-Mayer, with SCS |
| SB 250-Ridgeway and Vogel | SB 400-Crowell, et al |

SB 444-Goodman	SBs 555 & 38-Gibbons, with SCS
SB 453-Scott, with SCS	SB 563-Lager, with SCS & SS for SCS
SB 458-Gibbons	(pending)
SB 476-Crowell	SB 572-Vogel
SB 480-Ridgeway, et al, with SCS	SB 586-Crowell, with SCS
SB 492-Crowell	SB 592-Scott, with SCS
SB 499-Engler and Clemens, with SCS	SB 599-Engler, with SCS
SB 511-Scott, with SCS	SB 627-Ridgeway
SB 521-Lager, et al, with SCS	SB 635-Loudon, with SCS
SB 523-Scott, with SCS	SB 644-Griesheimer
SB 531-Gibbons, with SCS	SBs 660, 553, 557, 167, 258, 114 &
SB 534-Nodler	378-Mayer, with SCS
SB 537-Lager	SB 698-Ridgeway, et al, with SCS
SB 542-Scott, with SCS	

HOUSE BILLS ON THIRD READING

HCS for HB 39, with SCS (Koster)	HB 454-Jetton, et al (Mayer)
HB 42-Portwood, with SCS (Koster)	HCS for HB 457, with SCS (Griesheimer)
HB 46-Viebrock and Stevenson (Stouffer)	HB 462-Munzlinger, et al (Purgason)
HB 69-Day, with SCS (Barnitz)	HCS for HB 469, with SCS (Crowell)
HB 70-Day, et al (Rupp)	HB 482-Walton, et al (Goodman)
HCS for HB 74 (Scott)	HB 489-Baker (123), et al, with SCS (Shields)
HCS for HB 98 (Scott)	HB 526-Pratt (Loudon)
HB 125-Franz, with SCS (Shoemyer)	HB 527-Cooper (120) (Scott)
HCS for HB 135, with SCS (Koster)	HCS for HB 551, with SCS & SS for SCS
HB 155-Dusenberg, et al (Ridgeway)	(pending) (Koster)
HCS for HB 165, with SCS (Griesheimer)	HCS for HB 583, with SCS (Gibbons)
HCS for HB 184 (Rupp)	HB 596-St. Onge, with SCS (Stouffer)
HB 213-Cunningham (86), et al, with SCS	HCS for HBs 619 & 118, with SCS
(Rupp)	(Griesheimer)
HB 215-Stevenson, et al, with SCS (Goodman)	HCS for HB 620, with SCS (Ridgeway)
HCS for HB 227 (Mayer)	HB 647-Young, et al (Clemens)
HCS for HB 245 (Stouffer)	HCS for HBs 654 & 938 (Crowell)
SS for HB 265-Cunningham (86) (Rupp)	HB 686-Smith (150) and Tilley (Stouffer)
HB 267-Jones (117) and Cunningham (86),	HCS for HB 741 (Koster)
with SA 5 (pending) (Rupp)	HCS for HB 774 (Crowell)
HB 269-Nolte, et al (Ridgeway)	HB 801-Kraus, et al, with SCS (Engler)
HCS for HB 329, with SCS (Scott)	HCS for HB 820, with SA 2 & SSA 1 for
HCS for HB 338, with SCS (Engler)	SA 2 (pending) (Engler)
HCS for HB 346 (Clemens)	HCS for HB 827, with SCS (Justus)
HCS for HB 431, with SCS (Goodman)	HCS for HB 845 (Crowell)

HB 875-Franz, with SCS (Crowell)
 HCS for HB 894, with SCS & SS for SCS
 (pending) (Days)
 HCS for HB 914 (Scott), with SS & SA 5
 (pending)

HB 1014-Wright, et al, with SCS (Mayer)
 HCS for HB 1055, with SCA 1 (Scott)
 HCS for HJR 1, with SCS (Rupp)
 HJR 7-Nieves, et al, with SCS (pending) (Engler)
 HJR 19-Bearden, et al (Ridgeway)

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Reported 2/15

SB 8-Kennedy

Reported 3/8

SB 185-Green

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 384-Coleman and Gibbons, with
 HCS, as amended

SB 666-Scott, with HCS, as amended

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SB 25-Champion, with HCS, as amended
 (Senate adopted CCR and passed CCS)
 SB 30-Nodler and Ridgeway, with HCS, as
 amended
 (Senate adopted CCR and passed CCS)
 SCS for SBs 62 & 41-Goodman and Koster,
 with HCS, as amended
 (Senate adopted CCR and passed CCS)

SCS for SB 64-Goodman and Koster, with
 HCS, as amended
 (Further conference granted)
 SB 81-Griesheimer, with HCS, as amended
 (Senate adopted CCR and passed CCS)
 SCS for SB 82-Griesheimer, with HCS, as
 amended
 (Senate adopted CCR and passed CCS)

SB 84-Champion, with HCS, as amended
(Senate adopted CCR and passed CCS)
SCS for SB 86-Champion, with HCS, as
amended
SCS for SB 156-Engler, with HCS,
as amended
SCS for SB 308-Crowell, et al, with HCS,
as amended
(Senate requests House grant
further conference)
SB 406-Crowell, with HCS#2, as amended
(Senate adopted CCR#2 and passed CCS#2)
SB 416-Goodman, with HCS
(Senate adopted CCR and passed CCS)

SS for SCS for SB 577-Shields, with HCS,
as amended
HCS for HB 159, with SCS (Engler)
HB 255-Bruns, with SS for SCS, as
amended (Vogel)
HB 488-Wasson, with SA 1 (Stouffer)
(House adopted CCR and passed CCS)
HB 574-St. Onge, with SA 1 & SA 3
(Stouffer)
HB 665-Ervin, et al, with SS, as amended
(Ridgeway)
HCS for HB 780, with SS for SCS, as
amended (Scott)

Requests to Recede or Grant Conference

SS for SCS for SB 22-Griesheimer, with
HCS, as amended
(Senate requests House recede or
grant conference)

SS for SCS for SB 429-Gibbons, with HCS,
as amended
(Senate requests House recede or
grant conference)

RESOLUTIONS

Reported from Committee

HCR 15-Threlkeld, et al, with SCS
(Shields)
SCR 10-Koster and Shields
HCR 25-Yates, et al (Bartle)
HCR 30-Pratt, et al (Koster)
HCR 11-Ervin and Flook (Ridgeway)

HCR 8-Loehner, et al (Barnitz)
SCR 9-Crowell
SCR 20-Crowell
HCR 24-Wilson (130), et al (Mayer)
HCR 16-Deeken (Gibbons)
HCR 17-Fisher, et al

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Journal of the Senate

FIRST REGULAR SESSION

SEVENTY-SECOND DAY—WEDNESDAY, MAY 16, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The spirit of the Lord God is upon me, because the Lord has anointed me;...” (Isaiah 61:1)

O Lord, we are at the mid point of our final week and know that You will give us Your aid to strengthen us and cause us to stand for that which is upright and proper and what is needed to be said and done. So help us do our jobs knowing that our joy comes from serving You and knowing we have done our very best, upheld by Your righteous and omnipotent hand. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross

Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Lager offered Senate Resolution No. 1373, regarding Bette Williams, Oregon, which was adopted.

Senator Rupp offered Senate Resolution No. 1374, regarding Lauren Benney, Saint Peters, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS for SB 66**.

With House Amendment Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 66, Page 1, Line 6 of the title, by inserting after the word, “investments” the following words, “and examinations”; and

Further amend said bill, Page 58, Section 381.068, by removing all of said section from the bill and inserting in lieu thereof the following:

“381.011. 1. Sections 381.011 to 381.412 shall be known and may be cited as the “Missouri Title Insurance Act”.

2. The purpose of sections 381.011 to 381.405 is to provide the state of Missouri with a comprehensive body of law for the effective regulation and supervision of title insurance business transacted within this state in response to the McCarran-Ferguson Act, Sections 1011-1015, Title 15, United States Code.

3. Except as otherwise expressly provided in this chapter and except where the context otherwise requires, all provisions of the laws of this state relating to insurance and insurance companies generally shall apply to title insurance, title insurers, and title agents.

381.015. 1. As used in sections 381.011 to 381.412, the term “title insurance commitment” or “commitment” means a preliminary report, commitment, or binder issued prior to the issuance of a title insurance policy containing the terms, conditions, exceptions, and other matters incorporated by reference under which the title insurer is willing to issue its title insurance policy. A title insurance commitment is not an abstract of title.

2. A title insurer, title agency, or title agent issuing a lender's title insurance policy in conjunction with a mortgage loan made simultaneously with the purchase of all or part of the real estate securing the loan, where no owner's title insurance policy has been

requested, shall give written notice, on a form prescribed or approved by the director, to the purchaser-mortgagor at the time the commitment is prepared. The notice shall explain that a lender's title insurance policy is to be issued protecting the mortgage-lender, and that the policy does not provide title insurance protection to the purchaser-mortgagor as the owner of the property being purchased. The notice shall explain that the purchaser-mortgagor may obtain an owner's title insurance policy protecting the property owner, within sixty days of closing and at a specified cost or approximate cost, if the proposed coverages are or amount of insurance is not then known. A copy of the notice, signed by the purchaser-mortgagor, shall be retained in the relevant underwriting file at least fifteen years after the effective date of the policy.

3. A violation of any provision under this section is a level one violation under section 374.049, RSMo.

381.018. 1. The title insurer shall not allow the issuance of its commitments or policies by a title agency or title agent not affiliated with a title agency unless there is in force a written contract between the parties.

2. The title insurer shall maintain an inventory of all policy numbers allocated to each title agency or title agent not affiliated with a title agency.

3. The title insurer shall have on file proof that the title agency or title agent is licensed by this state at the time a written contract is entered into or before it becomes effective.

4. The title insurer shall establish the underwriting guidelines and, where applicable, limitations on title claims settlement authority to be incorporated into contracts with its title agencies and title agents not affiliated with a title agency.

5. If a title insurer terminates its contract

with a title agency licensed under this chapter, the insurer shall, within seven days of the termination, notify the director of the reasons for termination, including any information that is required to be reported under subsection 5 of section 375.022, RSMo.

6. A violation of any provision under this section is a level two violation under section 374.049, RSMo.

381.019. 1. A title insurer, title agency or title agent participating in a settlement or closing of a residential real estate transaction shall provide clear, conspicuous, and distinct disclosure of premiums and charges. The director shall adopt rules not in conflict with provisions of the federal Real Estate Settlement Procedures Act, as amended, under section 381.042 to implement disclosure of the following:

- (1) Premium;
- (2) Abstract or title search and examination fee and any other associated charges or fees; and
- (3) Settlement, escrow, or closing fees.

2. A violation of any provision under this section is a level two violation under section 374.049, RSMo.

381.022. 1. As used in sections 381.011 to 381.412, the following terms mean:

(1) “Escrow”, written instruments, money or other items deposited by one party with a depository, escrow agent, or escrowee for delivery to another party upon the performance of a specified condition or the happening of a certain event;

(2) “Qualified depository institution”, an institution that is:

(a) Organized or, in the case of a United States branch or agency office of a foreign banking organization, licensed under the laws

of the United States or any state and has been granted authority to operate with fiduciary powers;

(b) Regulated, supervised, and examined by federal or state authorities having regulatory authority over banks and trust companies;

(c) Insured by the appropriate federal entity; and

(d) Qualified under any additional rules established by the director;

(3) “Security” or “security deposit”, funds or other property received by the title insurer as collateral to secure an indemnitor's obligation under an indemnity agreement under which the insurer is granted a perfected security interest in the collateral in exchange for agreeing to provide coverage in a title insurance policy for a specific title exception to coverage.

2. A title insurer, title agency, or title agent not affiliated with a title agency may operate as an escrow, security, settlement, or closing agent, provided that all funds deposited with the title insurer, title agency, or title agent not affiliated with a title agency, pursuant to written instructions in connection with any escrow, settlement, closing, or security deposit shall be submitted for collection to or deposited in a separate fiduciary trust account or accounts in a qualified depository institution no later than the close of the second business day after receipt, in accordance with the following requirements:

(1) The funds regulated under this section shall be the property of the person or persons entitled to them under the provisions of the escrow, settlement, security deposit, or closing agreement and shall be segregated for each depository by escrow, settlement, security deposit, or closing in the records of the title insurer, title agency, or title agent not affiliated with a title agency, in a manner that permits the funds to be identified on an individual basis and

in accordance with the terms of the individual written instructions or agreements under which the funds were accepted; and

(2) The funds shall be applied only in accordance with the terms of the individual written instructions or agreements under which the funds were accepted.

3. It is unlawful for any person to:

(1) Commingle personal or any other moneys with escrow funds regulated under this section;

(2) Use such escrow funds to pay or indemnify against debts of the title insurance agent or of any other person;

(3) Use such escrow funds for any purpose other than to fulfill the terms of the individual written escrow instructions after the necessary conditions of the written escrow instructions have been met;

(4) Disburse any funds held in an escrow account unless the disbursement is made under a written instruction or agreement specifying under what conditions and to whom such funds may be disbursed or under an order of a court of competent jurisdiction; or

(5) Disburse any funds held in a security deposit account unless the disbursement is made under a written agreement specifying:

(a) What actions the indemnitor shall take to satisfy his or her obligation under the agreement;

(b) The duties of the title insurer, title agency, or title agent not affiliated with a title agency with respect to disposition of the funds held, including a requirement to maintain evidence of the disposition of the title exception before any balance may be paid over to the depositing party or his or her designee; and

(c) Any other provisions the director may require by rule or order.

4. Notwithstanding the provisions of subsection 3 of this section, any bank credits, bank services, interest, or similar consideration received on funds deposited in connection with any escrow, settlement, security deposit, or closing may be retained by the title insurer, title agency, or title agent not affiliated with a title agency as compensation for administration of the escrow or security deposit, unless the specific written instructions for the funds or a governing statute provides otherwise.

5. Notwithstanding the provisions of subsection 2 of this section, a title insurer, title agency, or title agent is not authorized to provide such services as an escrow, security, settlement, or closing agent in a residential real estate transaction unless as part of the same transaction the title insurer, title agency, or title agent issues a commitment, binder, or title insurance policy and closing protection letters have been issued protecting the buyer's and the seller's interests, or the title agency or agent has given written notice to the affected person in a title insurance commitment or on a form approved by rule promulgated by the director that the person's interest in the closing or settlement is not protected by the title insurer, title agency, or title agent.

6. It is unlawful for any title agency or agent to engage in the handling of an escrow, settlement or closing, of a residential real estate transaction unless the escrow handling, settlement or closing is conducted or performed in contemplation of and in conjunction with the issuance of a title insurance policy or a closing protection letter, or prior to the receipt of any funds, the title agency or agent clearly discloses to the seller, buyer or lender involved in such escrow, settlement or closing, that no title insurer is providing any protection for closing or settlement funds received by the title agency or agent.

7. A violation of any provision under this

section is a level three violation under section 374.049, RSMo.

381.023. 1. A title insurer shall, at least annually, conduct an onsite review of the underwriting, claims, and escrow practices of the title agency or agent with which it has a contract. If the title agency or agent does not maintain separate fiduciary trust accounts for each title insurer it represents, the title insurer shall verify that the funds held on its behalf are reasonably ascertainable from the books of account and records of the title agency or agent.

2. Each title insurer authorized to do business in Missouri shall adopt and utilize the following standards and procedures for the onsite review of title agencies and agents. Onsite review documentation, work papers, summaries, and reports shall be maintained by each title insurer for a period of at least four years and shall be made available to the director for examination upon request. A report shall be prepared by the title insurer at the completion of the onsite review setting forth the title insurer's findings. Onsite review findings shall include, but not be limited to, the following:

(1) A review of contracts between the title insurer and the title agency or agent;

(2) A confirmation that the title agency or agent has prepared an annual statement of financial condition of the title agency or agent, certified by the title insurance agent or designated agent of the title agency under oath or by affirmation as being a true and accurate representation of financial condition;

(3) A review of policies and practices related to conflicts of interest affiliated business arrangements, and regulatory compliance;

(4) Reconciliation of orders with commitments, title searches, title policies, and collection of premiums;

(5) A review of the agent's procedures for

tracking issued commitments;

(6) A review of the practices to cancel commitments on transactions that do not close;

(7) A review of the procedures for follow-up after closing to track status of outstanding conditions required for timely issuance of policies;

(8) A review of the procedures for voiding policies;

(9) A review of the tracking of open escrow, security, settlement or closing files;

(10) A review of issued policy reports to the title insurer by the title agency or agent;

(11) A review of any files awaiting policy issuance that includes a determination of the average length of time between closing and the issuance of the title policy; and

(12) A review of a three-way reconciliation of bank balance, book balance and escrow trial balance for each individual escrow bank account.

3. If the title agency or agent is an agency or agent for two or more title insurers, the title insurers may cooperate in complying with the requirements of this section and shall be exempt from liability for sharing findings with other title insurers represented by the agency or agent.

4. The title insurer shall provide a copy of the report of each such review it performs to the director. The director shall promulgate rules setting forth the minimum threshold level at which a review would be required, the standards thereof and the form of report required.

5. A violation of any provision under this section is a level two violation under section 374.049, RSMo.

381.024. 1. It is unlawful for any title agency or title agent not affiliated with an

agency to unreasonably deny access or fail to cooperate with its underwriters in the title insurers' reviews of the agency's or agent's escrow, settlement, closing and security deposit accounts.

2. It is unlawful for any title agency or title agent not affiliated with an agency, appointed by two or more title insurers, to deny any of the title insurers access to the fiduciary trust accounts in connection with providing escrow or closing settlement services, and any or all of the supporting account information in order to ascertain the safety and security of the funds held by the title agency or title agent.

3. A violation of any provision under this section is a level two violation under section 374.049, RSMo.

381.025. 1. As used in this section, the term "county" or "counties" includes any city not within a county.

2. Nothing in sections 381.011 to 381.412 shall be construed as prohibiting the division of premiums and charges between or among a title insurer and its title agent or agency, two or more title insurers, one or more title insurers and one or more title agents or agencies, or two or more title agents or agencies, provided such division of premiums and charges does not constitute a violation of the Real Estate Settlement Procedures Act, 12 U.S.C. Section 2601, et. seq., as amended.

3. A violation of any provision under section 381.141 is a level three violation under section 374.049, RSMo.

4. If the director fails to initiate a proceeding to enforce section 381.141 within forty-five days following receipt of written notice of such violation, any title insurer, title agency, or title agent doing business in the same county may maintain an action for injunctive relief against a title insurer, title agency, or title agent violating any provision of this section. In

any action under this subsection, the court may award to the successful party the court costs of the action together with reasonable attorney fees.

381.026. 1. The settlement agent shall present for recording all deeds and security instruments for real estate closings handled by it within five business days after completion of all conditions precedent thereto unless otherwise instructed by all of the parties to the transaction.

2. Nothing in this chapter shall be deemed to prohibit the recording of documents prior to the time funds are available for disbursement with respect to a transaction in which a title insurer, title agency, or title agent not affiliated with a title agency is the settlement agent, provided all parties to whom payment will become due upon such recording consent thereto in writing.

381.029. 1. As used in this section, the following terms mean:

(1) "Affiliate", a specific person that directly or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified;

(2) "Affiliated business", any portion of a title insurance agency's business written in this state that was referred to it by a producer of title insurance business or by an associate of the producer, where the producer or associate, or both, have a financial interest in the title agency;

(3) "Associate", any:

(a) Business organized for profit in which a producer of title business is a director, officer, partner, employee, or an owner of a financial interest;

(b) Employee of a producer of title business;

(c) Franchisor or franchisee of a producer of title business;

(d) Spouse, parent, or child of a producer of title insurance business who is a natural person;

(e) Person, other than a natural person, that controls, is controlled by, or is under common control with, a producer of title business;

(f) Person with whom a producer of title insurance business or any associate of the producer has an agreement, arrangement, or understanding, or pursues a course of conduct, the purpose or effect of which is to provide financial benefits to that producer or associate for the referral of business;

(4) “Control”, including the terms “controlling”, “controlled by”, and “under common control with”, the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position or corporate office held by the person. Control shall be presumed to exist if a person, directly or indirectly, owns, holds with the power to vote, or holds proxies representing ten percent or more of the voting securities of another person. This presumption may be rebutted by showing that control does not exist in fact. The director may determine, after furnishing all persons in interest notice and opportunity to be heard and making specific findings of fact to support the determination, that control exists in fact, notwithstanding the absence of a presumption to that effect;

(5) “Referral”, the directing or the exercising of any power or influence over the direction of title insurance business, whether or not the consent or approval of any other person

is sought or obtained with respect to the referral.

2. Whenever the business to be written constitutes affiliated business, prior to commencing the transaction, the title insurer, title agency, or title agent shall ensure that its customer has been provided with disclosure of the existence of the affiliated business arrangement and a written estimate of the charge or range of charges generally made for the title services provided by the title insurer, title agency, or agent.

3. The director shall establish rules for use by all title agencies in the recording and reporting of the agency's owners and of the agency's ownership interests in other persons or businesses and of material transactions between the parties.

4. The director shall require each title insurer, agency, and agent to file on forms prescribed by the director reports setting forth the names and addresses of those persons, if any, that have a financial interest in the insurer, agency, or agent and who the insurer, agency, or agent knows or has reason to believe are producers of title insurance business or associates of producers, except the duty to report shall not include shareholders of record of any publicly traded insurer.

5. Nothing in this chapter shall be construed as prohibiting affiliated business arrangements in the provision of title insurance business so long as:

(1) The title insurer, title agency, title agent, or party making a referral constituting affiliated business, at or prior to the time of the referral, discloses the arrangement and, in connection with the referral, provides the person being referred with a written estimate of the charge or range of charges likely to be assessed and otherwise complies with the disclosure obligations of this section;

(2) The person being referred is not required to use a specified title insurer, agency, or agent; and

(3) The only thing of value that is received by the title insurer, agency, agent, or party making the referral, other than payments otherwise permitted, is a return on an ownership interest. For purposes of this subsection, the terms “required use” and “return on an ownership interest” shall have the meaning accorded to them under the Real Estate Settlement Procedures Act (RESPA), as amended.

6. A violation of any provision under this section is a level two violation under section 374.049, RSMo.

381.038. 1. For the purposes of this section, the term “direct operations” means that portion of a title insurer's operations which are attributable to business written by a bona fide employee.

2. Records relating to escrow and security deposits shall be preserved and retained by a title insurer engaged in direct operations, title agency, and title agent for as long as appropriate to the circumstances but, in no event less than seven years after the escrow or security deposit account has been closed.

3. A title agent and a title agency shall remit premiums to the title insurer under the term of its agency contract, but in no event later than within sixty days of receiving an invoice from the title insurer. A title insurer, title agency, or title agent shall promptly issue each title insurance policy within forty-five days after compliance with the requirements of the commitment for insurance, unless special circumstances as defined by rule delay the issuance.

4. This section shall not apply to a title insurer acting as coinsurer if one of the other coinsurers has complied with this section, and

shall not apply to a reinsurer.

5. A violation of any provision under this section is a level two violation under section 374.049, RSMo.

381.042. 1. The director under the authority in section 374.045, RSMo, may issue rules, regulations, and orders necessary to carry out the provisions of this chapter.

2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 1, 2008, shall be invalid and void.

381.045. 1. If the director determines that a person has engaged, is engaging, or has taken a substantial step toward engaging in an act, practice, omission or course of business constituting a violation in this chapter or a rule adopted or order issued pursuant thereto, or a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation in this chapter or a rule adopted or order issued pursuant thereto, the director may issue such administrative orders as authorized under section 374.046, RSMo. The director may also suspend or revoke the license of a producer under section 375.141, RSMo, or the certificate of authority of any title insurer as authorized under section 374.047, RSMo, for any such willful violation.

2. If the director believes that a person has

engaged, is engaging, or has taken a substantial step toward engaging in an act, practice, omission or course of business constituting a violation in this chapter or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation in this chapter or a rule adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized under section 374.048, RSMo.

3. Nothing contained in this section shall affect the right of the director to impose any other penalties provided for in the laws relating to the business of insurance.

4. Nothing contained in this chapter is intended to or shall in any other manner limit or restrict the rights of policyholders, claimants, and creditors.

381.048. 1. The director may bring an action against any title insurer, title agency, title agent, or any director, officer, agent, employee, trustee, or affiliate of a title insurer, title agency, or title agent in a court of competent jurisdiction to enjoin violations of the Real Estate Settlement Procedures Act, 12 U.S.C. Section 2607, as amended.

2. A violation of any provision under the federal Real Estate Settlement Procedures Act, as amended, is a level two violation under section 374.049, RSMo.

381.052. No person other than a domestic, foreign, or non-United States title insurer organized on the stock plan and duly licensed by the director shall transact title insurance business as an insurer in this state.

381.055. Subject to the exceptions and restrictions contained in this chapter, a title insurer shall have the power to:

(1) Do only title insurance business; and

(2) Reinsure title insurance policies.

381.058. 1. No insurer that transacts any class, type, or kind of business other than title insurance shall be eligible for the issuance or renewal of a license to transact the business of title insurance in this state nor shall title insurance be transacted, underwritten, or issued by any insurer transacting or licensed to transact any other class, type, or kind of business.

2. A title insurer shall not engage in the business of guaranteeing payment of the principal or the interest of bonds or mortgages.

3. (1) Notwithstanding subsection 1 of this section or anything else to the contrary in sections 381.011 to 381.405, a title insurer is expressly authorized to issue closing or settlement protection letters (and to collect a fee for such issuance) in all transactions where its title insurance policies are issued and where its issuing agent or agency is performing settlement services and shall do so in favor of and upon request by the applicable buyer, lender, or seller in such transaction. Such closing or settlement protection letter form shall be filed with the director under section 381.085 and shall conform to the terms of coverage and form of instrument as required by rule of the director and shall indemnify a buyer, lender, or seller solely against losses not to exceed the amount of the settlement funds only because of the following acts of the title insurer's named issuing title agency or title agent:

(a) Acts of theft of settlement funds or fraud with regard to settlement funds; and

(b) Failure to comply with written closing instructions by the proposed insured when agreed to by the title agency or title agent relating to title insurance coverage.

(2) The rate for issuance of a closing or settlement protection letter in a residential real estate transaction indemnifying a lessee or

purchaser of an interest in land, a borrower, or a lender secured by a mortgage, including any other security instrument, of an interest in land shall be filed as a rate with the director.

(3) The rate for issuance of a closing or settlement protection letter in a residential real estate transaction indemnifying a seller of an interest in land shall be filed as a separate rate with the director.

(4) Such filed rate shall not be excessive or inadequate. The entire rate for the closing or settlement protection letter shall be retained by the title insurer.

(5) Except as provided under this section or section 381.403, a title insurer shall not provide any other coverage which purports to indemnify against improper acts or omissions of a person with regard to escrow, settlement, or closing services.

381.062. Any title insurer authorized to do an insurance business in this state, shall establish and maintain a minimum paid-in capital of not less than four hundred thousand dollars and, in addition, surplus of at least four hundred thousand dollars. Beginning January 1, 2013, any title insurer authorized to do an insurance business in this state, shall establish and maintain a minimum paid-in capital of not less than eight hundred thousand dollars and, in addition, surplus of at least eight hundred thousand dollars.

381.065. 1. The net retained liability of a title insurer for a single risk in regard to real property located in this state, or in regard to a title insurance policy issued in this state and insuring personal property, whether assumed directly or as reinsurance, shall not exceed the aggregate of fifty percent of surplus as regards policyholders plus the statutory premium reserve less the company's investment in title plants, all as shown in the most recent annual statement of the insurer on file with the

director.

2. For purposes of this chapter:

(1) A single risk shall be the insured amount of any title insurance policy, except that, where two or more title insurance policies are issued simultaneously covering different estates in the same property, a single risk shall be the sum of the insured amounts of all the title insurance policies; and

(2) A policy under which a claim payment reduces the amount of insurance under one or more other title insurance policies shall be included in computing the single risk sum only to the extent that its amount exceeds the aggregate amount of the policy or policies whose amount of insurance is reduced.

3. A title insurer may obtain reinsurance for all or any part of its liability under its title insurance policies or reinsurance agreements and may also reinsure title insurance policies issued by other title insurers on single risks located in this state or elsewhere. Reinsurance on policies issued on real property located in this state, or on policies issued in this state and insuring personal property, may be obtained from any title insurers licensed to transact title insurance business in this state, any other state, or the District of Columbia and which have a combined capital and surplus of at least one million six hundred thousand dollars.

4. The director may waive the limitation of this section for a particular risk upon application of the title insurer and for good cause shown.

381.068. In determining the financial condition of a title insurer doing business under this chapter, the general investment provisions of sections 379.080 to 379.082, RSMo, shall apply; except that, an investment in a title plant or plants in an amount equal to the actual cost shall be allowed as an admitted asset for title insurers. The aggregate amount of the

investment shall not exceed twenty percent of surplus to policyholders, as shown on the most recent annual statement of the title insurer on file with the director.

381.072. 1. In determining the financial condition of a title insurer doing business under this chapter, the general provisions of the laws regulating the business of insurance requiring the establishment of reserves sufficient to cover all known and unknown liabilities including allocated and unallocated loss adjustment expense, shall apply; except that, a title insurer shall establish and maintain:

(1) (a) A known claim reserve in an amount estimated to be sufficient to cover all unpaid losses, claims, and allocated loss adjustment expenses arising under title insurance policies for which the title insurer may be liable, and for which the insurer has discovered or received notice by or on behalf of the insured or escrow or security depositor;

(b) Upon receiving notice from or on behalf of the insured of a title defect in or lien or adverse claim against the title of the insured that may result in a loss or cause expense to be incurred in the proper disposition of the claim, the title insurer shall determine the amount to be added to the reserve, which amount shall reflect a careful estimate of the loss or loss expense likely to result by reason of the claim;

(c) Reserves required under this section may be revised from time to time and shall be redetermined at least once each year;

(2) A statutory or unearned premium reserve established and maintained as follows:

(a) A domestic title insurer shall establish and maintain an unearned premium reserve computed in accordance with this section, and all sums attributed to such reserve shall at all times and for all purposes be considered and constitute unearned portions of the original premiums. This reserve shall be reported as a

liability of the title insurer in its financial statements;

(b) The unearned premium reserve shall be maintained by the title insurer for the protection of holders of title insurance policies. Except as provided in this section, assets equal in value to the reserve are not subject to distribution among creditors or stockholders of the title insurer until all claims of policyholders or claims under reinsurance contracts have been paid in full, and all liability on the policies or reinsurance contracts has been paid in full and discharged or lawfully reinsured;

(c) The unearned premium reserve shall consist of:

a. The amount of the unearned premium reserve on January 1, 2008;

b. A sum equal to fifteen cents for each one thousand dollars of net retained liability under each title insurance policy, excluding mortgagee's policies simultaneously issued with owner's policies or owner's leasehold policies of the same or greater amount, on a single risk written on properties located in this state and issued after January 1, 2008; and

c. Unearned premium for closing protection letters;

(d) Amounts placed in the unearned premium reserve in any year in accordance with paragraph (c) of this subdivision shall be deducted in determining the net profit of the title insurer for that year;

(e) A title insurer shall release from the unearned premium reserve a sum equal to ten percent of the amount added to the reserve during a calendar year on July first of each of the five years following the year in which the sum was added, and shall release from the unearned premium reserve a sum equal to three and one-third percent of the amount added to the reserve during that year on each succeeding July first until the entire amount for that year

has been released. The amount of the unearned premium reserve or similar unearned premium reserve maintained before January 1, 2008, shall be released in accordance with the law in effect immediately before January 1, 2008;

(f) a. Each domestic and foreign title insurer shall file annually with the audited financial report required under section 375.1032, RSMo, an actuarial certificate made by a member in good standing of the American Academy of Actuaries, or by an actuary permitted to make such certificate by the commissioner, superintendent or director of the department of insurance of the state of incorporation of a foreign title insurer;

b. The actuarial certification shall conform to the annual statement instructions for title insurers adopted by the National Association of Insurance Commissioners and shall include the actuary's professional opinion of the insurer's reserves as of the date of the annual statement. The reserves analyzed under this section shall include reserves for known claims, including adverse developments on known claims, and reserves for incurred but not reported claims;

(g) Each domestic and foreign title insurer shall establish a supplemental reserve in the amount by which the actuarially certified reserves exceed the total of the known claim reserve and statutory premium reserve as set forth in the title insurer's annual financial report, subject to this subdivision.

2. A foreign or alien title insurer licensed to transact title insurance business in this state shall maintain at least the same reserves on title insurance policies issued on properties located in this state as are required of domestic title insurers, unless the laws of the jurisdiction of domicile of the foreign or alien title insurer require a higher amount.

381.075. 1. Sections 375.570 to 375.750, RSMo, and sections 375.1150 to 375.1246,

RSMo, shall apply to all title insurers subject to this chapter, except as otherwise provided in this section. In applying such sections, the court shall consider the unique aspects of title insurance and shall have broad authority to fashion relief that provides for the maximum protection of the title insurance policyholders.

2. Security and escrow funds held by or on behalf of the title insurer shall not become general assets and shall be administered as secured claims as defined in section 375.1152, RSMo.

3. Title insurance policies that are in force at the time an order of liquidation is entered shall not be canceled except upon a showing to the court of good cause by the liquidator. The determination of good cause shall be within the discretion of the court. In making this determination, the court shall consider the unique aspects of title insurance and all other relevant circumstances.

4. The court may set appropriate dates that potential claimants must file their claims with the liquidator. The court may set different dates for claims based upon the title insurance policy than for all other claims. In setting dates, the court shall consider the unique aspects of title insurance and all other relevant circumstances.

5. As of the date of the order of insolvency or liquidation, all premiums paid, due or to become due under policies of the title insurers, shall be fully earned. It shall be the obligation of title agencies, title agents, insureds, or representatives of the title insurer to pay fully earned premium to the liquidator or rehabilitator.

381.085. 1. As used in sections 381.011 to 381.412, the terms "search", "search of the public records", or "search of title", mean a search of those records established by the laws of this state for the purpose of imparting constructive notice of matters relating to real

property to purchasers for value and without knowledge.

2. A title insurer shall not deliver or issue for delivery or permit any of its authorized title agencies or title agents to deliver in this state, any standard form providing coverage, in connection with title insurance written, unless the standard form has been filed with the director thirty days prior to use.

3. Forms covered by this section shall include:

(1) Title insurance policies, including standard form endorsements;

(2) Title insurance commitments issued prior to the issuance of a title insurance policy; and

(3) Closing or settlement protection letters.

4. Any term or condition related to an insurance coverage provided by a title insurance policy or any exception to the coverage, except exceptions ascertained from, or affirmative coverages offered as a result of, a search and examination of records relating to a title or inspection or survey of a property to be insured, may only be included in the policy after the term, condition or exception has been filed with the director as herein provided.

5. The director shall review such form, term, condition, or exception within thirty days. If within this time the director believes the form, term, condition, or exception is not in compliance with the insurance laws of this state or does not contain such words, phraseology, conditions, and provisions which are specific, certain, and unambiguous and reasonably adequate to meet the needed requirements of those insured under such policies, the director may schedule a hearing to be held within sixty days and at such hearing receive evidence and suggestions of law on the matter.

6. If the director determines after a hearing

that a form, term, condition, or exception shall be disapproved, the director shall issue an order disapproving the form, term, condition, or exception in a record and with findings of fact and conclusions of law in accordance with the provisions of chapter 536, RSMo. A final order may not be issued unless the director specifies the provisions of law that have not been complied with or the words, phraseology, conditions, or provisions which are not specific, certain and unambiguous and reasonably adequate to meet the needed requirement of those insured under such policies. A final order of disapproval is subject to judicial review under the provisions of chapter 536, RSMo. During the pending of any proceeding under this section, all such forms may be used, but this provision shall not deprive the director or department of any other enforcement power over such forms that may be otherwise provided by law.

7. The failure of the director to seek disapproval does not constitute an approval or endorsement of the form, term, condition, or exception by the director. It is unlawful to make any representation that the director has approved a form, term, condition, or exception filed under this section.

381.112. For purposes of the premium tax imposed by sections 148.320 and 148.340, RSMo, the premium income received by a title insurer shall mean the amount within the definition of "premium".

381.115. 1. It is unlawful for any person to transact the business of title insurance unless authorized as a title insurer, title agency or title agent;

2. It is unlawful for any person to transact business as:

(1) A title agency, unless the person is a licensed business entity insurance producer under subsection 2 of section 375.015, RSMo; or

(2) A title agent, unless the person is a licensed individual insurance producer under subsection 1 of section 375.015, RSMo, or is exempt from licensure under subsection 3 of this section.

3. A salaried employee of a title insurer, title agency, or title agent is exempt from licensure as a title agent if the employee does not materially perform or supervise others who perform any of the following:

- (1) Sell, solicit, or negotiate a title insurance policy or closing protection letter;
- (2) Calculate premiums for a title insurance policy or closing protection letter;
- (3) Determine insurability;
- (4) Establish, calculate, or negotiate title charges;
- (5) Conduct title search or examinations;
- (6) Execute title insurance policies, commitments, binders or endorsements; or
- (7) Handle escrows, settlements, or closings.

4. It is unlawful for any title insurer to contract with any person to act in the capacity of a title agency or title agent with respect to risks located in this state unless the person is licensed as required in this section.

5. The director shall adopt rules, regulations, or requirements relating to licensing and practices of persons acting in the capacity of title agencies or agents. These persons may include title agencies, title agents and employees of title insurers, or title agencies. Such rules, regulations, or requirements shall, until at least January 1, 2010, permit either provisional licensure or waiver of licensure for employees newly performing functions described in subsection 3 of this section, while under the direct supervision of a licensed insurance producer during the first six months of such employee's initial employment. This

subsection is not intended to require licensure of persons performing a clerical function under the direct supervision and direction of a licensed insurance producer.

6. Every title agency licensed in this state shall:

(1) Exclude or eliminate the word insurer, insurance company, or underwriter from its business name, unless the word agency is also included as part of the name; and

(2) Provide, in a timely fashion, each title insurer with which it places business, any information the title insurer requests in order to comply with reporting requirements of the director.

7. A title agency or title agent licensed in this state prior to the effective date of this chapter shall have ninety days after the effective date of this chapter to comply with the requirements of this section.

8. If the title insurer, title agency, or title agent delegates the title search to a third party, such as an abstract company, the insurer, agency, or agent must first obtain proof that the third party is operating in compliance with rules and regulations established by the director and the third party shall provide the insurer, agency, or agent with access to and the right to copy all accounts and records maintained by the third party with respect to business placed with the title insurer. Proof from the third party may consist of a signed statement indicating compliance, and shall be effective for a three-year period.

9. A violation of any provision under this section is a level three violation under section 374.049, RSMo.

381.118. 1. Each title agency shall designate an individual as a qualified principal, who as a condition of licensure, shall successfully pass an examination developed by the producer advisory board established by section 375.019,

RSMo, and approved by the director. Each title agent shall successfully pass an examination developed by the producer advisory board and approved by the director. Upon request by a title agency or agent and for good cause, the director, by order, may waive the requirements of this subsection. The examination requirement in this subsection shall be waived for all title agents and qualified principals who are licensed in this state as of January 1, 2008.

2. Each title agent licensed to sell title insurance in this state, unless exempt under subsection 8 of this section, shall successfully complete courses of study as required by this section. Any person licensed to act as a title agent shall, during each two years, attend courses or programs of instruction or attend seminars equivalent to a minimum of eight hours of instruction. The initial such two-year period shall begin January 1, 2008.

3. Subject to approval by the director, the courses or programs of instruction which shall be deemed to meet the director's standards for continuing educational requirements shall include, but not be limited to, the following:

(1) A real property law or title insurance-related course taught by an accredited college or university or qualified instructor who has taught a course of real property or title insurance law at such institution;

(2) A course or program of instruction or seminar approved by the director developed or sponsored by any authorized insurer, recognized agents' association, title insurance trade association, or approved private provider. A local agents' group may also be approved if the instructor receives no compensation for services;

(3) Courses approved for continuing legal education credit by the Missouri Bar.

4. A person teaching any approved course of instruction or lecturing at any approved

seminar without compensation shall qualify for one and one-half times the number of classroom hours as would be granted to a person taking and successfully completing such course, seminar or program, but the credit may be credited no more than once a year.

5. Excess classroom hours accumulated during any two-year period may be carried forward to the two-year period immediately following the two-year period in which the course, program, or seminar was held.

6. For good cause shown, the director may grant an extension of time during which the educational requirements imposed by this section may be completed, but such extension of time shall not exceed the period of one calendar year. The director may grant an individual waiver of the mandatory continuing education requirement upon a showing by the licensee that it is not feasible for the licensee to satisfy the requirements prior to the renewal date. Waivers may be granted for reasons including, but not limited to:

(1) Serious physical injury or illness;

(2) Active duty in the armed services for an extended period of time;

(3) Residence outside the United States; or

(4) Licensee is at least seventy years of age and is currently licensed as a title agent.

7. Every person subject to the provisions of this section shall furnish in a form satisfactory to the director, written certification as to the courses, programs, or seminars of instruction taken and successfully completed by such person.

8. The provisions of this section shall not apply to those natural persons holding or applying for a license to act as a title agent in Missouri who reside in a state that has enacted and implemented a mandatory continuing education law or regulation pertaining to title

agents. However, those natural persons holding or applying for a Missouri agent license who reside in states which have no mandatory continuing education law or regulations shall be subject to all the provisions of this section to the same extent as resident Missouri title agents.

9. Rules necessary to implement and administer this section shall be promulgated by the director, including, but not limited to, rules regarding the following:

(1) The producer advisory board established by section 375.019, RSMo, shall be utilized by the director to assist the director in determining acceptable content of courses, programs and seminars to include classroom equivalency;

(2) Every applicant seeking approval by the director of a continuing education course under this section shall pay to the director a filing fee of fifty dollars per course, except that such total fee shall not exceed two hundred fifty dollars per year for any single applicant. Fees shall be waived for local agents' groups if the instructor receives no compensation for services. Such fee shall accompany any application form required by the director. Courses shall be approved for a period of no more than one year. Applicants holding courses intended to be offered for a longer period must reapply for approval.

10. All funds received under the provisions of this section shall be transmitted by the director to the department of revenue for deposit in the state treasury to the credit of the insurance dedicated fund. All expenditures required by this section shall be paid from funds appropriated from the insurance dedicated fund by the general assembly.

11. When a title agent pays his or her biennial renewal fee, such agent shall also furnish the written certification required by this section.

12. Any rule or portion of a rule, as that

term is defined in section 536.010, RSMo, that is created pursuant to the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 1, 2008, shall be invalid and void.

381.122. The director may during normal business hours examine, audit and inspect any and all books and records maintained by a title insurer, title agency, or title agent under this chapter.

381.161. 1. No producer or other person, except the person paying the premium for the title insurance, shall require, directly or indirectly, or through any trustee, director, officer, agent, employee, or affiliate, as a condition, agreement, or understanding to selling or furnishing any other person any loan, or extension thereof, credit, sale, property, contract, lease or service, that such other person shall place, any contract of title insurance of any kind through any particular title agent, agency, or title insurer. No title agent, agency, or title insurer shall knowingly participate in any such prohibited plan or transaction. No person shall fix a price charged for such thing or service, or discount from or rebate upon price, on the condition, agreement, or understanding that any title insurance is to be obtained through a particular agent, agency, or title insurer.

2. [Any person who violates the provisions of this section, or any title insurer, title agent, or agency who accepts an order for title insurance knowing that it is in violation of the provision of this section shall, in addition to any other action

which may be taken by the director, be subject to a fine in an amount equal to five times the premium for the title insurance.] **A violation of any provision under this section is a level three violation under section 374.049, RSMo.**

381.410. As used in this section and section 381.412, the following terms mean:

(1) “Cashier’s check”, a check, however labeled, drawn on the financial institution, which is signed only by an officer or employee of such institution, is a direct obligation of such institution, and is provided to a customer of such institution or acquired from such institution for remittance purposes;

(2) “Certified funds”, United States currency, funds conveyed by a cashier’s check, certified check, teller’s check, as defined in Federal Reserve Regulations CC, or wire transfers, including written advice from a financial institution that collected funds have been credited to the settlement agent’s account;

(3) “Director”, the director of the department of insurance, financial and professional regulation, unless the settlement agent’s primary regulator is the division of finance. When the settlement agent is regulated by such division, that division shall have jurisdiction over this section and section 381.412;

(4) “Financial institution”:

(a) A person or entity doing business under the laws of this state or the United States relating to banks, trust companies, savings and loan associations, credit unions, commercial and consumer finance companies, industrial loan companies, insurance companies, small business investment corporations licensed under the Small Business Investment Act of 1958, 15 U.S.C. Section 661, et seq., as amended, or real estate investment trusts as defined in 26 U.S.C. Section 856, as amended, or institutions constituting the Farm Credit System under the

Farm Credit Act of 1971, 12 U.S.C. Section 2000, et seq., as amended; or

(b) A mortgage loan company or mortgage banker doing business under the laws of this state or the United States which is subject to licensing, supervision, or auditing by the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation, or the United States Veterans’ Administration, or the Government National Mortgage Association, or the United States Department of Housing and Urban Development, or a successor of any of the foregoing agencies or entities, as an approved seller or servicer, if their principal place of business is in Missouri or a state which is contiguous to Missouri;

(5) “Settlement agent”, a person, corporation, partnership, or other business organization which accepts funds and documents as fiduciary for the buyer, seller or lender for the purposes of closing a sale of an interest in real estate located within the state of Missouri, and is not a financial institution, or a member in good standing of the Missouri Bar, or a person licensed under chapter 339, RSMo.

381.412. 1. A settlement agent who accepts funds for closing a sale of an interest in real estate shall require a buyer, seller, or lender who is not a financial institution to convey such funds to the settlement agent as certified funds. A check shall be exempt from the provisions of this section if drawn on:

(1) An escrow account of a licensed real estate broker, as regulated and described in section 339.105, RSMo; or

(2) An escrow account of a title insurer or title insurance agency licensed to do business in Missouri; or

(3) An agency of the United States of America, the state of Missouri, or any county or municipality of the state of Missouri; or

(4) An account by a financial institution.

2. It is unlawful for any title insurer, title agency, or title agent, as defined in section 381.009, to make any payment, disbursement or withdrawal from an escrow account which it maintains as a depository of funds received from the public for the settlement of real estate transactions unless a corresponding deposit of funds was made to the escrow account for the benefit of the payee or payees:

(1) At least ten days prior to such payment, disbursement, or withdrawal; or

(2) Which consisted of certified funds; or

(3) Consisted of a check made exempt from this section by the provisions of subsection 1 of this section.

3. A violation of any provision of this section is a level two violation under section 374.049, RSMo.”; and

Further amend said bill, Page 58, Section 409.950, by inserting after all of said section the following:

“Section B. The repeal and enactment of Sections 381.003 through 381.412 of Section A of this act is effective January 1, 2008.

[381.003. 1. Sections 381.003 to 381.125 shall be known and may be cited as the “Missouri Title Insurance Act”.

2. Sections 381.009 to 381.048 shall apply to all persons engaged in the business of title insurance in this state. Sections 381.052 to 381.112 shall apply to all title insurers engaged in the business of title insurance in this state. Sections 381.115 to 381.125 shall apply to all title agencies engaged in the business of title insurance in this state.

3. Except as otherwise expressly provided in this chapter and except where the context otherwise requires, all provisions of the insurance code applying to insurance and insurance companies

generally shall apply to title insurance, title insurers and title agents.]

[381.009. As used in this chapter, the following terms mean:

(1) “Abstract of title” or “abstract”, a written history, synopsis or summary of the recorded instruments affecting the title to real property;

(2) “Affiliate”, a specific person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified;

(3) “Affiliated business”, any portion of a title insurance agency's business written in this state that was referred to it by a producer of title insurance business or by an associate of the producer, where the producer or associate, or both, have a financial interest in the title agency;

(4) “Associate”, any:

(a) Business organized for profit in which a producer of title business is a director, officer, partner, employee or an owner of a financial interest;

(b) Employee of a producer of title business;

(c) Franchisor or franchisee of a producer of title business;

(d) Spouse, parent or child of a producer of title insurance business who is a natural person;

(e) Person, other than a natural person, that controls, is controlled by, or is under common control with, a producer of title business;

(f) Person with whom a producer of title insurance business or any associate of the producer has an agreement, arrangement or understanding, or pursues a course of

conduct, the purpose or effect of which is to provide financial benefits to that producer or associate for the referral of business;

(5) "Bona fide employee of the title insurer", an individual who devotes substantially all of his or her time to performing services on behalf of a title insurer and whose compensation for those services is in the form of salary or its equivalent paid by the title insurer;

(6) "Control", including the terms "controlling", "controlled by" and "under common control with", the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position or corporate office held by the person. Control shall be presumed to exist if a person, directly or indirectly, owns, controls, holds with the power to vote or holds proxies representing ten percent or more of the voting securities of another person. This presumption may be rebutted by showing that control does not exist in fact. The director may determine, after furnishing all persons in interest notice and opportunity to be heard and making specific findings of fact to support the determination, that control exists in fact, notwithstanding the absence of a presumption to that effect;

(7) "County" or "counties" includes any city not within a county;

(8) "Direct operations", that portion of a title insurer's operations which are attributable to business written by a bona fide employee;

(9) "Director", the director of the department of insurance, or the director's representatives;

(10) "Escrow", written instruments, money or other items deposited by one party with a depository, escrow agent or escrowee for delivery to another party upon the performance of a specified condition or the happening of a certain event;

(11) "Escrow, settlement or closing fee", the consideration for supervising or handling the actual execution, delivery or recording of transfer and lien documents and for disbursing funds;

(12) "Financial interest", a direct or indirect legal or beneficial interest, where the holder is or will be entitled to five percent or more of the net profits or net worth of the entity in which the interest is held;

(13) "Foreign title insurer", any title insurer incorporated or organized pursuant to the laws of any other state of the United States, the District of Columbia, or any other jurisdiction of the United States;

(14) "Geographically indexed or retrievable", a system of keeping recorded documents which includes as a component a method for discovery of the documents by:

(a) Searching an index arranged according to the description of the affected land; or

(b) An electronic search by description of the affected land;

(15) "Net retained liability", the total liability retained by a title insurer for a single risk, after taking into account any ceded liability and collateral, acceptable

to the director, and maintained by the insurer;

(16) “Non-United States title insurer”, any title insurer incorporated or organized pursuant to the laws of any foreign nation or any province or territory;

(17) “Premium”, the consideration paid by or on behalf of the insured for the issuance of a title insurance policy or any endorsement or special coverage. It does not include consideration paid for settlement or escrow services or noninsurance-related information services;

(18) “Producer”, any person, including any officer, director or owner of five percent or more of the equity or capital of any person, engaged in this state in the trade, business, occupation or profession of:

(a) Buying or selling interests in real property;

(b) Making loans secured by interests in real property; or

(c) Acting as broker, agent, representative or attorney of a person who buys or sells any interest in real property or who lends or borrows money with the interest as security;

(19) “Qualified depository institution”, an institution that is:

(a) Organized or, in the case of a United States branch or agency office of a foreign banking organization, licensed pursuant to the laws of the United States or any state and has been granted authority to operate with fiduciary powers;

(b) Regulated, supervised and examined by federal or state authorities having

regulatory authority over banks and trust companies;

(c) Insured by the appropriate federal entity; and

(d) Qualified under any additional rules established by the director;

(20) “Referral”, the directing or the exercising of any power or influence over the direction of title insurance business, whether or not the consent or approval of any other person is sought or obtained with respect to the referral;

(21) “Search”, “search of the public records” or “search of title”, a search of those records established by the laws of this state for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without knowledge;

(22) “Security” or “security deposit”, funds or other property received by the title insurer as collateral to secure an indemnitor's obligation under an indemnity agreement pursuant to which the insurer is granted a perfected security interest in the collateral in exchange for agreeing to provide coverage in a title insurance policy for a specific title exception to coverage;

(23) “Subsidiary”, an affiliate controlled by a person directly or indirectly through one or more intermediaries;

(24) “Title agency” means an authorized person who issues title insurance on behalf of a title insurer. An attorney licensed to practice law in this state who issues title insurance as a part of his or her law practice, but does not maintain or operate a title insurance business separate from such law practice is not a title agency;

(25) “Title agent” or “agent”, an attorney licensed to practice law in this state who issues title insurance as part of his or her law practice, but who is not affiliated with or acting on behalf of a title agency, or an authorized person who, on behalf of a title agency or on behalf of a title agent not affiliated with a title agency, performs one or more of the following acts in conjunction with the issuance of a title insurance commitment or policy:

(a) Determines insurability, based upon a review of a search of title;

(b) Performs searches;

(c) Handles escrows, settlements or closings; or

(d) Solicits or negotiates title insurance business;

(26) “Title insurance business” or “business of title insurance”:

(a) Issuing as insurer or offering to issue as insurer a title insurance policy;

(b) Transacting or proposing to transact by a title insurer any of the following activities when conducted or performed in contemplation of and in conjunction with the issuance of a title insurance policy:

a. Soliciting or negotiating the issuance of a title insurance policy;

b. Guaranteeing, warranting or otherwise insuring the correctness of title searches for all instruments affecting titles to real property, any interest in real property, cooperative units and proprietary leases and for all liens or charges affecting the same;

c. Handling of escrows, settlements or closings;

d. Executing title insurance policies;

e. Effecting contracts of reinsurance; or

f. Abstracting, searching or examining titles;

(c) Guaranteeing, warranting or insuring searches or examinations of title to real property or any interest in real property;

(d) Guaranteeing or warranting the status of title as to ownership of or liens on real property by any person other than the principals to the transaction;

(e) Promising to purchase or repurchase for consideration an indebtedness because of a title defect, whether or not involving a transfer of risk to a third person; or

(f) Promising to indemnify the holder of a mortgage or deed of trust against loss from the failure of the borrower to pay the mortgage or deed of trust when due if the property fails to yield sufficient proceeds upon foreclosure to satisfy the debt, when one or both of the following conditions exist:

a. The security has been impaired by the discovery of a previously unknown property interest in favor of one who is not liable for the payment of the mortgage or deed of trust; or

b. Perfection of the position of the mortgage or deed of trust which was assured to exist cannot be obtained, notwithstanding timely recordation with the recorder of deeds of the county in which the property is located; or

(g) Doing or proposing to do any business substantially equivalent to any of the activities listed in this subdivision in a manner designed to evade the provisions of this chapter;

(27) “Title insurance commitment” or “commitment”, a preliminary report,

commitment or binder issued prior to the issuance of a title insurance policy containing the terms, conditions, exceptions and other matters incorporated by reference under which the title insurer is willing to issue its title insurance policy. A title insurance commitment is not an abstract of title;

(28) “Title insurance policy” or “policy”, a contract insuring or indemnifying owners of, or other persons lawfully interested in, real property or any interest in real property, against loss or damage arising from any or all of the following conditions existing on or before the policy date and not excepted or excluded:

(a) Title to the estate or interest in land being otherwise than as stated in the policy;

(b) Defects in or liens or encumbrances on the insured title;

(c) Unmarketability of the insured title;

(d) Lack of legal right of access to the land;

(e) Invalidity or unenforceability of the lien of an insured mortgage;

(f) The priority of a lien or encumbrance over the lien of any insured mortgage;

(g) The lack of priority of the lien of an insured mortgage over a statutory lien for services, labor or material;

(h) The invalidity or unenforceability of an assignment of the insured mortgage; or

(i) Rights or claims relating to the use of or title to the land;

(29) “Title insurer” or “insurer”, a company organized pursuant to laws of this state for the purpose of transacting the business of title insurance and any

foreign or non-United States title insurer licensed in this state to transact the business of title insurance;

(30) “Title plant”, a set of records encompassing at least the most recent forty-five years, consisting of documents, maps, surveys or entries affecting title to real property or any interest in or encumbrance on the property, which have been filed or recorded in the jurisdiction for which the title plant is established or maintained. The records in the title plant shall be geographically indexed or retrievable as to those records containing a legal description of affected land, and otherwise by name of affected person;

(31) “Underwrite”, the authority to accept or reject risk on behalf of the title insurer.]

[381.011. 1. Sections 381.011 to 381.241 shall be known and may be cited as the “Missouri Title Insurance Act”.

2. The purpose of sections 381.011 to 381.241 is to provide the state of Missouri with a comprehensive body of law for the effective regulation and supervision of title insurance business transacted within this state in response to the McCarran-Ferguson Act, Sections 1011-1015, Title 15, United States Code.]

[381.015. 1. When a title insurance commitment issued by a title insurer, title agency or title agent includes an offer to issue an owner's policy covering the resale of owner-occupied residential property, the commitment shall incorporate the following statement in bold type:

“Please read the exceptions and the terms shown or referred to herein carefully.

The exceptions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.”

2. A title insurer, title agency or title agent issuing a lender's title insurance policy in conjunction with a mortgage loan made simultaneously with the purchase of all or part of the real estate securing the loan, where no owner's title insurance policy has been requested, shall give written notice, on a form prescribed or approved by the director, to the purchaser-mortgagor at the time the commitment is prepared. The notice shall explain that a lender's title insurance policy is to be issued protecting the mortgage-lender, and that the policy does not provide title insurance protection to the purchaser-mortgagor as the owner of the property being purchased. The notice shall explain what a title policy insures against and what possible exposures exist for the purchaser- mortgagor that could be insured against through the purchase of an owner's policy. The notice shall also explain that the purchaser-mortgagor may obtain an owner's title insurance policy protecting the property owner at a specified cost or approximate cost, if the proposed coverages are or amount of insurance is not then known. A copy of the notice, signed by the purchaser-mortgagor, shall be retained in the relevant underwriting file at least fifteen years after the effective date of the policy.

3. Each violation of any provision of this section is a class C violation as that term is defined in section 381.045.]

[381.018. 1. The title insurer shall not allow the issuance of its commitments or

policies by a title agency or title agent not affiliated with a title agency unless there is in force a written contract between the parties which sets forth the responsibilities of each party or, where both parties share responsibility for particular functions, specifies the division of responsibilities.

2. For each title agency or title agent not affiliated with a title agency under contract with the insurer, the title insurer shall have on file a statement of financial condition, of each title agency or title agent as of the end of the previous calendar or fiscal year setting forth an income statement of business done during the preceding year and a balance sheet showing the condition of its affairs as of the close of the prior year, certified by the agency or agent as being a true and accurate representation of the agency's or agent's financial condition. The statement shall be filed with the insurer no later than the date the agency's or agent's federal income tax return for the same year is filed. Attorneys actively engaged in the practice of law, in addition to that related to title insurance business, are exempt from the requirements of this subsection.

3. The title insurer shall conduct reviews of the underwriting, claims and escrow practices of its agencies and agents which shall include a review of the agency's or agent's policy blank inventory and processing operations. If any such title agency or title agent does not maintain separate bank or trust accounts for each title insurer it represents, the title insurer shall verify that the funds held on its behalf are reasonably ascertainable from the books of account and records of the title agency or title agent not affiliated

with a title agency. The title insurer shall conduct a review of each of its agencies and agents at least triennially commencing January first of the year first following January 1, 2001.

4. Within thirty days of executing or terminating a contract with a title agency or title agent not affiliated with a title agency, the insurer shall provide notification of the appointment or termination and the reason for termination to the director. Notices of appointment of a title agency or title agent shall be made on a form promulgated by the director.

5. The title insurer shall maintain an inventory of all policy numbers allocated to each title agency or title agent not affiliated with a title agency.

6. The title insurer shall have on file proof that the title agency or title agent is licensed by this state.

7. The title insurer shall establish the underwriting guidelines and, where applicable, limitations on title claims settlement authority to be incorporated into contracts with its title agencies and title agents not affiliated with a title agency.

8. Each violation of any provision of this section is a class B violation as that term is defined in section 381.045.]

[381.021. 1. Sections 381.011 to 381.241 shall apply to all persons engaged in the business of title insurance in this state.

2. Except as otherwise expressly provided in sections 381.011 to 381.241, and except where the context otherwise requires, all provisions of the insurance laws of this state applying to insurance and insurance companies generally shall apply to title insurance and title insurance

companies. No law of this state enacted after September 28, 1987, that is inconsistent with the provisions of such sections shall be applicable to the business of title insurance unless such law specifically states that it is to be applicable to the business of title insurance.

3. Nothing in sections 381.011 to 381.241 shall be construed to authorize the practice of law by any person who is not duly admitted to practice law in this state nor shall it be construed to authorize the director to regulate the practice of law or the sale of real estate.]

[381.022. 1. A title insurer, title agency or title agent not affiliated with a title agency may operate as an escrow, security, settlement or closing agent, provided that:

(1) All funds deposited with the title insurer, title agency or title agent not affiliated with a title agency in connection with any escrow, settlement, closing or security deposit shall be submitted for collection to or deposited in a separate fiduciary trust account or accounts in a qualified depository institution no later than the close of the next business day after receipt, in accordance with the following requirements:

(a) The funds shall be the property of the person or persons entitled to them under the provisions of the escrow, settlement, security deposit or closing agreement and shall be segregated for each depository by escrow, settlement, security deposit or closing in the records of the title insurer, title agency or title agent not affiliated with a title agency, in a manner that permits the funds to be identified on an individual basis and in accordance with

the terms of the individual instructions or agreements under which the funds were accepted; and

(b) The funds shall be applied only in accordance with the terms of the individual instructions or agreements under which the funds were accepted;

(2) Funds held in an escrow account shall be disbursed only pursuant to a written instruction or agreement specifying under what conditions and to whom such funds may be disbursed or pursuant to an order of a court of competent jurisdiction;

(3) Funds held in a security deposit account shall be disbursed only pursuant to a written agreement specifying:

(a) What actions the indemnitor shall take to satisfy his or her obligation under the agreement;

(b) The duties of the title insurer, title agency or title agent not affiliated with a title agency with respect to disposition of the funds held, including a requirement to maintain evidence of the disposition of the title exception before any balance may be paid over to the depositing party or his or her designee; and

(c) Any other provisions the director may require;

(4) Any interest received on funds deposited in connection with any escrow, settlement, security deposit or closing may be retained by the title insurer, title agency or title agent not affiliated with a title agency as compensation for administration of the escrow or security deposit, unless the instructions for the funds or a governing statute provides otherwise;

(5) Each violation of this subsection is a class A violation as that term is defined

in section 381.045.

2. The title agency or title agent not affiliated with an agency shall cooperate with its underwriters in the conduct by the underwriters of reviews of the agency's or agent's escrow, settlement, closing and security deposit accounts. The title insurer shall provide a copy of the report of each such review it performs to the director. The director may promulgate rules setting forth the minimum threshold level at which a review would be required, the standards thereof and the form of report required.

3. If the title agency or title agent not affiliated with an agency is appointed by two or more title insurers and maintains fiduciary trust accounts in connection with providing escrow or closing settlement services, the title agency or title agent shall allow each title insurer reasonable access to the accounts and any or all of the supporting account information in order to ascertain the safety and security of the funds held by the title agency or title agent.

4. (1) Nothing in this chapter shall be deemed to prohibit the recording of documents prior to the time funds are available for disbursement with respect to a transaction in which a title insurer, title agency or title agent not affiliated with a title agency is the settlement agent, provided all parties to whom payment will become due upon such recording consent thereto in writing.

(2) The settlement agent shall record all deeds and security instruments for real estate closings handled by it within three business days after completion of all conditions precedent thereto.

(3) Each violation of this subsection is a

class C violation as that term is defined in section 381.045.]

[381.025. 1. A title insurer, title agency, title agent or other person shall not give or receive, directly or indirectly, any consideration for the referral of title insurance business or escrow or other service provided by a title insurer, title agency or title agent. Each violation of this subsection is a class A violation as that term is defined in section 381.045.]

2. Any title insurer, title agency or title agent doing business in the same county as a title insurer, title agency or title agent who may be in violation of the prohibitions or limitations of this section shall have standing to seek injunctive relief against the violating title insurer, title agency or title agent in the event the department declines or fails to enforce this section within forty-five days following receipt of written notice of such violation. In any action pursuant to this subsection, the court may award to the successful party the court costs of the action together with reasonable attorney fees.]

[381.028. No title insurer, title agency or title agent shall participate in any transaction in which it knows that a producer or other person requires, directly or indirectly, or through any trustee, director, officer, agent, employee or affiliate, as a condition, agreement or understanding to selling or furnishing any other person a loan, or loan extension, credit, sale, property, contract, lease or service, that the other person shall place a title insurance policy of any kind with the title insurer or through a particular title agency or agent. Each violation of this section is a class A violation as that term is defined in section 381.045.]

[381.032. 1. No title insurer, may charge any rates regulated by the state after January 1, 2001, except in accordance with the premium rate schedule and manual filed with and approved by the director in accordance with applicable statutes and regulations governing rate filings. Premium rate schedules in effect prior to January 1, 2001, may be used until new rate schedules have been approved by the director. Title insurers shall file their premium rate schedules within thirty days after January 1, 2001. Each violation of this subsection is a class C violation as that term is defined in section 381.045. Nothing in this section shall prevent an agent not affiliated with an agency from charging for services that constitute the practice of law at the customary fee charged by such person for legal services. To the extent the premium fails to compensate the agent at such rate, the agent may render an additional bill for such services on behalf of the agent's law practice or law firm. The acceptance of any part of the premium by the law firm of said agent shall not be a violation of any provision of the Missouri title insurance act or the general insurance statutes, regulations or bulletins regarding payment of commissions to nonlicensed entities.

2. The director may establish rules, including rules providing statistical plans, for use by all title insurers, title agencies and title agents in the recording and reporting of revenue, loss and expense experience in such form and detail as is necessary to aid the director in the establishment of rates and fees.

3. The director may require that the information provided pursuant to this section be verified by oath of the

insurer's or agency's president or vice president or secretary or actuary, as applicable. The director may further require that the information required pursuant to this section be subject to an audit conducted at the expense of the title insurer or title agency by an independent certified public accountant. The director shall have the authority to establish a minimum threshold level at which an audit would be required.

4. Information filed with the director relating to the experience of a particular agency shall be kept confidential unless the director finds it in the public interest to disclose the information required of title insurers or title agencies pursuant to this section. Prior to any such disclosure of confidential information, the director shall provide notice and opportunity to be heard to the title insurers and title agencies who would be affected thereby.]

[381.035. No title insurance company, title agency or title agent shall willfully withhold information from, or knowingly give false or misleading information to the director, or to any title insurance rating organization, of which the title insurance company is a member or subscriber, which will affect the rates or fees chargeable pursuant to this chapter. Each violation of this section is a class A violation as that term is defined in section 381.045.]

[381.038. 1. Evidence of the examination of title and determination of insurability generated by a title insurer engaged in direct operations, title agency or title agent shall be preserved and maintained by such insurer, agency or agent for as long as appropriate to the circumstances but in no event less than fifteen years after the title insurance policy has been

issued.

2. Records relating to escrow and security deposits shall be preserved and retained by a title insurer engaged in direct operations, title agency and title agent for as long as appropriate to the circumstances but in no event less than five years after the escrow or security deposit account has been closed.

3. This section shall not apply to a title insurer acting as coinsurer if one of the other coinsurers has complied with this section.

4. Each violation of any provision of this section is a class C violation as that term is defined in section 381.045.]

[381.041. 1. No person other than a domestic, foreign, or alien title insurer organized on the stock plan and duly licensed by the director shall transact title insurance business as an insurer in this state.

2. Each title insurer may engage in the title insurance business in this state if licensed to do so by the director and provide any other service related or incidental to the sale and transfer or financing of property.

3. A title insurer shall maintain a minimum paid-in capital of not less than four hundred thousand dollars and, in addition, paid-in initial surplus of at least four hundred thousand dollars.]

[381.042. 1. The director may issue rules, regulations and orders necessary to carry out the provisions of this chapter.

2. No rule or portion of a rule promulgated pursuant to the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.]

[381.045. 1. If the director determines that the title insurer or any other person has violated this chapter, or any regulation or order promulgated thereunder, after notice and opportunity to be heard, the director may order:

(1) For each violation a monetary penalty which shall take into account the harm the violation caused or could have caused or potential harm to the public and which shall not exceed:

(a) One thousand dollars per violation for a class A violation;

(b) Five hundred dollars per violation for a class B violation; and

(c) One hundred dollars per violation for a class C violation;

(2) Revocation or suspension of the title insurer's license; or

(3) Both monetary penalty and revocation or suspension.

2. Nothing contained in this section shall affect the right of the director to impose any other penalties provided for in the insurance code.

3. Nothing contained in this chapter is intended to or shall in any other manner limit or restrict the rights of policyholders, claimants and creditors.]

[381.048. The director may bring an action in a court of competent jurisdiction to enjoin violations of the Real Estate Settlement Procedures Act, 12 U.S.C. Section 2607, as amended.]

[381.051. 1. A title insurer, before issuing any title insurance policy covering property located in this state, shall deposit with the director of the department of insurance, hereinafter referred to as the director, a sum of four

hundred thousand dollars, which shall be held for the security and protection of the holders or beneficiaries under its title insurance policies.

2. Assets deposited pursuant to this section may, with the approval of the director, be exchanged from time to time for other assets that qualify under subsection 3 of this section.

3. The depositing title insurer shall receive the income, interests, and dividends on any assets deposited. The deposit required under this section may be made in legal tender or in investments now or hereafter permitted to domestic life insurers with regard to their capital, reserve and surplus. For capital and reserve deposits, sums deposited pursuant to this section shall be valued at their market value.

4. A title insurer that has deposited assets pursuant to this section may, with the approval of the director, withdraw any part of the assets so deposited. If any such title insurer continues to engage in the business of title insurance, it shall not be permitted to withdraw assets that would reduce the amount of its deposits below the amount required by subsection 1 of this section.

5. In lieu of such a deposit maintained in this state, the director shall accept a certificate or certificates in proper form of the public officer or officers having general supervision of title insurers in its state of domicile to the effect that a deposit or total deposits, in an equal or greater amount, in classes of investment authorized in such state, are being maintained for like purposes in public custody or control pursuant to the laws of such state on behalf of the title insurer.

6. If sections 381.011 to 381.241 require a greater amount of capital and surplus or deposits than that required of a title insurer prior to September 28, 1987, such title insurer shall have three years after September 28, 1987, to comply with any such increased requirement.

7. The provisions of sections 375.950 to 375.990, RSMo, shall apply to the impairment of capital, liquidation, and rehabilitation of title insurers.]

[381.052. No person other than a domestic, foreign or non-United States title insurer organized on the stock plan and duly licensed by the director shall transact title insurance business as an insurer in this state.]

[381.055. Subject to the exceptions and restrictions contained in this chapter, a title insurer shall have the power to:

- (1) Do only title insurance business;
- (2) Reinsure title insurance policies; and
- (3) Perform ancillary activities, unless prohibited by the director, including examining titles to real property and any interest in real property and procuring and furnishing related information and information about relevant personal property, when not in contemplation of, or in conjunction with, the issuance of a title insurance policy.]

[381.058. 1. No insurer that transacts any class, type or kind of business other than title insurance shall be eligible for the issuance or renewal of a license to transact the business of title insurance in this state nor shall title insurance be transacted, underwritten or issued by any insurer transacting or licensed to transact any other class, type or kind of business.

2. A title insurer shall not engage in the

business of guaranteeing payment of the principal or the interest of bonds or mortgages.

3. (1) Notwithstanding subsection 1 of this section, and to the extent such coverage is lawful within this state, a title insurer is expressly authorized to issue closing or settlement protection to a proposed insured upon request if the title insurer issues a commitment, binder or title insurance policy. Such closing or settlement protection shall conform to the terms of coverage and form of instrument as required by the director and may indemnify a proposed insured solely against loss of settlement funds only because of the following acts of a title insurer's named title agency or title agent:

- (a) Theft of settlement funds; and
 - (b) Failure to comply with written closing instructions by the proposed insured when agreed to by the title agency or title agent relating to title insurance coverage.
- (2) The director may promulgate or approve a required charge for providing the coverage.
- (3) A title insurer shall not provide any other coverage which purports to indemnify against improper acts or omissions of a person with regard to escrow, settlement, or closing services.]

[381.061. 1. The net retained liability of a title insurer for a single risk on property located in this state, whether assumed directly or as reinsurance, may not exceed fifty percent of the sum of its total surplus to policyholders and unearned premium reserve, less the admitted asset value assigned to title plants, as shown in the most recent

annual statement of the title insurer on file in the office of the director.

2. The director may waive the limitation of this section for a particular risk upon application of the title insurer and for good cause shown.]

[381.062. Before being licensed to do an insurance business in this state, a title insurer shall establish and maintain a minimum paid-in capital of not less than four hundred thousand dollars and, in addition, paid-in initial surplus of at least four hundred thousand dollars.]

[381.065. 1. The net retained liability of a title insurer for a single risk in regard to property located in this state, whether assumed directly or as reinsurance, shall not exceed the aggregate of fifty percent of surplus as regards policyholders plus the statutory premium reserve less the company's investment in title plants, all as shown in the most recent annual statement of the insurer on file with the director.

2. For purposes of this chapter:

(1) A single risk shall be the insured amount of any title insurance policy, except that, where two or more title insurance policies are issued simultaneously covering different estates in the same real property, a single risk shall be the sum of the insured amounts of all the title insurance policies; and

(2) A policy under which a claim payment reduces the amount of insurance under one or more other title insurance policies shall be included in computing the single risk sum only to the extent that its amount exceeds the aggregate amount of the policy or policies whose amount of insurance is reduced.

3. A title insurer may obtain reinsurance

for all or any part of its liability under its title insurance policies or reinsurance agreements and may also reinsure title insurance policies issued by other title insurers on single risks located in this state or elsewhere. Reinsurance on policies issued on properties located in this state may be obtained from any title insurers licensed to transact title insurance business in this state, any other state, or the District of Columbia and which have a combined capital and surplus of at least eight hundred thousand dollars.

4. The director may waive the limitation of this section for a particular risk upon application of the title insurer and for good cause shown.]

[381.068. In determining the financial condition of a title insurer doing business pursuant to this chapter, the general investment provisions of sections 376.300 to 376.305, RSMo, shall apply; except that, an investment in a title plant or plants in an amount equal to the actual cost shall be allowed as an admitted asset for title insurers. The aggregate amount of the investment shall not exceed fifty percent of surplus to policyholders, as shown on the most recent annual statement of the title insurer on file with the director.]

[381.072. In determining the financial condition of a title insurer doing business pursuant to this chapter, the general provisions of the insurance code requiring the establishment of reserves sufficient to cover all known and unknown liabilities including allocated and unallocated loss adjustment expense, shall apply; except that, a title insurer shall establish and maintain:

(1) (a) A known claim reserve in an

amount estimated to be sufficient to cover all unpaid losses, claims and allocated loss adjustment expenses arising under title insurance policies for which the title insurer may be liable, and for which the insurer has discovered or received notice by or on behalf of the insured or escrow or security depositor;

(b) Upon receiving notice from or on behalf of the insured of a title defect in or lien or adverse claim against the title of the insured that may result in a loss or cause expense to be incurred in the proper disposition of the claim, the title insurer shall determine the amount to be added to the reserve, which amount shall reflect a careful estimate of the loss or loss expense likely to result by reason of the claim;

(c) Reserves required pursuant to this section may be revised from time to time and shall be redetermined at least once each year;

(2) A statutory or unearned premium reserve established and maintained as follows:

(a) A domestic title insurer shall establish and maintain an unearned premium reserve computed in accordance with this section, and all sums attributed to such reserve shall at all times and for all purposes be considered and constitute unearned portions of the original premiums. This reserve shall be reported as a liability of the title insurer in its financial statements;

(b) The unearned premium reserve shall be maintained by the title insurer for the protection of holders of title insurance policies. Except as provided in this section, assets equal in value to the reserve are not subject to distribution

among creditors or stockholders of the title insurer until all claims of policyholders or claims under reinsurance contracts have been paid in full, and all liability on the policies or reinsurance contracts has been paid in full and discharged or lawfully reinsured;

(c) The unearned premium reserve shall consist of:

a. The amount of the unearned premium reserve on January 1, 2001; and

b. A sum equal to fifteen cents for each one thousand dollars of net retained liability under each title insurance policy, excluding mortgagee's policies simultaneously issued with owner's policies or owner's leasehold policies of the same or greater amount, on a single risk written on properties located in this state and issued after January 1, 2001;

(d) Amounts placed in the unearned premium reserve in any year in accordance with paragraph (c) of this subdivision shall be deducted in determining the net profit of the title insurer for that year;

(e) A title insurer shall release from the unearned premium reserve a sum equal to ten percent of the amount added to the reserve during a calendar year on July first of each of the five years following the year in which the sum was added, and shall release from the unearned premium reserve a sum equal to three and one-third percent of the amount added to the reserve during that year on each succeeding July first until the entire amount for that year has been released. The amount of the unearned premium reserve or similar unearned premium reserve maintained before January 1, 2001, shall be released in accordance

with the law in effect immediately before January 1, 2001;

(f) a. Each domestic and foreign title insurer shall file annually with the audited financial report required pursuant to section 375.1032, RSMo, an actuarial certificate made by a member in good standing of the American Academy of Actuaries, or by an actuary permitted to make such certificate by the commissioner, superintendent or director of the department of insurance of the state of incorporation of a foreign title insurer;

b. The actuarial certification shall conform to the annual statement instructions for title insurers adopted by the National Association of Insurance Commissioners and shall include the actuary's professional opinion of the insurer's reserves as of the date of the annual statement. The reserves analyzed pursuant to this section shall include reserves for known claims, including adverse developments on known claims, and reserves for incurred but not reported claims;

(g) a. Each domestic and foreign title insurer shall establish a supplemental reserve in the amount by which the actuarially certified reserves exceed the total of the known claim reserve and statutory premium reserve as set forth in the title insurer's annual financial report, subject to this subdivision;

b. The supplemental reserve required pursuant to this section shall be phased in as follows:

i. Twenty-five percent of the otherwise applicable supplemental reserve is required until December thirty-first of the year next following January 1, 2001;

ii. Fifty percent of the otherwise applicable supplemental reserve is required until December thirty-first of the second year following January 1, 2001;

iii. Seventy-five percent of the otherwise applicable supplemental reserve is required until December thirty-first of the third year following January 1, 2001;

iv. One hundred percent of the supplemental reserve is required after December thirty-first of the fourth year following January 1, 2001.]

[381.075. 1. Sections 375.570 to 375.750, RSMo, and sections 375.1150 to 375.1246, RSMo, shall apply to all title insurers subject to the title insurance act, except as otherwise provided in this section. In applying such sections, the court shall consider the unique aspects of title insurance and shall have broad authority to fashion relief that provides for the maximum protection of the title insurance policyholders.

2. Security and escrow funds held by or on behalf of the title insurer shall not become general assets and shall be administered as secured claims as defined in section 375.1152, RSMo.

3. Title insurance policies that are in force at the time an order of liquidation is entered shall not be canceled except upon a showing to the court of good cause by the liquidator. The determination of good cause shall be within the discretion of the court. In making this determination, the court shall consider the unique aspects of title insurance and all other relevant circumstances.

4. The court may set appropriate dates that potential claimants must file their claims with the liquidator. The court may set different dates for claims based upon

the title insurance policy than for all other claims. In setting dates, the court shall consider the unique aspects of title insurance and all other relevant circumstances.

5. As of the date of the order of insolvency or liquidation, all premiums paid, due or to become due under policies of the title insurers, shall be fully earned. It shall be the obligation of title agencies, title agents, insureds or representatives of the title insurer to pay fully earned premium to the liquidator or rehabilitator.]

[381.078. A title insurer shall only declare or distribute a dividend to shareholders with the prior written approval of the director, as would be permitted pursuant to subdivision (1) of subsection 1 of section 382.210, RSMo.]

[381.081. 1. A domestic title insurer shall establish and maintain an unearned premium reserve computed in accordance with this section, and all sums attributed to such reserve shall at all times and for all purposes be considered and constitute unearned portions of the original premiums. This reserve shall be reported as a liability of the title insurer in its financial statements.

2. The unearned premium reserve shall be maintained by the title insurer for the protection of holders of title insurance policies. Except as provided in this section, assets equal in value to the reserve are not subject to distribution among creditors or stockholders of the title insurer until all claims of policyholders or claims under reinsurance contracts have been paid in full, and all liability on the policies or reinsurance contracts has been paid in full and discharged or lawfully reinsured.

3. A foreign or alien title insurer licensed to transact title insurance business in this state shall maintain at least the same reserves on title insurance policies issued on properties located in this state as are required of domestic title insurers, unless the laws of the jurisdiction of domicile of the foreign or alien title insurer require a higher amount.

4. The unearned premium reserve shall consist of:

(1) The amount of the unearned premium reserve on September 28, 1987; and

(2) A sum equal to fifteen cents for each one thousand dollars of net retained liability under each title insurance policy, excluding mortgagee's policies simultaneously issued with owner's policies or owner's leasehold policies of the same or greater amount, on a single risk written on properties located in this state and issued after September 28, 1987.

5. Amounts placed in the unearned premium reserve in any year in accordance with subdivision (2) of subsection 4 of this section shall be deducted in determining the net profit of the title insurer for that year.

6. A title insurer shall release from the unearned premium reserve a sum equal to ten percent of the amount added to the reserve during a calendar year on July first of each of the five years following the year in which the sum was added, and shall release from the unearned premium reserve a sum equal to three and one-third percent of the amount added to the reserve during that year on each succeeding July first until the entire amount for that year has been released. The amount of the unearned premium

reserve or similar unearned premium reserve maintained before September 28, 1987, shall be released in accordance with the law in effect immediately before September 28, 1987.]

[381.085. 1. A title insurer or authorized rate service organization shall not deliver or issue for delivery or permit any of its authorized title agencies or title agents to deliver in this state, any form, in connection with title insurance written, unless it has been filed with the director and approved by the director or thirty days have elapsed and it has not been disapproved as misleading or violative of public policy. Each violation of this subsection is a class C violation as that term is defined in section 381.045.

2. Forms covered by this section shall include:

(1) Title insurance policies, including standard form endorsements; and

(2) Title insurance commitments issued prior to the issuance of a title insurance policy.

3. After notice and opportunity to be heard are given to the insurer or rate service organization which submitted a form for approval, the director may withdraw approval of the form on finding that the use of the form is contrary to the legal requirements applicable at the time of withdrawal. The effective date of withdrawal of approval shall not be less than ninety days after notice of withdrawal is given.

4. Any term or condition related to an insurance coverage provided by an approved title insurance policy or any exception to the coverage, except those ascertained from a search and examination of records relating to a title

or inspection or survey of a property to be insured, may only be included in the policy after the term, condition or exception has been filed with the director and approved as herein provided.]

[381.088. 1. A title insurer may satisfy its obligation to file premium rates, rating manuals and forms as required by this chapter by becoming a member of, or a subscriber to, a rate service organization, organized and licensed pursuant to the provisions of this chapter, where the organization makes the filings, and by authorizing the director in writing to accept the filings on the insurer's behalf.

2. Nothing in this chapter shall be construed as requiring any title insurer, title agency or title agent to become a member of, or a subscriber to, any rate service organization. Nothing in this chapter shall be construed as prohibiting the filing of deviations from rate service organization filings by any member or subscriber.]

[381.091. 1. If a domestic title insurer becomes insolvent, is in the process of liquidation or dissolution, or is in the possession of the director:

(1) Such amount of the assets of such title insurer equal to the unearned premium reserve then remaining may be used by or with the written approval of the director to pay for reinsurance of the liability of such title insurer upon all outstanding title insurance policies or reinsurance agreements to the extent to which claims for losses by the holders thereof are not then pending. The balance of assets, if any, equal to the unearned premium reserve, may then be transferred to the general assets of the title insurer;

(2) The net assets of the unearned premium reserve shall be available to pay claims for losses sustained by holders of title insurance policies then pending or arising up to the time reinsurance is effected. If claims for losses exceed such other assets of the title insurer, such claims, when established, shall be paid pro rata out of the surplus assets attributable to the unearned premium reserve to the extent of such surplus, if any.

2. If reinsurance is not obtained, assets equal to the unearned premium reserve and assets constituting minimum capital, or so much as remains thereof after outstanding claims have been paid, shall constitute a trust fund to be held and invested by the director for twenty years, out of which claims of policyholders shall be paid as they arise. The balance, if any, of the trust fund shall, at the expiration of twenty years, revert to the general assets of the title insurer.]

[381.092. 1. Every title insurer that shall propose its own premium rates and every title insurance rating organization shall propose premium rates that are not excessive nor inadequate for the safety and soundness of any title insurer, which do not unfairly discriminate between risks in this state which involve essentially the same exposure to loss and expense elements, and which shall give due consideration to the following matters:

- (1) The desirability for stability and responsiveness of rate structures;
- (2) The necessity of assuring the financial solvency of title insurance companies in periods of economic depression;

(3) The necessity for paying dividends on the capital stock of title insurance companies sufficient to induce capital to be invested therein; and

(4) A reasonable level of profit for the insurer.

2. Every title insurer that shall propose its own rates and every title insurance rating organization may adopt basic classifications of policies or contracts of title insurance which shall be used as the basis for rates.]

[381.095. 1. If the director shall find in his review of rate filings that the filings provide for, result in, or produce rates that are not unreasonably high, and are not inadequate for the safeness and soundness of the insurer, and are not unfairly discriminatory between risks in this state involving essentially the same hazards and expense elements, the director shall approve such rates. Prior to such approval the director may conduct a public hearing with respect to a rate filing. An approval shall continue in effect until the director shall issue an order of disapproval pursuant to the requirements and procedure provided for in subsections 2 and 3 of this section.

2. Upon the review at any time by the director of a rate filing, the director shall, before issuing an order of disapproval, hold a hearing upon not less than ten days' written notice, specifying in reasonable detail the matters to be considered at such hearing, to every title insurer and title insurance rating organization which made such filing, and if, after such hearing, the director finds that such filing or a part thereof does not meet the requirements of this chapter, the director shall issue an order specifying in what respects the director finds that it so

fails, and stating when, within a reasonable period thereafter, such filing or a part thereof shall be deemed no longer effective. A title insurer or title insurance rating organization shall have the right at any time to withdraw a filing or a part thereof, subject to the provisions of section 381.102, in the case of deviation filing. Copies of the order shall be sent to every title insurer and title insurance rating organization affected. The order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in the order.

3. Any person or organization aggrieved with respect to any filing which is in effect may make written application to the director for a hearing thereon. The title insurance company or title insurance rating organization that made the filing shall not be authorized to proceed pursuant to this subsection. Such application shall specify in reasonable detail the grounds to be relied upon by the applicant. If the director shall find that the application is made in good faith, that the applicant would be so aggrieved if his or her grounds are established, and that such grounds otherwise justify holding such a hearing, the director shall, within thirty days after receipt of such application, hold a hearing upon not less than ten days' written notice to the applicant and to every title insurance company and title insurance rating organization which made such a filing. If, after such hearing, the director finds that the filing or a part thereof does not meet the requirements of this chapter, the director shall issue an order specifying in what respects the director finds that such filing or a part thereof fails to meet the requirements of this chapter, stating

when within a reasonable period thereafter, such filing or a part thereof shall be deemed no longer effective. Copies of such order shall be sent to the applicant and to every such title insurer and title insurance rating organization. The order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in the order.]

[381.098. 1. A corporation, an unincorporated association, a partnership or an individual, whether located within or outside this state, may make application to the director for license as a rating organization for title insurers, and shall file therewith:

(1) A copy of its constitution, its articles of agreement or association or its certificate of incorporation, and of its bylaws, rules and regulations governing the conduct of its business;

(2) A list of its members and subscribers;

(3) The name and address of a resident of this state upon whom notices or orders of the director or process affecting such rating organization may be served; and

(4) A statement of its qualifications as a title insurance rating organization.

2. If the director finds that the applicant is competent, trustworthy and otherwise qualified to act as a rating organization, and that its constitution, articles of agreement or association or certificate of incorporation, and its bylaws, rules and regulations governing the conduct of its business, conform to requirements of law, the director shall issue a license authorizing the applicant to act as a rating organization for title insurance. Licenses issued pursuant to this section shall remain in effect for three years

unless sooner suspended or revoked by the director or withdrawn by the licensee. The fee for such license shall be one thousand five hundred dollars. Licenses issued pursuant to this section may be suspended or revoked by the director, after hearing upon notice, in the event the rating organization ceases to meet the requirements of this subsection. Every rating organization shall notify the director promptly of every change in:

(1) Its constitution, its articles of agreement or association or its certificate of incorporation, and its bylaws, rules and regulations governing the conduct of its business;

(2) Its list of members and subscribers; and

(3) The name and address of the resident of this state designated by it upon whom notices or orders of the director or process affecting such rating organization may be served.

3. Subject to rules and regulations which have been approved by the director as reasonable, each title insurance rating organization shall permit any title insurance company not a member to be a subscriber to its rating services. Notices of proposed changes in such rules and regulations shall be given to subscribers. Each such rating organization shall furnish its rating services without discrimination to its members and subscribers. The reasonableness of any rule or regulation in its application to subscribers, or the refusal of any such rating organization to admit a title insurance company as a subscriber, shall at the request of any subscriber or any such title insurance company, be reviewed by the director at a hearing held upon at least ten days' written notice to

such rating organization and to such subscriber. If the director finds that such rule or regulation is unreasonable in its application to subscribers, the director shall order that such rule or regulation shall not be applicable to subscribers. If the rating organization fails to grant or reject an application of a title insurance company for subscribership within thirty days after it was made, the title insurance company may request a review by the director as if the application had been rejected. If the director finds that the title insurance company has been refused admittance to the title insurance rating organization as a subscriber without justification, the director shall order such rating organization to admit the title insurance company as a subscriber. If the director finds that the action of the title insurance rating organization was justified, the director shall make an order affirming its action.]

[381.101. 1. All title insurers licensed in this state shall establish and maintain reserves against unpaid losses and loss expenses.

2. Upon receiving notice from or on behalf of the insured of a title defect in or lien or adverse claim against the title of the insured that may result in a loss or cause expense to be incurred in the proper disposition of the claim, the title insurer shall determine the amount to be added to the reserve, which amount shall reflect a careful estimate of the loss or loss expense likely to result by reason of the claim.

3. Reserves required under this section may be revised from time to time and shall be redetermined at least once each year.]

[381.102. Every member of or subscriber

to a title insurance rating organization shall adhere to the filings made on its behalf by such organization, except that any title insurance company which is a member of or subscriber to such a rating organization may file with the director a uniform percentage of decrease or increase to be applied to any or all elements of the fees produced by the rating system so filed for a class of title insurance which is found by the director to be a proper rating unit for the application of such uniform decrease or increase, or to be applied to the rates for a particular area, or otherwise deviate from the rating plans, policy forms or other matters which are the subject of filings pursuant to this chapter. Such deviation filing shall specify the basis for the modification and shall be accompanied by the data or historical pattern upon which the applicant relies. A copy of the deviation filing and data shall be sent simultaneously to such rating organization. Deviation filings shall be subject to the provisions of section 381.095.]

[381.105. 1. Any member of or subscriber to a title insurance rating organization may appeal to the director from any action or decision of such rating organization in approving or rejecting any proposed change in or addition to the filings of such rating organization, and the director shall, after a hearing held upon not less than ten days' written notice to the appellant and to such rating organization, issue an order approving the action or decision of such rating organization or directing it to give further consideration to such proposal and to take action or make a decision upon it within thirty days. If such appeal is from the action or decision of the title

insurance rating organization in rejecting a proposed addition to its filings, the director may, in the event the director finds that such action or decision was unreasonable, issue an order directing the rating organization to make an addition to its filings, on behalf of its members and subscribers, in a manner consistent with the director's findings, within a reasonable time after the issuance of such order. If the appeal is from the action of the title insurance rating organization with regard to a rate or a proposed change in or addition to its filings relating to the character and extent of coverage, the director shall approve the action of the rating organization or such modification thereof as shall have been suggested by the appellant if either be made in accordance with this chapter.

2. The failure of a title insurance rating organization to take action or make a decision within thirty days after submission to it of a proposal pursuant to this section shall constitute a rejection of such proposal within the meaning of this section. If such appeal is based upon the failure of the rating organization to make a filing on behalf of such member or subscriber which is based on a system of expense allocation which differs from the system of expense allocation included in a filing made by such rating organization, the director shall, if the director grants the appeal, order the rating organization to make the requested filing for use by the appellant. In deciding such appeal, the director shall apply the standards set forth in section 381.032.]

[381.108. 1. The director shall promulgate reasonable rules and statistical plans, reasonably adapted to each of the rating systems on file with

the department, which may be modified from time to time, and which shall be used thereafter by each title insurer in the recording and reporting of the composition of its business, its loss and countrywide expense experience and those of its title insurance underwriters in order that the experience of all title insurers may be made available, at least annually, in such form and detail as may be necessary to aid him or her in determining whether rating systems comply with the standards set forth in this chapter. Such rules and plans may also provide for the recording of expense experience items which are specially applicable to this state and are not susceptible of determination by a prorating of countrywide expense experience. In promulgating such rules and plans, the director shall give due consideration to the rating systems on file with the department, and in order that such rules and plans may be as uniform as is practicable among the several states, to the rules and to the form of the plans used for such rating systems in other states. Such rules and plans shall not place an unreasonable burden of expense on any title insurer. No title insurer shall be required to record or report its expense and loss experience on a classification basis that is inconsistent with the rating system filed by it, nor shall any title insurer be required to report the experience to any agency of which it is not a member or subscriber. The director may designate one or more rating organizations or other agencies to assist the director in gathering such experience and making compilations thereof, and such compilations shall be made available, subject to reasonable rules promulgated by the director, to title

insurers and rating organizations. The director shall give preference in such designation to entities organized by and functioning on behalf of title insurers operating in this state. If the director, in his or her judgment, determines that one or more of such organizations designated as statistical agents is unable or unwilling to perform its statistical functions according to reasonable requirements established from time to time by the director, he or she may, after consultation with such statistical agent and upon twenty days' notice to any affected companies, designate another person to act on the director's behalf in the gathering of statistical experience. The director shall in such case establish the fee to be paid to such designated person by the affected companies in order to pay the total cost of gathering and compiling such experience. Agencies designated by the director shall assist the director in making compilations of the reported data and such compilations shall be made available, subject to reasonable rules and regulations promulgated by the director, to insurers, rating organizations and any other interested parties.

2. Reasonable rules and plans may be promulgated by the director for the interchange of data necessary for the application of rating plans.

3. In order to further uniform administration of rate regulatory laws, the director and every title insurer and rating organization may exchange information and experience data with insurance supervisory officials, title insurers and rating organizations in other states, and may consult with them with respect to rate making and the application of rating systems.

4. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.]

[381.111. A title insurer may obtain reinsurance for all or any part of its liability under its title insurance policies or reinsurance agreements and may also reinsure title insurance policies issued by other title insurers on single risks located in this state or elsewhere. Reinsurance on policies issued on properties located in this state may be obtained from any title insurers licensed to transact title insurance business in this state, any other state, or the District of Columbia and which have a combined capital and surplus of at least eight hundred thousand dollars.]

[381.112. For purposes of the premium tax imposed by sections 148.320 and 148.340, RSMo, the premium income received by a title insurer shall mean the amount of premium actually remitted to the title insurer and shall exclude any amount of premium retained by the title agent within the definition of "premium" contained in section 381.009.]

[381.115. 1. A person shall not act in the capacity of a title agency or title agent and a title insurer may not contract with any person to act in the capacity of a title agency or title agent with respect to risks located in this state unless the person is a licensed title agency or title agent in this state.

2. An individual employed by a licensed title agency or title agent to whom the agency or agent delegates authority to act on that agency's or agent's behalf shall be either individually licensed or be named on the employing agent's license if such

employee performs any of the functions defined in paragraph (a) of subdivision (25) of section 381.009. Each person named on the license shall possess all qualifications determined by the director to be appropriate. The director may adopt rules, regulations, and requirements relating to licensing and practices of persons acting in the capacity of title agencies or agents. These persons may include title agencies, title agents, employees of either, and persons acting on behalf of title agencies or title agents. This subsection is not intended to include persons performing clerical functions.

3. Every title agency licensed in this state shall:

(1) Exclude or eliminate the word insurer or underwriter from its business name, unless the word agency is also included as part of the name; and

(2) Provide, in a timely fashion, each title insurer with which it places business any information the title insurer requests in order to comply with reporting requirements of the director.

4. A title agency or title agent licensed in this state prior to the effective date of this chapter shall have ninety days after the effective date of this chapter to comply with the requirements of this section.

5. If the title agency or title agent delegates the title search to a third party, such as an abstract company, the agency or agent must first obtain proof that the third party is operating in compliance with rules and regulations established by the director and the third party shall provide the agency or agent and the insurer with access to and the right to copy all accounts and records maintained by the third party with respect to business

placed with the title insurer. Proof from the third party may consist of a signed statement indicating compliance, and shall be effective for a three-year period. Each violation of this subsection is a class C violation as that term is defined in section 381.045.]

[381.118. 1. Each title agent licensed to sell title insurance in this state, unless exempt pursuant to subsection 8 of this section, shall successfully complete courses of study as required by this section. Any person licensed to act as a title agent shall, during each two years, attend courses or programs of instruction or attend seminars equivalent to a minimum of eight hours of instruction. The initial such two-year period shall begin January first of the year next following the effective date of this chapter.

2. Subject to approval by the director, the courses or programs of instruction which shall be deemed to meet the director's standards for continuing educational requirements shall include, but not be limited to, the following:

(1) An insurance-related course taught by an accredited college or university or qualified instructor who has taught a course of insurance law at such institution;

(2) A course or program of instruction or seminar developed or sponsored by any authorized insurer, recognized agents' association or insurance trade association. A local agents' group may also be approved if the instructor receives no compensation for services;

(3) Courses approved for continuing legal education credit by the Missouri Bar.

3. A person teaching any approved

course of instruction or lecturing at any approved seminar shall qualify for the same number of classroom hours as would be granted to a person taking and successfully completing such course, seminar or program.

4. Excess classroom hours accumulated during any two-year period may be carried forward to the two-year period immediately following the two-year period in which the course, program or seminar was held.

5. For good cause shown, the director may grant an extension of time during which the educational requirements imposed by this section may be completed, but such extension of time shall not exceed the period of one calendar year. The director may grant an individual waiver of the mandatory continuing education requirement upon a showing by the licensee that it is not feasible for the licensee to satisfy the requirements prior to the renewal date. Waivers may be granted for reasons including, but not limited to:

(1) Serious physical injury or illness;

(2) Active duty in the armed services for an extended period of time;

(3) Residence outside the United States; or

(4) Licensee is at least seventy years of age and is currently licensed as a title agent.

6. Every person subject to the provisions of this section shall furnish in a form satisfactory to the director, written certification as to the courses, programs, or seminars of instruction taken and successfully completed by such person. A filing fee shall be paid by the person furnishing the report as determined by

the director to be necessary to cover the administrative cost related to the handling of such certification reports, subject to the limitations imposed in subsection 9 of this section.

7. The provisions of this section shall not apply to those natural persons holding or applying for a license to act as a title agent in Missouri who reside in a state that has enacted and implemented a mandatory continuing education law or regulation pertaining to title agents. However, those natural persons holding or applying for a Missouri agent license who reside in states which have no mandatory continuing education law or regulations shall be subject to all the provisions of this section to the same extent as resident Missouri title agents.

8. Rules necessary to implement and administer this section shall be promulgated by the director of the department of insurance, including, but not limited to, rules regarding the following:

(1) The insurance advisory board established by section 375.019, RSMo, shall be utilized by the director to assist the director in determining acceptable content of courses, programs and seminars to include classroom equivalency;

(2) Every applicant seeking approval by the director of a continuing education course pursuant to this section shall pay to the director a filing fee of fifty dollars per course, except that such total fee shall not exceed two hundred fifty dollars per year for any single applicant. Fees shall be waived for local agents' groups if the instructor receives no compensation for services. Such fee shall accompany any application form required by the director.

Courses shall be approved for a period of no more than one year. Applicants holding courses intended to be offered for a longer period must reapply for approval;

(3) The director has the authority to determine the amount of the filing fee to be paid by title agents at the time of license renewal, which shall be set at an amount to produce revenue which shall not substantially exceed the cost of administering this section, but in no event shall such fee exceed ten dollars per biennial report filed.

9. All funds received pursuant to the provisions of this section shall be transmitted by the director of the department of insurance to the department of revenue for deposit in the state treasury to the credit of the department of insurance dedicated fund. All expenditures necessitated by this section shall be paid from funds appropriated from the department of insurance dedicated fund by the legislature.

10. When a title agent pays his or her biennial renewal fee, such agent shall also furnish the written certification and filing fee required by this section.

11. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.]

[381.121. 1. The deposit required by section 381.051 and the capital, surplus and unearned premium reserve of domestic title insurers shall be held in either cash or investments now or hereafter permitted to domestic life insurers with regard to their capital,

reserve and surplus for reserve deposit.

2. A domestic title insurer may invest in title plants. For purposes of determining the financial condition of such title insurer, title plants will be treated as an asset valued at actual cost to the title insurer, not to exceed fifty percent of the surplus as to policyholders as shown on the most recent annual statement of the title insurer.

3. Any investment of a domestic title insurer acquired before September 28, 1987, and which under such sections, would be considered ineligible as an investment on that date, shall be disposed of within five years of September 28, 1987. The director, upon application and proof that forced sale of any such investment would be contrary to the best interests of the title insurer or its policyholders, may extend the period for disposal of the investment for a reasonable time.]

[381.122. The director may during normal business hours examine, audit and inspect any and all books and records maintained by a title agency pursuant to this chapter.]

[381.125. 1. Whenever the business to be written constitutes affiliated business, prior to commencing the transaction, the title agency or title agent shall ensure that its customer has been provided with disclosure of the existence of the affiliated business arrangement and a written estimate of the charge or range of charges generally made for the title services provided by the title agency or agent.

2. The director may establish rules for use by all title agencies in the recording and reporting of the agency's owners and

of the agency's ownership interests in other persons or businesses and of material transactions between the parties.

3. The director may require each title agency to file on forms prescribed by the director reports setting forth the names and addresses of those persons, if any, that have a financial interest in the agency and who the agency knows or has reason to believe are producers of title insurance business or associates of producers.

4. Nothing in this chapter shall be construed as prohibiting affiliated business arrangements in the provision of title insurance business so long as:

(1) The title agency, title agent or party making a referral constituting affiliated business, at or prior to the time of the referral, discloses the arrangement and, in connection with the referral, provides the person being referred with a written estimate of the charge or range of charges likely to be assessed and otherwise complies with the disclosure obligations of this section;

(2) The person being referred is not required to use a specified title insurance agency, agent or insurer; and

(3) The only thing of value that is received by the title agency, title agent or party making the referral, other than payments otherwise permitted, is a return on an ownership interest.

For purposes of this subsection, the terms "required use" and "return on an ownership interest" shall have the meaning accorded to them under the Real Estate Settlement Procedures Act (RESPA), 12 U.S.C. Section 2607, as amended and Regulation X, 24 CFR Section 3500, et seq.

5. Each violation of any provision of this section is a class C violation as that term is defined in section 381.045.]

[381.131. Any person who shall be appointed or who shall act as title insurance agent or agency for any title insurance company within this state, or who shall, as title insurance agent or agency, solicit applications, deliver policies and collect premiums thereon, or who shall receive or collect moneys from any source or on any account whatsoever, as agent or agency, for a title insurance company doing business in this state, shall be held responsible in a trust or fiduciary capacity to the company for any money so collected or received by him for such company.]

[381.151. Nothing in sections 381.011 to 381.241 shall be construed as prohibiting the division of premiums and charges between or among a title insurer and its title agent or agency, two or more title insurers, one or more title insurers and one or more title agents or agencies or two or more title agents or agencies, provided such division of premiums and charges does not constitute:

(1) An unlawful rebate or inducement under the provisions of sections 381.011 to 381.241; or

(2) Payment of a forwarding fee or finder's fee.]

[381.211. Every title insurer shall file with the director copies of the following forms it proposes to use in this state, including:

- (1) Title insurance policies;
- (2) Standard form endorsements; and
- (3) Preliminary reports, commitments, binders, or any other reports issued prior

to the issuance of a title insurance policy.]

[381.221. For purposes of the premium tax imposed by sections 148.320 and 148.340, RSMo, the premium income received by a title insurer shall be one hundred percent of the amounts paid by or on behalf of the insured as "premiums" within the definition of that term contained in sections 381.011 to 381.241.]

[381.231. In addition to any other powers granted under sections 381.011 to 381.241, the director may adopt rules or regulations to protect the interests of the public including, but not limited to, regulations governing sales practices, escrow, collection, settlement, closing procedures, policy coverage standards, rebates and inducements, controlled business, the approval of agency contracts, unfair trade practices and fraud, statistical plans for data collection, consumer education, any other consumer matters, the business of title insurance, or any regulations otherwise implementing or interpreting the provisions of sections 381.011 to 381.241. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.]

[381.241. 1. The director of insurance or his duly authorized representative may at any time and from time to time, inspect and examine the records, books and accounts of any title insurer, and may require such periodic and special reports from any title insurer, as may be reasonably necessary to enable the director to satisfy himself that such title insurer is complying with the requirements of sections 381.011 to

381.241. No person shall be authorized to inspect and examine the records, books and accounts of any title insurer unless such person has five years experience in the title insurance business. It shall be the duty of the director at least once every four years to make or cause to be made an examination of every title insurer. The reasonable expense of any examination shall be paid by the title insurer.

2. The purpose of such examination is to enable the director to ascertain whether there is compliance with the provisions of sections 381.011 to 381.241. If as a result of such examination the director has reason to believe that any rate, rating plan or rating system made or used by an insurer does not meet the standards and provisions of sections 381.011 to 381.241, applicable to it, the director may hold a public hearing. Within a reasonable period of time, which shall be not less than ten days before the date of such hearing, he shall mail written notice specifying the matters to be considered at such hearing to every person, insurer or organization believed by him not to be in compliance with the provisions of sections 381.011 to 381.241.

3. If the director, after such hearing, for good cause finds that such rate, rating plan or rating system does not meet the provisions of sections 381.011 to 381.241, he shall issue an order specifying in what respects any such rate, rating plan or rating system fails to meet such provisions, and stating when, within a reasonable period of time, the further use of such rate, rating plan or rating system by the title insurer which is the subject of the examination shall be prohibited. A copy of such order shall be sent to such title insurer.]

[381.410. As used in sections 381.410 and 381.412, the following terms mean:

(1) "Cashier's check", a check, however labeled, drawn on the financial institution, which is signed only by an officer or employee of such institution, is a direct obligation of such institution, and is provided to a customer of such institution or acquired from such institution for remittance purposes;

(2) "Certified funds", U.S. currency, funds conveyed by a cashier's check, certified check, teller's check, as defined in Federal Reserve Regulations CC, or wire transfers, including written advice from a financial institution that collected funds have been credited to the settlement agent's account;

(3) "Director", the director of the department of insurance, unless the settlement agent's primary regulator is another division in the department of economic development. When the settlement agent is regulated by such division, that division shall have jurisdiction over sections 381.410 and 381.412;

(4) "Financial institution":

(a) A person or entity doing business under the laws of this state or the United States relating to banks, trust companies, savings and loan associations, credit unions, commercial and consumer finance companies, industrial loan companies, insurance companies, small business investment corporations licensed pursuant to the Small Business Investment Act of 1958 (15 U.S.C. Section 661, et seq.), as amended, or real estate investment trusts as defined in 26 U.S.C. Section 856, as amended, or institutions constituting the Farm Credit

System pursuant to the Farm Credit Act of 1971 (12 U.S.C. Section 2000, et seq.), as amended, or any person which services loans secured by liens or mortgages on real property, which person may or may not maintain a servicing portfolio for such loans; or

(b) The following persons or entities if their principal place of business is in Missouri or a state which is contiguous to Missouri:

a. A mortgage loan company which is subject to licensing, supervision or auditing by the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation, or the United States Veterans Administration, or the Government National Mortgage Association, or the United States Department of Housing and Urban Development, or a successor of any of the foregoing agencies or entities, as an approved seller or servicer; or

b. A person or entity acting as a mortgage loan company pursuant to court order;

(5) "Settlement agent", a person, corporation, partnership, or other business organization which accepts funds and documents as fiduciary for the buyer, seller or lender for the purposes of closing a sale of an interest in real estate located within the state of Missouri, and is not a financial institution, or a member in good standing of the Missouri Bar Association, or a person licensed under chapter 339, RSMo.]

[381.410. As used in this section and section 381.412, the following terms mean:

(1) "Cashier's check", a check, however labeled, drawn on the financial

institution, which is signed only by an officer or employee of such institution, is a direct obligation of such institution, and is provided to a customer of such institution or acquired from such institution for remittance purposes;

(2) "Certified funds", United States currency, funds conveyed by a cashier's check, certified check, teller's check, as defined in Federal Reserve Regulations CC, or wire transfers, including written advice from a financial institution that collected funds have been credited to the settlement agent's account;

(3) "Director", the director of the department of insurance, unless the settlement agent's primary regulator is another division in the department of economic development. When the settlement agent is regulated by such division, that division shall have jurisdiction over this section and section 381.412;

(4) "Financial institution":

(a) A person or entity doing business pursuant to the laws of this state or the United States relating to banks, trust companies, savings and loan associations or credit unions; or

(b) The following persons or entities if their principal place of business is in Missouri or outside Missouri, but within the St. Louis or Kansas City standard metropolitan statistical area:

a. A mortgage loan company which is subject to licensing, supervision or auditing by the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation, or the United States Veterans Administration, or the Government National Mortgage Association, or the

United States Department of Housing and Urban Development, or a successor of any of the foregoing agencies or entities, as an approved seller or servicer;

(5) "Settlement agent", a person, corporation, partnership, or other business organization which accepts funds and documents as fiduciary for the buyer, seller or lender for the purposes of closing a sale of an interest in real estate located within the state of Missouri, and is not a financial institution, or a member in good standing of the Missouri Bar, or a person licensed under chapter 339, RSMo.]

[381.412. 1. A settlement agent who accepts funds of more than ten thousand dollars, but less than two million dollars, for closing a sale of an interest in real estate shall require a buyer, seller or lender who is not a financial institution to convey such funds to the settlement agent as certified funds. The settlement agent shall record all security instruments for such real estate closing within three business days of such closing after receipt of such certified funds. A check:

(1) Drawn on an escrow account of a licensed real estate broker, as regulated and described in section 339.105, RSMo;

(2) Drawn on an escrow account of a title insurer or title insurance agency licensed to do business in Missouri;

(3) Drawn on an agency of the United States of America, the state of Missouri or any county or municipality of the state of Missouri; or

(4) Drawn on an account by a financial institution;

shall be exempt from the provisions of this section.

2. No title insurer, title insurance agency or title insurance agent, as defined in section 381.031, shall make any payment, disbursement or withdrawal in excess of ten thousand dollars from an escrow account which it maintains as a depository of funds received from the public for the settlement of real estate transactions unless a corresponding deposit of funds was made to the escrow account for the benefit of the payee or payees:

(1) At least ten days prior to such payment, disbursement or withdrawal;

(2) Which consisted of certified funds; or

(3) Consisted of a check made exempt from this section by the provisions of subsection 1 of this section.

3. If the director finds that a settlement agent, title insurer, title insurance agency or title insurance agent has violated any provisions of this section, the director may assess a fine of not more than two thousand dollars for each violation, plus the costs of the investigation. Each separate transaction where certified funds are required shall constitute a separate violation. In determining a fine, the director shall consider the extent to which the violation was a knowing and willful violation, the corrective action taken by the settlement agent to ensure that the violation will not be repeated, and the record of the settlement agent in complying with the provisions of this section.]

[381.412. 1. A settlement agent who accepts funds of more than ten thousand dollars for closing a sale of an interest in real estate shall require a buyer, seller or lender who is not a financial institution to convey such funds to the settlement agent

as certified funds. A check:

- (1) Drawn on an escrow account of a licensed real estate broker, as regulated and described in section 339.105, RSMo;
- (2) Drawn on an escrow account of a title insurer or title insurance agency licensed to do business in Missouri;
- (3) Drawn on an agency of the United States of America, the state of Missouri or any county or municipality of the state of Missouri; or
- (4) Drawn on an account by a financial institution;

shall be exempt from the provisions of this section.

2. No title insurer, title insurance agency or title insurance agent, as defined in section 381.009, shall make any payment, disbursement or withdrawal in excess of ten thousand dollars from an escrow account which it maintains as a depository of funds received from the public for the settlement of real estate transactions unless a corresponding deposit of funds was made to the escrow account for the benefit of the payee or payees:

- (1) At least ten days prior to such payment, disbursement or withdrawal;
- (2) Which consisted of certified funds; or
- (3) Consisted of a check made exempt from this section by the provisions of subsection 1 of this section.

3. If the director finds that a settlement agent, title insurer, title insurance agency or title insurance agent has violated any provisions of this section, the director may assess a fine of not more than two thousand dollars for each violation, plus the costs of the investigation. Each

separate transaction where certified funds are required shall constitute a separate violation. In determining a fine, the director shall consider the extent to which the violation was a knowing and willful violation, the corrective action taken by the settlement agent to ensure that the violation will not be repeated, and the record of the settlement agent in complying with the provisions of this section.]”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 66, Section A, Page 1, by inserting after all of said section the following:

“354.150. Every health services corporation subject to the provisions of sections 354.010 to 354.380 shall pay the following fees to the director [of insurance] for **the administration and** enforcement of the provisions of this chapter:

[Issuance of certificate of authority.....]	\$150.00
Filing articles of amendment.....	\$ 20.00
Filing each annual statement	\$100.00
Filing articles of acceptance and issuing a certificate of acceptance.....	\$ 20.00
Filing any other statement or report	\$ 1.00
For a certified copy of any document or other paper filed in the office of the director, per page.....	\$.35
For the certificate and for affixing the seal thereto.....	\$ 10.00
For filing statement and pertinent admission papers required of a foreign health services corporation.....	\$200.00

For copies of papers, records and documents filed
in the office of the director, an amount not
to exceed, at the director's discretion\$ 1.00
per page

For each service of process upon the
director, on behalf of the health
services corporation..... \$10.00]

(1) For filing the declaration required on organization of each domestic company, two hundred fifty dollars;

(2) For filing statement and certified copy of charter required of foreign companies, two hundred fifty dollars;

(3) For filing application to renew certificate of authority, along with all required annual reports, including the annual statement, actuarial statement, risk based capital report, report of valuation of policies or other obligations of assurance, and audited financial report of any company doing business in this state, one thousand five hundred dollars;

(4) For filing any paper, document, or report not filed under subdivision (1), (2), or (3) of this section but required to be filed in the office of the director, fifty dollars each;

(5) For affixing the seal of office of the director, ten dollars;

(6) For accepting each service of process upon the company, ten dollars.

354.180. 1. [(1) The director may issue cease and desist orders whenever it appears to him upon competent and substantial evidence that any person is acting in violation of any law, rule or regulation relating to corporations subject to the provisions of sections 354.010 to 354.380, or whenever the director has reason to believe that any health services corporation is in such financial condition that the assumption of additional obligations would be hazardous to its members or the general public. Before any cease and desist order shall be issued,

a copy of the proposed order together with an order to show cause why such cease and desist order should not be issued shall be served either personally or by certified mail on any person named therein.

(2) (a) Upon issuing any order to show cause, the director shall notify the person named therein that the person is entitled to a public hearing before the director if a request for a hearing is made in writing to the director within fifteen days from the day of the service of the order to show cause why the cease and desist order should not be issued.

(b) The cease and desist order shall be issued fifteen days after the service of the order to show cause if no request for a public hearing is made as above provided.

(c) Upon receipt of a request for a hearing, the director shall set a time and place for the hearing which shall not be less than ten days or more than fifteen days from the receipt of the request or as otherwise agreed upon by the parties. Notice of the time and place shall be given by the director not less than five days before the hearing.

(d) At the hearing the person may be represented by counsel and shall be entitled to be advised of the nature and source of any adverse evidence procured by the director and shall be given the opportunity to submit any relevant written or oral evidence in his behalf to show cause why the cease and desist order should not be issued.

(e) At the hearing the director shall have such powers as are conferred upon him in section 354.190.

(f) At the conclusion of the hearing, or within ten days thereafter, the director shall issue the cease and desist order as proposed or as subsequently modified or notify the person or corporation subject to the provisions of sections 354.010 to 354.380 that no order shall be issued, provided that where the director finds that the corporation is in such financial condition that the

assumption of additional obligations would be hazardous to its members or the general public, he may order the corporation to cease and desist from making contracts for new members or for the provision of new benefits until the corporation's financial condition is no longer hazardous.

(g) The circuit court of Cole County shall have jurisdiction to review any cease and desist order of the director under the provisions of sections 536.100 to 536.150, RSMo; and, if any person against whom an order is issued fails to request judicial review, or if, after judicial review, the director's cease and desist order is upheld, the order shall become final.

2. (1) Any person willfully violating any provision of any cease and desist order of the director after it becomes final, while the same is in force, upon conviction thereof shall be guilty of a class A misdemeanor, punishable as provided by law.

(2) In addition to any other penalty provided, violation of any cease and desist order shall subject the violator to suspension or revocation of any certificate of authority or license as may be applicable under the laws of this state relating to corporations subject to the provisions of sections 354.010 to 354.380.

3. (1) When it appears to the director that there is a violation of the law, rule or regulation relating to corporations subject to the provisions of sections 354.010 to 354.380, and that the continuance of the acts or actions of any person as herein defined would produce injury to the public or to any other person in this state, or when it appears that a person is doing or threatening to do some act in violation of the laws of this state relating to corporations subject to the provisions of sections 354.010 to 354.380, the director may file a petition for injunction in the circuit court of Cole County, Missouri, in which he may ask for a temporary injunction or restraining order as well as a permanent injunction to restrain the act or threatened act. In the event the temporary

injunction or restraining order or a permanent injunction is issued by the circuit court of Cole County, Missouri, no person against whom the temporary injunction or restraining order or permanent injunction is granted shall do or continue to do any of the acts or actions complained of in the petition for injunction, unless and until the temporary injunction or restraining order or permanent injunction is vacated, dismissed or otherwise terminated.

(2) Any writ of injunction issued under this law may be served and enforced as provided by law in injunctions issued in other cases, but the director of the insurance department shall not be required to give any bond as preliminary to or in the course of any proceedings to which he is a party as director.

4. The term "person" as used in this section shall include any individual, partnership, corporation, association or trust, or any other legal entity.] **If the director determines that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of sections 354.010 to 354.380 or a rule adopted or order issued pursuant thereto, or a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of sections 354.010 to 354.380 or a rule adopted or order issued pursuant thereto, the director may issue such administrative orders as authorized under section 374.046, RSMo. A violation of these sections is a level two violation under section 374.049, RSMo, except for any violation of sections 354.320 and 354.350, which is a level three violation.**

2. If the director believes that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of sections 354.010 to 354.380 or a rule adopted or order issued pursuant thereto, or

that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of sections 354.010 to 354.380 or a rule adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized under section 374.048, RSMo. A violation of these sections is a level two violation under section 374.049, RSMo, except for any violation of sections 354.320 and 354.350, which is a level three violation.

354.210. [1. Notwithstanding any other provisions of chapter 354,] **If** the director [may, after a hearing, order as a forfeiture to the state of Missouri a sum not to exceed one hundred dollars for each violation by any person or corporation willfully violating any provision of sections 354.010 to 354.380 for which no specific punishment is provided, or order of the director made in accordance with such sections. Such forfeiture may be recovered by a civil action brought by and in the name of the director of insurance. The civil action may be brought in the county which has venue of an action against the person or corporation under other provisions of law.

2. Nothing contained in this section shall be construed to prohibit the director and the corporation or its enrollment representative from agreeing to a voluntary forfeiture of the sum mentioned herein without civil proceedings being instituted. Any sum so agreed upon shall be paid into the school fund as provided by law for other fines and penalties] **has reason to believe that any health services corporation is in such financial condition that the assumption of additional obligations would be hazardous to its members or the general public, the director may issue orders or seek relief to protect the public under the provisions of section 354.180.**

354.350. 1. [When upon investigation the director finds that any] **It is unlawful for any corporation subject to the provisions of sections**

354.010 to 354.380 transacting business in this state [has conducted] **to:**

(1) **Conduct** its business fraudulently[, is not carrying];

(2) **Fail to carry** out its contracts in good faith[, or is]; **or**

(3) Habitually and as a matter of business practice [compelling] **compel** claimants under policies or liability judgment creditors of its members to either accept less than the amount due under the terms of the policy or resort to litigation against the corporation to secure payment of the amount due[, and that a proceeding in respect thereto would be in the interest of the public, he shall issue and serve upon the corporation a statement of the charges in that respect and a notice of a hearing thereon].

2. [If after the hearing the director shall determine that the corporation subject to the provisions of sections 354.010 to 354.380 has fraudulently conducted its business as defined in this section, he shall order the corporation to cease and desist from the fraudulent practice and may suspend the corporation's certificate of authority for a period not to exceed thirty days and may in addition order a forfeiture to the state of Missouri of a sum not to exceed one thousand dollars, which forfeiture may be recovered by a civil action brought by and in the name of the director of insurance. The civil action may be brought in the circuit court of Cole County or, at the option of the director of insurance, in another county which has venue of an action against the corporation under other provisions of law] **If the director determines that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of this section or a rule adopted or order issued**

pursuant thereto, the director may issue such administrative orders as authorized under section 374.046, RSMo. Each practice in violation of this section is a level two violation under section 374.049, RSMo. Each act as a part of a practice does not constitute a separate violation under section 374.049, RSMo. The director [of insurance] may also suspend or revoke the license **or certificate of authority** of a corporation subject to the provisions of sections 354.010 to 354.380 or enrollment representative for any such willful violation.

3. If the director believes that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized under section 374.048, RSMo. Each practice in violation of this section is a level two violation under section 374.049, RSMo. Each act as a part of a practice does not constitute a separate violation under section 374.049, RSMo.

354.400. As used in sections 354.400 to [354.535] **354.636**, the following terms shall mean:

(1) “Basic health care services”, health care services which an enrolled population might reasonably require in order to be maintained in good health, including, as a minimum, emergency care, inpatient hospital and physician care, and outpatient medical services;

(2) “Community-based health maintenance organization”, a health maintenance organization which:

(a) Is wholly owned and operated by hospitals, hospital systems, physicians, or other health care providers or a combination thereof who provide

health care treatment services in the service area described in the application for a certificate of authority from the [department of insurance] **director;**

(b) Is operated to provide a means for such health care providers to market their services directly to consumers in the service area of the health maintenance organization;

(c) Is governed by a board of directors that exercises fiduciary responsibility over the operations of the health maintenance organization and of which a majority of the directors consist of equal numbers of the following:

a. Physicians licensed pursuant to chapter 334, RSMo;

b. Purchasers of health care services who live in the health maintenance organization's service area;

c. Enrollees of the health maintenance organization elected by the enrollees of such organization; and

d. Hospital executives, if a hospital is involved in the corporate ownership of the health maintenance organization;

(d) Provides for utilization review, as defined in section 374.500, RSMo, under the auspices of a physician medical director who practices medicine in the service area of the health maintenance organization, using review standards developed in consultation with physicians who treat the health maintenance organization's enrollees;

(e) Is actively involved in attempting to improve performance on indicators of health status in the community or communities in which the health maintenance organization is operating, including the health status of those not enrolled in the health maintenance organization;

(f) Is accountable to the public for the cost, quality and access of health care treatment services and for the effect such services have on the health of the community or communities in which the

health maintenance organization is operating on a whole;

(g) Establishes an advisory group or groups comprised of enrollees and representatives of community interests in the service area to make recommendations to the health maintenance organization regarding the policies and procedures of the health maintenance organization;

(h) Enrolls fewer than fifty thousand covered lives;

(3) "Covered benefit" or "benefit", a health care service to which an enrollee is entitled under the terms of a health benefit plan;

(4) "Director", the director of the department of insurance, **financial and professional regulation**;

(5) "Emergency medical condition", the sudden and, at the time, unexpected onset of a health condition that manifests itself by symptoms of sufficient severity that would lead a prudent lay person, possessing an average knowledge of health and medicine, to believe that immediate medical care is required, which may include, but shall not be limited to:

(a) Placing the person's health in significant jeopardy;

(b) Serious impairment to a bodily function;

(c) Serious dysfunction of any bodily organ or part;

(d) Inadequately controlled pain; or

(e) With respect to a pregnant woman who is having contractions:

a. That there is inadequate time to effect a safe transfer to another hospital before delivery; or

b. That transfer to another hospital may pose a threat to the health or safety of the woman or unborn child;

(6) "Emergency services", health care items and services furnished or required to screen and

stabilize an emergency medical condition, which may include, but shall not be limited to, health care services that are provided in a licensed hospital's emergency facility by an appropriate provider;

(7) "Enrollee", a policyholder, subscriber, covered person or other individual participating in a health benefit plan;

(8) "Evidence of coverage", any certificate, agreement, or contract issued to an enrollee setting out the coverage to which the enrollee is entitled;

(9) "Health care services", any services included in the furnishing to any individual of medical or dental care or hospitalization, or incident to the furnishing of such care or hospitalization, as well as the furnishing to any person of any and all other services for the purpose of preventing, alleviating, curing, or healing human illness, injury, or physical disability;

(10) "Health maintenance organization", any person which undertakes to provide or arrange for basic and supplemental health care services to enrollees on a prepaid basis, or which meets the requirements of section 1301 of the United States Public Health Service Act;

(11) "Health maintenance organization plan", any arrangement whereby any person undertakes to provide, arrange for, pay for, or reimburse any part of the cost of any health care services and at least part of such arrangement consists of providing and assuring the availability of basic health care services to enrollees, as distinguished from mere indemnification against the cost of such services, on a prepaid basis through insurance or otherwise, and as distinguished from the mere provision of service benefits under health service corporation programs;

(12) "Individual practice association", a partnership, corporation, association, or other legal entity which delivers or arranges for the delivery of health care services and which has entered into a services arrangement with persons who are licensed to practice medicine, osteopathy,

dentistry, chiropractic, pharmacy, podiatry, optometry, or any other health profession and a majority of whom are licensed to practice medicine or osteopathy. Such an arrangement shall provide:

(a) That such persons shall provide their professional services in accordance with a compensation arrangement established by the entity; and

(b) To the extent feasible for the sharing by such persons of medical and other records, equipment, and professional, technical, and administrative staff;

(13) “Medical group/staff model”, a partnership, association, or other group:

(a) Which is composed of health professionals licensed to practice medicine or osteopathy and of such other licensed health professionals (including dentists, chiropractors, pharmacists, optometrists, and podiatrists) as are necessary for the provisions of health services for which the group is responsible;

(b) A majority of the members of which are licensed to practice medicine or osteopathy; and

(c) The members of which (i) as their principal professional activity over fifty percent individually and as a group responsibility engaged in the coordinated practice of their profession for a health maintenance organization; (ii) pool their income from practice as members of the group and distribute it among themselves according to a prearranged salary or drawing account or other plan, or are salaried employees of the health maintenance organization; (iii) share medical and other records and substantial portions of major equipment and of professional, technical, and administrative staff; (iv) establish an arrangement whereby an enrollee's enrollment status is not known to the member of the group who provides health services to the enrollee;

(14) “Person”, any partnership, association, or corporation;

(15) “Provider”, any physician, hospital, or other person which is licensed or otherwise authorized in this state to furnish health care services;

(16) “Uncovered expenditures”, the costs of health care services that are covered by a health maintenance organization, but that are not guaranteed, insured, or assumed by a person or organization other than the health maintenance organization, or those costs which a provider has not agreed to forgive enrollees if the provider is not paid by the health maintenance organization.

354.435. 1. Every health maintenance organization shall annually, on or before March first, file a report, verified by at least two principal officers, with the director, covering its preceding calendar year.

2. Such report shall be on forms prescribed by the director and shall include:

(1) A financial statement of the organization, including its balance sheet for the preceding calendar year;

(2) Any material changes in the information submitted pursuant to subsection 3 of section 354.405;

(3) The number of persons enrolled during the year, the number of enrollees, as of the end of the year, and the number of enrollments terminated during the year;

(4) A statement setting forth the amount of uncovered and covered expenses that are payable and are more than ninety days past due for the period of August first through December thirty-first of the preceding year;

(5) Such other information relating to the performance of the organization as is necessary to enable the director to carry out his duties under sections 354.400 to [354.550] **354.636**.

354.444. 1. [Notwithstanding any other provisions of chapter 354,] **If** the director [may, after a hearing, order a forfeiture to the state of

Missouri a sum not to exceed one hundred dollars for each violation by any person knowingly violating any provision] **determines that a person has engaged, is engaged in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation** of sections 354.400 to 354.636 [for which no specific punishment is provided, or order a specific punishment in accordance with such sections. Such forfeiture may be recovered by a civil action brought by and in the name of the department of insurance. The civil action may be brought in the county which has venue for an action against the person or corporation], **or a rule adopted or order issued pursuant thereto or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of sections 354.400 to 354.636 or a rule adopted or order issued pursuant thereto, the director may issue such administrative orders as authorized under section 374.046, RSMo. A violation of any of these sections is a level one violation under section 374.049, RSMo.**

2. [Nothing contained in this section shall be construed to prohibit the director and the corporation or its enrollment representative from agreeing to a voluntary forfeiture of the sum mentioned herein without civil proceedings being instituted. Any payment under this section shall be paid into the school fund as provided by article IX, section 7 of the Missouri Constitution for fines and penalties] **If the director believes that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of sections 354.400 to 354.636, or a rule adopted or order issued pursuant thereto or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of sections 354.400 to 354.636 or a rule adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized**

under section 374.048, RSMo. A violation of any of these sections is a level one violation under section 374.049, RSMo.

354.455. Unless otherwise provided in sections 354.400 to [354.550] **354.636**, each health maintenance organization shall deposit with the director, or with any organization or trustee acceptable to him through which a custodial or controlled account is utilized, cash, securities, or any combination of these or other measures acceptable to him, in the amount set forth in section 354.410.

354.460. No health maintenance organization, or representative thereof, may cause or knowingly permit the use of advertising which is untrue or misleading, solicitation which is untrue or misleading, or any form of evidence of coverage which is deceptive. For purposes of sections 354.400 to [354.550] **354.636**:

(1) A statement or item of information shall be deemed to be untrue if it does not conform to fact in any respect which is or may be significant to an enrollee of, or person considering enrollment with, a health maintenance organization;

(2) A statement or item of information shall be deemed to be misleading, whether or not it may be literally untrue, if, in the total context in which such statement is made or such item of information is communicated, such statement or item of information may be reasonably understood by a reasonable person, not possessing special knowledge regarding health care coverage, as indicating any benefit or advantage or the absence of any exclusion, limitation, or disadvantage of possible significance to an enrollee of, or person considering enrollment in, a health maintenance organization plan, if such benefit, advantage, or absence of limitation, exclusion, or disadvantage does not, in fact, exist;

(3) An evidence of coverage shall be deemed to be deceptive if the evidence of coverage, taken as a whole, is misleading.

354.464. No health maintenance organization, unless licensed as an insurer, may use in its name, contracts, or literature any of the words “insurance”, “casualty”, “surety”, “mutual”, or any other words descriptive of the insurance, casualty, or surety business or deceptively similar to the name or description of any insurance or surety corporation doing business in this state when such words are deceptive or misleading. No person, if not in possession of a valid certificate of authority issued pursuant to sections 354.400 to [354.550] **354.636**, may use the phrase “health maintenance organization” or “HMO” in the course of its operation.

354.475. 1. An insurance company licensed in this state, or a health services corporation authorized to do business in this state, may directly or through a subsidiary or affiliate, organize and operate a health maintenance organization under the provisions of sections 354.400 to [354.550] **354.636** so long as they comply with the provisions of section 354.410 as applicable thereto. Notwithstanding any other law to the contrary, any two or more such insurance companies, health services corporations, or subsidiaries or affiliates thereof, may jointly organize and operate a health maintenance organization.

2. Notwithstanding any other provision of law pertaining to insurance and health services corporations to the contrary, an insurer or a health services corporation may contract with a health maintenance organization to provide insurance or similar protection against the cost of care provided through health maintenance organizations and to provide coverage in the event of the failure of the health maintenance organization to meet its obligations. The enrollees of a health maintenance organization shall be deemed to constitute a permissible group under such laws. Among other things, under such contracts, the insurer or health services corporation may make benefit payments to health maintenance organizations for health care services rendered by providers.

354.485. The director may promulgate such reasonable rules and regulations in accordance with chapter 536, RSMo, as are necessary or proper to carry out the provisions of sections 354.400 to [354.550] **354.636**.

354.495. Every health maintenance organization subject to sections 354.400 to [354.550] **354.636** shall pay to the director the following fees:

- [(1) Issuance or renewal of certificate of authority.....\$ 150.00
- (2) Filing of articles of amendment 1.00
- (3) Filing each annual statement..... 100.00
- (4) Filing articles of acceptance and issuing a certificate of acceptance20.00
- (5) Filing any other statement or report.....20.00
- (6) For the certification of any document, and affixing the seal thereto 10.00
- (7) For filing statement and pertinent admission papers required of a foreign health maintenance organization200.00
- (8) For each appointment of an agent by the health maintenance organization 5.00
- (9) For copies of papers, records and documents filed in the office of the director, an amount not to exceed, at the director's discretion 1.00
- per page
- (10) For each service of process upon the director, on behalf of the health maintenance organization 10.00]

(1) For filing the declaration required on organization of each domestic company, two

hundred fifty dollars;

(2) For filing statement and certified copy of charter required of foreign companies, two hundred fifty dollars;

(3) For filing application to renew certificate of authority, along with all required annual reports, including the annual statement, actuarial statement, risk based capital report, report of valuation of policies or other obligations of assurance, and audited financial report of any company doing business in this state, one thousand five hundred dollars;

(4) For filing any paper, document, or report not filed under subdivision (1), (2), or (3) of this section but required to be filed in the office of the director, fifty dollars each;

(5) For affixing the seal of office of the director, ten dollars;

(6) For accepting each service of process upon the company, ten dollars.

354.500. 1. If the director shall for any reason have cause to believe that any violation of sections 354.400 to [354.550] **354.636** has occurred or is about to occur, the director may give notice to the health maintenance organization and to the representatives, or other persons who appear to be involved in such suspected violation, to arrange a conference with the alleged violators, or potential violators, or their authorized representatives, for the purpose of attempting to ascertain the facts relating to such suspected or potential violation, and, in the event it appears that any violation has occurred or is about to occur, to arrive at an adequate and effective means of correcting or preventing such violation. Proceedings under this subsection shall not be governed by any formal procedural requirements, and may be conducted in such manner as the director may deem appropriate under the circumstances.

2. [The director may issue an order directing a health maintenance organization, or a representative of a health maintenance

organization, to cease and desist from engaging in any act or practice in violation of the provisions of sections 354.400 to 354.550. Within twenty days after service of the order to cease and desist, the respondent may request a hearing on the question of whether acts or practices in violation of sections 354.400 to 354.550 have occurred. Such hearing shall be conducted, and judicial review shall be available, as provided in chapter 536, RSMo.

3. In the case of noncompliance with a cease and desist order issued pursuant to subsection 2 of this section, the director may institute a proceeding to obtain injunctive or other appropriate relief, in the circuit court.]

354.510. **Unless otherwise provided,** all applications, filings, and reports required under sections 354.400 to [354.550] **354.636** shall be treated as public documents.

354.530. If any section, term, or provision of sections 354.400 to [354.550] **354.636** shall be adjudged invalid for any reason, such judgment shall not affect, impair, or invalidate any other section, term, or provision of sections 354.400 to [354.550] **354.636**, but the remaining sections, terms, and provisions shall be and remain in full force and effect.

354.540. A health maintenance organization approved and regulated under the laws of another bordering state may be admitted to do business in this state by satisfying the director that it is fully and legally organized under the laws of its state, and that it complies with all requirements for health maintenance organizations organized within Missouri. The director may waive or modify the provisions of sections 354.400 to [354.550] **354.636** if he determines that the same are not appropriate or necessary to a particular health maintenance organization of another state.

354.545. The provisions of sections 354.400 to [354.550] **354.636** shall not apply to any labor organization's health plan providing services established and maintained solely for its members

and their dependents, and facilities of not-for-profit corporations in existence on October 1, 1980, subject either to the provisions and regulations of section 302 of the Labor-Management Relations Act, 29 U.S.C. 186 or the Labor-Management Reporting and Disclosure Act, 29 U.S.C. 401-538.

354.550. The provisions of sections 354.400 to [354.550] **354.636** shall not apply to community health corporations as defined by Public Law 94-63 so long as such corporations limit their activities to those described in Public Law 94-63.

354.600. For purposes of sections 354.600 to 354.636 the following terms shall mean:

(1) [“Covered benefit” or “benefit”, a health care service to which an enrollee is entitled under the terms of a health benefit plan;

(2) “Director”, the director of the department of insurance;

(3) “Emergency medical condition”, the sudden and, at the time, unexpected onset of a health condition that manifests itself by symptoms of sufficient severity that would lead a prudent lay person, possessing an average knowledge of medicine and health, to believe that immediate medical care is required, which may include, but shall not be limited to:

(a) Placing the person's health in significant jeopardy;

(b) Serious impairment to a bodily function;

(c) Serious dysfunction of any bodily organ or part;

(d) Inadequately controlled pain; or

(e) With respect to a pregnant woman who is having contractions:

a. That there is inadequate time to effect a safe transfer to another hospital before delivery; or

b. That transfer to another hospital may pose a threat to the health or safety of the woman or unborn child;

(4) “Emergency service”, a health care item or service furnished or required to screen and stabilize an emergency medical condition, which may include, but shall not be limited to, health care services that are provided in a licensed hospital's emergency facility by an appropriate provider;

(5) “Enrollee”, a policyholder, subscriber, covered person or other individual participating in a health benefit plan;

(6) [“Facility”, an institution providing health care services or a health care setting, including but not limited to, hospitals and other licensed inpatient centers, ambulatory surgical or treatment centers, skilled nursing facilities, residential treatment centers, diagnostic, laboratory and imaging centers, and rehabilitation and other therapeutic health settings;

[(7)] (2) “Health benefit plan”, a policy, contract, certificate or agreement entered into, offered or issued by a health carrier to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services;

[(8)] (3) “Health care professional”, a physician or other health care practitioner licensed, accredited or certified by the state of Missouri to perform specified health services;

[(9)] (4) “Health care provider” or “provider”, a health care professional or a facility;

[(10)] “Health care service”, a service for the diagnosis, prevention, treatment, cure or relief of a health condition, illness, injury or disease;

(11)] (5) “Health carrier”, a health maintenance organization established pursuant to sections 354.400 to 354.636;

[(12)] (6) “Health indemnity plan”, a health benefit plan that is not a managed care plan;

[(13)] (7) “Intermediary”, a person authorized to negotiate and execute provider contracts with health carriers on behalf of health care providers or on behalf of a network;

[(14)] (8) “Managed care plan”, a health benefit plan that either requires an enrollee to use, or creates incentives, including financial incentives, for an enrollee to use health care providers managed, owned, under contract with or employed by the health carrier;

[(15)] (9) “Network”, the group of participating providers providing services to a managed care plan;

[(16)] (10) “Participating provider”, a provider who, under a contract with the health carrier or with its contractor or subcontractor, has agreed to provide health care services to enrollees with an expectation of receiving payment, other than coinsurance, co-payments or deductibles, directly or indirectly from the health carrier;

[(17)] “Person”, an individual, a corporation, a partnership, an association, a joint venture, a joint stock company, a trust, an unincorporated organization, any similar entity or any combination of the foregoing; and

(18)] (11) “Primary care professional” or “primary care provider”, a participating health care professional designated by the health carrier to supervise, coordinate or provide initial care or continuing care to an enrollee, and who may be required by the health carrier to initiate a referral for specialty care and maintain supervision of health care services rendered to the enrollee.

354.722. 1. The director may suspend or revoke any certificate of authority issued to a prepaid dental plan corporation pursuant to sections 354.700 to 354.723 if he finds that any of the following conditions exist:

(1) The prepaid dental plan corporation is operating substantially in contravention of its basic organizational document or is not fulfilling its contracts;

(2) [The prepaid dental plan corporation issues a contract, contract certificate or amendment which has not been filed with the director and approved or deemed approved by the director;

(3)] The prepaid dental plan corporation is no longer financially responsible and may reasonably be expected to be unable to meet its contractual obligations to enrollees, or prospective enrollees;

[(4)] (3) The prepaid dental plan corporation, or any person on its behalf, has advertised or merchandised its prepaid dental benefits in an untrue, misrepresentative, misleading, deceptive or unfair manner;

[(5)] (4) The continued operation of the prepaid dental plan corporation would be hazardous to its enrollees; or

[(6)] (5) The prepaid dental plan corporation has failed to substantially comply with the provisions of sections 354.700 to 354.723 or any rules or regulations promulgated thereunder.

2. [When the director believes that grounds for the suspension or revocation of the corporation's certificate of authority exists, he shall notify the corporation in writing, stating the grounds and fixing a date and time for a hearing. At least twenty days' notice of such hearing shall be given. The hearing and any appeals therefrom shall be in accordance with chapter 536, RSMo.

3. The director may, in lieu of the suspension or revocation of the corporation's certification of authority, file suit in circuit court to seek a civil penalty in an amount not less than one hundred dollars nor more than one thousand dollars.

4.] If the director determines that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of sections 354.700 to 354.723 or a rule adopted or order issued pursuant thereto or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of sections 354.700 to 354.723 or a rule adopted or order issued pursuant thereto, the director may issue such administrative orders as authorized under section 374.046, RSMo. A violation of this

section is a level two violation under section 374.049, RSMo. The director may also suspend or revoke the certificate of authority of a corporation for any such willful violation.

3. When the certificate of authority of a prepaid dental plan corporation is suspended, the prepaid dental plan corporation shall not, during the period of such suspension, enroll any additional enrollees except newborn children or other newly acquired dependent of existing enrollees and shall not engage in any advertising or solicitation whatsoever.

[5.] 4. When the certificate of authority of a prepaid dental plan corporation is revoked, such corporation shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of such corporation. It shall engage in no further advertising or solicitation whatsoever.

374.051. 1. Any applicant refused a license or the renewal of a license by order of the director under sections 374.755, 374.787, and 375.141, RSMo, may file a petition with the administrative hearing commission alleging that the director has refused the license. The administrative hearing commission shall conduct hearings and make findings of fact and conclusions of law in determining whether the applicant may be disqualified by statute. Notwithstanding section 621.120, RSMo, the director shall retain discretion in refusing a license or renewal and such discretion shall not transfer to the administrative hearing commission.

2. If a proceeding is instituted to revoke or suspend a license of any person under sections 374.755, 374.787, and 375.141, RSMo, the director shall refer the matter to the administrative hearing commission by directing the filing of a complaint. The administrative hearing commission shall conduct hearings and

make findings of fact and conclusions of law in such cases. The director shall have the burden of proving cause for discipline. If cause is found, the administrative hearing commission shall submit its findings of fact and conclusions of law to the director, who may determine appropriate discipline.

3. Hearing procedures before the director or the administrative hearing commission and judicial review of the decisions and orders of the director and of the administrative hearing commission, and all other procedural matters under this chapter, shall be governed by the provisions of chapter 536, RSMo. Hearings before the administrative hearing commission shall also be governed by the provisions of chapter 621, RSMo.

374.055. 1. Except as otherwise provided, any interested person aggrieved by any order of the director under the laws of this state relating to insurance in this chapter, chapter 354, RSMo, and chapters 375 to 385, RSMo, or a rule adopted by the director, or by any refusal or failure of the director to make an order pursuant to any of said provisions, shall be entitled to a hearing before the director in accordance with the provisions of chapter 536, RSMo. A final order issued by the director is subject to judicial review in accordance with the provisions of chapter 536, RSMo. However, any findings of fact or conclusions of law in any order regarding the actual costs of the investigation or proceedings under section 374.046, or the classification of any violation under section 374.049, shall be subject to de novo review.

2. A rule adopted by the director is subject to judicial review in accordance with the provisions of chapter 536, RSMo.

3. Notwithstanding any other provision of law to the contrary, no person or entity shall impose an accident response service fee on or from an insurance company, the driver or

owner of a motor vehicle, or any other person. As used in this section, the term “accident response service fee” means a fee imposed for the response or investigation by a local law enforcement agency of a motor vehicle accident.

374.150. 1. All fees due the state under the provisions of the insurance laws of this state shall be paid to the director of revenue and deposited in the state treasury to the credit of the insurance [department] **dedicated** fund unless otherwise provided for in subsection 2 of this section.

2. There is hereby established in the state treasury a special fund to be known as the “[Department of] Insurance Dedicated Fund”. The fund shall be subject to appropriation of the general assembly and shall be devoted solely to the payment of expenditures incurred by the department [of insurance] attributable to duties performed by the department **for the regulation of the business of insurance, regulation of health maintenance organizations and the operation of the division of consumer affairs** as required by law which are not paid for by another source of funds. Other provisions of law to the contrary notwithstanding, beginning on January 1, 1991, all fees charged under any provision of chapter 325, 354, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384 or 385, RSMo, due the state shall be paid into this fund. The state treasurer shall invest moneys in this fund in the same manner as other state funds and any interest or earnings on such moneys shall be credited to the [department of] insurance dedicated fund. The provisions of section 33.080, RSMo, notwithstanding, moneys in the fund shall not lapse, be transferred to or placed to the credit of the general revenue fund unless and then only to the extent to which the unencumbered balance at the close of the biennium year exceeds two times the total amount appropriated, paid, or transferred to the fund during such fiscal year.

[3. Notwithstanding the provisions of this section to the contrary, fifty-five percent of the balance in the department of insurance dedicated

fund as of the effective date of this act or six million fifteen thousand eight hundred and fifty-five dollars, whichever is greater, shall be subject to an immediate one-time transfer to the state general revenue fund.]

374.160. 1. The expenses of examinations, valuations or proceedings against any company, and for dissolving or settling the affairs of companies are to be paid by the company, or as provided by law. The state shall not be responsible in any manner for the payment of any such expenses, or any charges connected therewith.

2. **At the request of the director, every domestic insurance company or health maintenance organization subject to an order of conservation, rehabilitation, or liquidation shall reimburse the insurance dedicated fund for administrative services rendered by state employees to the company. Reimbursement shall include that portion of the employee's salary, state benefits, and expenses that specifically relates to the services rendered on behalf of the company.**

3. All other expenses of the department of insurance, **financial institutions and professional registration** now or hereafter incurred and unpaid, or that may be hereafter incurred, including the salaries of the director and deputy director, shall be paid out of the state treasury in the manner provided by law.

[3.] 4. The director shall assess the expenses of any examination against the company examined and shall order that the examination expenses be paid into the insurance examiners fund created by section 374.162. [The director shall also assess an additional amount equal to fifteen percent of the total expenses of examination, to be paid for the supervision and support of the examiners. The insurance examiner's sick leave fund created by sections 374.261 to 374.267 shall be combined with the insurance examiners fund.] **This assessment shall include the costs of compensation, including benefits, for the**

examiners, analysts, actuaries, and attorneys directly contributing to the examination of the company, any reasonable travel, lodging, and meal expenses related to an on-site examination, and other expenses related to the examination of the company, including an allocation for examiners' office space, supplies, and equipment, but not expenses associated with attending a course, seminar, or meeting, unless solely related to the examination of the company assessed. The director shall pay from the insurance examiners fund the compensation of insurance examiners [pursuant to section 374.115, any expenses to be paid from such sick leave fund under sections 374.261 to 374.267], **analysts, actuaries, and attorneys, including standard benefits afforded to state employees, for performance of any such examination and other expenses [incurred for supervision and support of the examiners] covered in the assessment.** The general assembly shall annually provide appropriations sufficient to distribute all receipts into the insurance examiners fund. The provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund shall not apply to the insurance examiners fund.

[4.] **5.** If any company shall refuse to pay the expenses of any examination, valuation or proceeding assessed by the director pursuant to this section, the company shall be liable for double the amount of such expenses and all costs of collection, including attorney's fees. The company shall not be entitled to a credit, pursuant to section 148.400, RSMo, for any fees, expenses or costs ordered pursuant to this subsection other than in the amount of the expenses originally assessed by the director. All amounts collected pursuant to this subsection shall be credited to the insurance examiners fund.

374.185. 1. The director may cooperate, coordinate, and consult with other members of the National Association of Insurance Commissioners, the commissioner of securities,

state securities regulators, the division of finance, the division of credit unions, the attorney general, federal banking and securities regulators, the National Association of Securities Dealers (NASD), the United States Department of Justice, the Commodity Futures Trading Commission, and the Federal Trade Commission to effectuate greater uniformity in insurance and financial services regulation among state and federal governments, and self-regulatory organizations. The director may share records with any aforesaid entity, except that any record that is confidential, privileged, or otherwise protected from disclosure by law shall not be disclosed unless such entity agrees in writing prior to receiving such record to provide it the same protection. No waiver of any applicable privilege or claim of confidentiality regarding any record shall occur as the result of any disclosure.

2. In cooperating, coordinating, consulting, and sharing records and information under this section and in acting by rule, order, or waiver under the laws relating to insurance, the director shall, at the discretion of the director, take into consideration in carrying out the public interest the following general policies:

(1) Maximizing effectiveness of regulation for the protection of insurance consumers;

(2) Maximizing uniformity in regulatory standards; and

(3) Minimizing burdens on the business of insurance, without adversely affecting essentials of consumer protection.

3. The cooperation, coordination, consultation, and sharing of records and information authorized by this section includes:

(1) Establishing or employing one or more designees as a central electronic depository for licensing and rate and form filings with the director and for records required or allowed to be maintained;

(2) Encouraging insurance companies and producers to implement electronic filing through a central electronic depository;

(3) Developing and maintaining uniform forms;

(4) Conducting joint market conduct examinations and other investigations through collaboration and cooperation with other insurance regulators;

(5) Holding joint administrative hearings;

(6) Instituting and prosecuting joint civil or administrative enforcement proceedings;

(7) Sharing and exchanging personnel;

(8) Coordinating licensing under section 375.014, RSMo;

(9) Formulating rules, statements of policy, guidelines, forms, no action determinations, and bulletins; and

(10) Formulating common systems and procedures.

374.208. The director shall study and recommend to the General Assembly changes to avoid unnecessary duplication of market conduct activities and to implement uniform processes and procedures for market analysis and market conduct examinations which will more effectively utilize resources to protect insurance consumers. The study shall be completed and recommendations provided by January 1, 2008.

374.210. 1. It is unlawful for, any person [testifying falsely in reference to any matter material to the investigation, examination or inquiry shall be deemed guilty of perjury.] in any investigation, examination, inquiry, or other proceeding under this chapter, chapter 354, RSMo, and chapters 375 to 385, RSMo, to:

[2. Any person who shall refuse to give such director full and truthful information, and answer in writing to any inquiry or question made in

writing by the director, in regard to the business of insurance carried on by such person, or to appear and testify under oath before the director in regard to the same, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or imprisonment not exceeding three months.

3. Any director, officer, manager, agent or employee of any insurance company, or any other person, who shall]

(1) Knowingly make or cause to be made a false statement upon oath or affirmation or in any record that is submitted to the director or used in any proceeding under this chapter, chapter 354, RSMo, and chapters 375 to 385, RSMo; or

(2) Make any false certificate or entry or memorandum upon any of the books or papers of any insurance company, or upon any statement or exhibit offered, filed or offered to be filed in the [insurance] department, or used in the course of any examination, inquiry, or investigation[, with intent to deceive the director or any person employed or appointed by him to make any examination, inquiry or investigation, shall, upon conviction, be punished by a fine not exceeding one thousand dollars, and by imprisonment not less than two months in the county or city jail, nor more than five years in the penitentiary] under this chapter, chapter 354, RSMo, and chapters 375 to 385, RSMo.

2. If a person does not appear or refuses to testify, file a statement, produce records, or otherwise does not obey a subpoena as required by the director, the director may apply to the circuit court of any county of the state or any city not within a county, or a court of another state to enforce compliance. The court may:

(1) Hold the person in contempt;

(2) Order the person to appear before the director;

(3) Order the person to testify about the matter under investigation or in question;

(4) Order the production of records;

(5) Grant injunctive relief;

(6) Impose a civil penalty of up to fifty thousand dollars for each violation; and

(7) Grant any other necessary or appropriate relief.

The director may also suspend, revoke or refuse any license or certificate of authority issued by the director to any person who does not appear or refuses to testify, file a statement, produce records, or does not obey a subpoena.

3. This section does not preclude a person from applying to the circuit court of any county of the state or any city not within a county for relief from a request to appear, testify, file a statement, produce records, or obey a subpoena.

4. A person is not excused from attending, testifying, filing a statement, producing a record or other evidence, or obeying a subpoena of the director under an action or proceeding instituted by the director on the grounds that the required testimony, statement, record, or other evidence, directly or indirectly, may tend to incriminate the individual or subject the individual to a criminal fine, penalty, or forfeiture. If the person refuses to testify, file a statement, or produce a record or other evidence on the basis of the individual's privilege against self-incrimination, the director may apply to the circuit court of any county of the state or any city not within a county to compel the testimony, the filing of the statement, the production of the record, or the giving of other evidence. The testimony, record, or other evidence compelled under such an order may not be used as evidence against the person in a criminal case, except in a prosecution for perjury or contempt or otherwise failing to comply with the order.

5. If the director determines that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of this section, or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, the director may issue such administrative orders as authorized under section 374.046. A violation of subsection 1 of this section is a level four violation under section 374.049. The director may also suspend or revoke the license or certificate of authority of such person for any willful violation.

6. If the director believes that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized under section 374.048. A violation of subsection 1 of this section is a level four violation under section 374.049.

7. Any person who knowingly engages in any act, practice, omission, or course of business in violation of subsection 1 of this section is guilty of a class D felony. If the offender holds a license or certificate of authority under the insurance laws of this state, the court imposing sentence shall order the department to revoke such license or certificate of authority.

8. The director may refer such evidence as is available concerning violations of this section to the proper prosecuting attorney, who with or without a criminal reference, or the attorney

general under section 27.030, RSMo, may institute the appropriate criminal proceedings.

9. Nothing in this section shall limit the power of the state to punish any person for any conduct that constitutes a crime under any other state statute.

374.215. 1. If any insurance company or other entity regulated by the director doing business in this state fails to timely make and file any statutorily required report or statement, the department [of insurance] shall notify such company or entity of such failure by first class mail. Any company or entity notified by the department [of insurance] pursuant to this section shall [have] **file such report or statement within fifteen days [to make and file such report. If such company fails to make and file such report within the fifteen days, it shall forfeit one hundred dollars for each day after the fifteen-day grace period expires.**

2. Any insurance company doing business in this state which knowingly or intentionally files or which has filed on its behalf any materially false report or statement forfeits not more than one thousand dollars.

3. Any forfeiture required or permitted by this section shall be considered a civil penalty which the director of the department of insurance may order pursuant to the provisions of sections 374.040 and 374.280] **of receiving notification. After the expiration of such fifteen days, each day in which the company or entity fails to file such report or statement is a separate violation of this section.**

2. **If the director determines that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business**

constituting a violation of this section or a rule adopted or order issued pursuant thereto, the director may issue such administrative orders as authorized under section 374.046. A violation of this section is a level two violation under section 374.049. The director may also suspend or revoke the certificate of authority of such person for any willful violation.

3. **If the director believes that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized under section 374.048. A violation of this section is a level two violation under section 374.049.**

374.230. Every insurance company doing business in this state shall pay to the director of revenue the following fees:

(1) [For making valuations of policies or other obligations of assurance, one thousand dollars for all ordinary forms of policies, and the cost of computing special evaluation tables for policy forms requiring such shall be added;

(2)] For filing the declaration required on organization of each **domestic** company, **two hundred** fifty dollars;

[(3)] (2) For filing statement and certified copy of charter required of foreign companies, **two hundred** fifty dollars;

[(4)] (3) For filing **application to renew certificate of authority, along with all required annual reports, including the annual statement, actuarial statement, risk based capital report, report of valuation of policies or other obligations of assurance, and audited financial**

report annual statement of any company doing business in this state, [two hundred fifty] **one thousand five hundred** dollars;

[(5)] **(4)** For filing supplementary annual statement of any company doing business in this state, [ten] **fifty** dollars;

[(6)] **(5)** For filing any [other] paper, **document, or report not filed under subdivision (1), (2), or (3), but** required to be filed in the office of the director [of the department of insurance], fifty dollars each;

[(7)] **(6)** For [each agent's] a copy of [his] a company's certificate of authority or **producer or agent** license, [two] **ten** dollars;

[(8)] For copies of papers, records, and documents filed in the office of the director of the department of insurance, twenty cents per folio;

[(9)] **(7)** For affixing the seal of office of the director [of the department of insurance], ten dollars;

[(10)] **(8)** For accepting each service of process upon the company, ten dollars.

374.280. 1. [Notwithstanding any other provisions of chapters 374, 375, 376, 377, 378 and 379, RSMo,] The director may, after a hearing **under section 374.046**, order a **civil penalty or forfeiture payable** to the state of Missouri [a sum not to exceed one hundred dollars for each violation by any person, partnership or corporation knowingly violating any provision of chapters 374, 375, 376, 377, 378 and 379, RSMo, or order of the director of insurance made in accordance with those chapters] **authorized by section 374.049**, which **penalty or forfeiture, if unpaid within ten days**, may be recovered by a civil action brought by and in the name of the director [of insurance] **under section 374.048**. The civil action may be brought in the county which has venue of an action against the person, partnership or corporation under other provisions of law. The director [of insurance] may also suspend or revoke the license [of an insurer, agent, broker or agency] **or**

certificate of authority of such person for any willful violation.

2. Nothing contained in this section shall be construed to prohibit the director and [the insurer, agent, broker or agency] **any person subject to an investigation, examination, or other proceeding** from agreeing to a voluntary forfeiture of the sum mentioned herein without civil proceedings being instituted. Any sum so agreed upon shall be paid into the school fund as provided by law for other fines and penalties.

374.285. Except as provided in section 375.141, RSMo, all records of disciplinary actions against an insurance [agent, broker, agency or] producer which resulted in a [voluntary] forfeiture **or other monetary relief** of two hundred dollars or less **and places no other legal duty upon the producer** shall be expunged after a period of five years from the date of the execution of the [voluntary forfeiture] **order or settlement agreement** by the director [of the department of insurance].

374.512. 1. Whenever the director has reason to believe that a utilization review agent subject to sections 374.500 to 374.515 has been or is engaged in conduct which violates the provisions of sections 374.500 to 374.515, the director shall notify the utilization review agent of the alleged violation. The utilization review agent shall have thirty days from the date the notice is received to respond to the alleged violation.

2. If the director [believes] **determines** that the utilization review agent has [violated the provisions of sections 374.500 to 374.515, or is not satisfied that the alleged violation has been corrected, he shall conduct a hearing on the alleged violation, in accordance with chapter 536, RSMo] **engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of sections 374.500 to 374.515 or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is**

materially aiding an act, practice, omission, or course of business constituting a violation of sections 374.500 to 374.515 or a rule adopted or order issued pursuant thereto, the director may issue such administrative orders as authorized under section 374.046. A violation of any of these sections is a level two violation under section 374.049. The director may also suspend or revoke the license or certificate of authority of such person for any willful violation.

3. [If, after such hearing, the director determines that the utilization review agent has engaged in violations of sections 374.500 to 374.515, he shall reduce his findings to writing and shall issue and cause to be served upon the utilization review agent a copy of such findings and an order requiring the utilization review agent to cease and desist from engaging in such violations. The director may also, at his discretion, order:

(1) Payment of a monetary penalty of not more than ten thousand dollars for a violation which occurred if the utilization review agent consciously disregarded sections 374.500 to 374.515 or which occurred with such frequency as to indicate a general business practice; or

(2) Suspension or revocation of the authority to do business in this state as a utilization review agent if the utilization review agent knew that it was in violation of sections 374.500 to 374.515] **If the director believes that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of sections 374.500 to 374.515 or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of sections 374.500 to 374.515 or a rule adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized under section 374.048. A violation of any of these sections is a**

level two violation under section 374.049.

375.012. 1. **Sections 375.012 to 375.146 may be cited as the “Insurance Producers Act”.**

2. As used in sections 375.012 to 375.158, the following words mean:

(1) “Business entity”, a corporation, association, partnership, limited liability company, limited liability partnership or other legal entity;

(2) “Director”, the director of the department of insurance, **financial and professional regulation**;

(3) “Home state”, the District of Columbia and any state or territory of the United States in which the insurance producer maintains his or her principal place of residence or principal place of business and is licensed to act as an insurance producer;

(4) “Insurance”, any line of authority, including life, accident and health or sickness, property, casualty, variable life and variable annuity products, personal, credit and any other line of authority permitted by state law or regulation;

(5) “Insurance company” or “insurer”, any person, reciprocal exchange, interinsurer, Lloyds insurer, fraternal benefit society, and any other legal entity engaged in the business of insurance, including health services corporations, health maintenance organizations, prepaid limited health care service plans, dental, optometric and other similar health service plans, unless their exclusion from this definition can be clearly ascertained from the context of the particular statutory section under consideration. Insurer shall also include all companies organized, incorporated or doing business pursuant to the provisions of chapters 375, 376, 377, 378, 379, 381 and 384, RSMo. Trusteed pension plans and profit-sharing plans qualified pursuant to the United States Internal Revenue Code as now or hereafter amended shall not be considered to be insurance companies or insurers within the definition of this section;

(6) “Insurance producer” or “producer”, a person required to be licensed pursuant to the laws of this state to sell, solicit or negotiate insurance;

(7) “License”, a document issued by the director authorizing a person to act as an insurance producer for the lines of authority specified in the document. The license itself shall not create any authority, actual, apparent or inherent, in the holder to represent or commit an insurance company;

(8) “Limited line credit insurance”, credit life, credit disability, credit property, credit unemployment, involuntary unemployment, mortgage life, mortgage guaranty, mortgage disability, guaranteed automobile protection (GAP) insurance, and any other form of insurance offered in connection with an extension of credit that is limited to partially or wholly extinguishing that credit obligation that the director determines should be designated a form of limited line credit insurance;

(9) “Limited line credit insurance producer”, a person who sells, solicits or negotiates one or more forms of limited line credit insurance coverage through a master, corporate, group or individual policy;

(10) “Limited lines insurance”, insurance involved in credit transactions, insurance contracts issued primarily for covering the risk of travel or any other line of insurance that the director deems necessary to recognize for the purposes of complying with subsection 5 of section 375.017;

(11) “Limited lines producer”, a person authorized by the director to sell, solicit or negotiate limited lines insurance;

(12) “Negotiate”, the act of conferring directly with or offering advice directly to a purchaser or prospective purchaser of a particular contract of insurance concerning any of the substantive benefits, terms or conditions of the contract, provided that the person engaged in that act either sells insurance or obtains insurance from insurers for purchasers;

(13) “Person”, an individual or any business entity;

(14) “Personal lines insurance”, property and casualty insurance coverage sold to individuals and families for primarily noncommercial purposes;

(15) “Sell”, to exchange a contract of insurance by any means, for money or its equivalent, on behalf of an insurance company;

(16) “Solicit”, attempting to sell insurance or asking or urging a person to apply for a particular kind of insurance from a particular company;

(17) “Terminate”, the cancellation of the relationship between an insurance producer and the insurer or the termination of the authority of the producer to transact the business of insurance;

(18) “Uniform business entity application”, the current version of the National Association of Insurance Commissioners uniform business entity application for resident and nonresident business entities seeking an insurance producer license;

(19) “Uniform application”, the current version of the National Association of Insurance Commissioners uniform application for resident and nonresident producer licensing.

[2.] **3.** All statutory references to “insurance agent” or “insurance broker” shall mean “insurance producer”, as that term is defined pursuant to subsection 1 of this section.

375.020. 1. Beginning January 1, [1990] **2008**, each insurance producer, unless exempt pursuant to section 375.016, licensed to sell insurance in this state shall successfully complete courses of study as required by this section. Any person licensed to act as an insurance producer shall, during each two years, attend courses or programs of instruction or attend seminars equivalent to a minimum of [ten] **sixteen** hours of instruction [for a life or accident and health license or both a life and an accident and health license and a minimum ten hours of instruction for a property or casualty license or both a property and a casualty license. Sixteen

hours of training will suffice for those with a life, health, accident, property and casualty license]. Of the sixteen hours' training required [above] **in this subsection**, the hours need not be divided equally **among the lines of authority in which the producer has qualified**. The courses or programs **attended by the producer during each two-year period** shall include instruction on Missouri law, **products offered in any line of authority in which the producer is qualified, producers' duties and obligations to the department, and business ethics, including sales suitability**. Course credit shall be given to members of the general assembly as determined by the department.

2. Subject to approval by the director, the courses or programs of instruction which shall be deemed to meet the director's standards for continuing educational requirements shall include, but not be limited to, the following:

- (1) American College Courses (CLU, ChFC);
- (2) Life Underwriters Training Council (LUTC);
- (3) Certified Insurance Counselor (CIC);
- (4) Chartered Property and Casualty Underwriter (CPCU);
- (5) Insurance Institute of America (IIA);
- (6) **Any other professional financial designation approved by the director by rule;**

(7) An insurance-related course taught by an accredited college or university or qualified instructor who has taught a course of insurance law at such institution;

[(7)] (8) A course or program of instruction or seminar developed or sponsored by any authorized insurer, recognized producer association or insurance trade association. A local producer group may also be approved if the instructor receives no compensation for services.

3. A person teaching any approved course of instruction or lecturing at any approved seminar

shall qualify for the same number of classroom hours as would be granted to a person taking and successfully completing such course, seminar or program.

4. Excess [classroom] hours accumulated during any two-year period may be carried forward to the two-year period immediately following the two-year period in which the course, program or seminar was held.

5. For good cause shown, the director may grant an extension of time during which the educational requirements imposed by this section may be completed, but such extension of time shall not exceed the period of one calendar year. The director may grant an individual waiver of the mandatory continuing education requirement upon a showing by the licensee that it is not feasible for the licensee to satisfy the requirements prior to the renewal date. Waivers may be granted for reasons including, but not limited to:

- (1) Serious physical injury or illness;
- (2) Active duty in the armed services for an extended period of time;
- (3) Residence outside the United States; or
- (4) The licensee is at least seventy years of age.

6. Every person subject to the provisions of this section shall furnish in a form satisfactory to the director, written certification as to the courses, programs or seminars of instruction taken and successfully completed by such person. Every provider of continuing education courses authorized in this state shall, within thirty working days of a licensed producer completing its approved course, provide certification to the director of the completion in a format prescribed by the director.

7. The provisions of this section shall not apply to those natural persons holding licenses for any kind or kinds of insurance for which an examination is not required by the law of this state,

nor shall they apply to any limited lines insurance producer license or restricted license as the director may exempt.

8. The provisions of this section shall not apply to a life insurance producer who is limited by the terms of a written agreement with the insurer to transact only specific life insurance policies having an initial face amount of five thousand dollars or less, or annuities having an initial face amount of ten thousand dollars or less, that are designated by the purchaser for the payment of funeral or burial expenses. The director may require the insurer entering into the written agreements with the insurance producers pursuant to this subsection to certify as to the representations of the insurance producers.

9. Rules and regulations necessary to implement and administer this section shall be promulgated by the director, including, but not limited to, rules and regulations regarding the following:

(1) Course content and hour credits: The insurance advisory board established by section 375.019 shall be utilized by the director to assist him in determining acceptable content of courses, programs and seminars to include classroom equivalency;

(2) Filing fees for course approval: Every applicant seeking approval by the director of a continuing education course under this section shall pay to the director a filing fee of fifty dollars per course. Fees shall be waived for state and local insurance producer groups. Such fee shall accompany any application form required by the director. Courses shall be approved for a period of no more than one year. Applicants holding courses intended to be offered for a longer period must reapply for approval. Courses approved by the director prior to August 28, 1993, for which continuous certification is sought should be resubmitted for approval sixty days before the anniversary date of the previous approval.

10. All funds received pursuant to the provisions of this section shall be transmitted by the director to the department of revenue for deposit in the state treasury to the credit of the [department of] insurance dedicated fund. All expenditures necessitated by this section shall be paid from funds appropriated from the [department of] insurance dedicated fund by the legislature.

375.143. In order to effectuate and aid in the interpretation of section 375.141, the director, under section 374.045, RSMo, may adopt rules and regulations codifying professional standards of producer competency and trustworthiness in the handling of applications, premium funds, conflicts of interest, record-keeping, supervision of others, and customer suitability.

375.145. 1. If the director determines that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of sections 375.012 to 375.144 or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of sections 375.012 to 375.144, or a rule adopted or order issued pursuant thereto, the director may issue such administrative orders as authorized under section 374.046, RSMo. A violation of sections 375.012 to 375.142 is a level two violation under section 374.049, RSMo. A violation of section 375.144 is a level four violation under 374.049, RSMo.

2. If the director believes that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of this section or a rule

adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized under section 374.048, RSMo. A violation of any of sections 375.012 to 375.142 is a level two violation under section 374.049, RSMo. A violation of section 375.144 is a level four violation under 374.049, RSMo.

375.152. 1. [If the director finds after a hearing conducted in accordance with chapter 536, RSMo, that any person has violated the provisions of sections 375.147 to 375.153, the director may order:

(1) For each separate violation, imposition of an administrative penalty in an amount of five hundred dollars. All moneys collected as a result of imposition of such penalties shall be transferred to the state treasurer for deposit to general revenue of the state;

(2) Revocation or suspension of the producer's license, provided that such action may be taken only after compliance with chapter 621, RSMo;

(3)] **If the director determines that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of sections 375.147 to 375.153 or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of sections 375.147 to 375.153 or a rule adopted or order issued pursuant thereto, the director may issue such administrative orders as authorized under section 374.046, RSMo. A violation of any of these sections is a level two violation under section 374.049, RSMo.**

2. If the director believes that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of sections 375.147 to 375.153 or a rule adopted or order issued pursuant thereto, or

that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of sections 375.147 to 375.153 or a rule adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized under section 374.048, RSMo. A violation under any of these sections is a level two violation under section 374.049, RSMo. In addition to the relief available in this section, the director may also order the managing general agent to reimburse the insurer, the rehabilitator or liquidator of the insurer, for any losses incurred by the insurer caused by a violation of sections 375.147 to 375.153 committed by the managing general agent.

[2. The decision, determination or order of the director made pursuant to subsection 1 of this section shall be subject to judicial review pursuant to sections 536.100 to 536.140, RSMo.]

3. Nothing contained in this section shall affect the right of the director to impose any other penalties provided for in the insurance law.

4. Nothing contained in sections 375.147 to 375.153 is intended to or shall in any manner limit or restrict the rights of policyholders, claimants and creditors.

375.236. Other provisions of law notwithstanding, the director may suspend or revoke, after a hearing, the certificate of authority or license of any insurance company including a reciprocal or interinsurance exchange for the same reasons and upon the same grounds as set forth in section [375.560] **374.047, RSMo.**

375.306. 1. It [shall not be lawful] **is unlawful** for any person to act within this state as agent, **producer**, or otherwise, in receiving or procuring applications for insurance, or in any manner to aid in transacting the business referred to in [sections 375.010 to 375.920] **this chapter** for any company or association doing business in this state, unless the company is possessed of the amount of capital and of actual paid-up capital, or of premium notes,

cash premiums or guarantee fund, of the kind, character and amounts required of companies organized under the provisions of [sections 375.010 to 375.920] **this chapter**.

2. The guarantee fund of companies other than those of this state shall be deposited with the proper officer of the state or country under the laws of which the company is organized, or with the director [of the insurance department of this state], in the manner provided by section 379.050, RSMo, in regard to the making of such deposit by companies organized under [sections 375.010 to 375.920] **this chapter**.

3. Whenever any insurance company doing business in this state advertises its assets, either in any newspaper or periodical, or by any sign, circular, card, policy of insurance or certificate of renewal thereof, it shall, in the same connection, equally conspicuously advertise its liabilities, and the amount of its assets available for fire and life losses separately, the same to be determined in the manner required in making statement to the [insurance] department, and all advertisements purporting to show the amount of capital of the company shall show only the amount of capital actually paid up in cash.

4. [Any insurance company or agent thereof violating the provisions of this section shall be liable to a fine of not less than fifty dollars nor more than five hundred dollars] **If the director determines that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, the director may issue such administrative orders as authorized under section 374.046, RSMo. A violation of this section is a level two violation under section**

374.049, RSMo.

5. If the director believes that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized under section 374.048, RSMo. A violation of this section is a level two violation under section 374.049, RSMo.

375.310. **1. It is unlawful for any person, association of individuals, [and] or any corporation [transacting] to transact** in this state any insurance business[, without being] **unless the person, association, or corporation is duly** authorized by the director [of the insurance department of this state so to do, or after the authority so to do has been suspended, revoked, or has expired, shall be subject to suit by the director who may institute proceedings in the circuit court of the county or city in which said company was organized, or in which it has, or last had, its principal or chief office or place of business, or in the county of Cole, to enjoin said company from the further transaction of its business, either temporarily or perpetually, and for such other decrees and relief as the court shall deem advisable; or said association of individuals or corporation shall be liable to a penalty of two hundred and fifty dollars for each offense, which penalty may be recovered by ordinary civil action in the name of the state, and shall, when recovered, become part of the school fund, as by law provided for other fines and penalties; suit for said penalty may be brought by the attorney general, the director of the insurance department, or any county, circuit or prosecuting attorney, in either the city or county in which the policy was delivered, or in which the money was

paid to any agent of such association or corporation, or in which the receipt was delivered, or in any county or city in which an attorney for service or any agent of said association or corporation may be found; and if the plaintiff recover, an attorney fee to be allowed by the court for each cause of action upon which recovery is had shall be taxed as and added to the costs; service shall be made of process in any such action, either as in other civil actions or as provided in sections 375.010 to 375.920 for service on insurance companies] **under a certificate of authority or appropriate licensure, or is an insurance company exempt from certification under section 375.786.**

2. If the director determines that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, the director may issue such administrative orders as authorized under section 374.046, RSMo. A violation of this section is a level four violation under section 374.049, RSMo.

3. If the director believes that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized under section 374.048, RSMo. A violation of this section is a level four violation under section 374.049, RSMo.

4. Any person who knowingly engages in any act, practice, omission, or course of business in violation of this section is guilty of a class D felony.

5. The director may refer such evidence as is available concerning violations of this chapter to the proper prosecuting attorney, who with or without a criminal reference, or the attorney general under section 27.030, RSMo, may institute the appropriate criminal proceedings.

6. Nothing in this section shall limit the power of the state to punish any person for any conduct that constitutes a crime under any other state statute.”; and

Further amend said bill, Section 375.345, Pages 4 through 9, by inserting after all of said section the following:

“375.445. 1. [When upon investigation the director finds that] **It is unlawful for any insurance company transacting business [in] under the laws of this state [has conducted] to:**

(1) Conduct its business fraudulently[, is not carrying] ;

(2) Fail to carry out its contracts in good faith[, or is] ; or

(3) Habitually and as a matter of business practice compelling claimants under policies or liability judgment creditors of the insured to either accept less than the amount due under the terms of the policy or resort to litigation against the company to secure payment of the amount due[, and that a proceeding in respect thereto would be in the interest of the public, he shall issue and serve upon the company a statement of the charges in that respect and a notice of a hearing thereon].

2. [If after the hearing the director shall determine that the company has fraudulently conducted its business as defined in this section, he shall order the company to cease and desist from the fraudulent practice and may suspend the company's certificate of authority for a period not

to exceed thirty days and may in addition order a forfeiture to the state of Missouri of a sum not to exceed one thousand dollars, which forfeiture may be recovered by a civil action brought by and in the name of the director of insurance. The civil action may be brought in the circuit court of Cole County or, at the option of the director of insurance, in another county which has venue of an action against the person, partnership or corporation under other provisions of law] **If the director determines that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, the director may issue such administrative orders as authorized under section 374.046, RSMo. Each practice in violation of this section is a level two violation under section 374.049, RSMo. Each act as a part of a practice does not constitute a separate violation under section 374.049, RSMo. The director [of insurance] may also suspend or revoke the license [of an insurer or agent] or certificate of authority of such person for any [such] willful violation.**

3. If the director believes that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized under section 374.048, RSMo. Each practice violation of this section is a level two violation under section 374.049, RSMo. Each act

as part of a practice does not constitute a separate violation under section 374.049, RSMo.”; and

Further amend said bill, Section 375.534, Pages 10 and 11, by inserting after all of said section the following:

“375.720. 1. Whenever, by chapter 375, or by any other law of this state, the director is authorized or required to take possession of any of the general assets of any insurer, it is unlawful for any person or company [who shall] to knowingly neglect or refuse to deliver to the director, on [his] order or demand of the director, any books, papers, evidences of title or debt, or any property belonging to any such insurer in its, his or their possession, or under his, its or their control[, shall be guilty of a class C felony].

2. If the director determines that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, the director may issue such administrative orders as authorized under section 374.046, RSMo. A violation of this section is a level three violation under section 374.049, RSMo. The director may also suspend or revoke the license or certificate of authority of such person for any willful violation.

3. If the director believes that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of this section or a rule

adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized under section 374.048, RSMo. A violation of this section is a level three violation under section 374.049, RSMo.

4. Any person who knowingly engages in any act, practice, omission, or course of business in violation of this section is guilty of a class C felony. If the offender holds a license or certificate of authority under the insurance laws of this state, the court imposing sentence shall order the director to revoke such license.

5. The director may refer such evidence as is available concerning violations of this section to the proper prosecuting attorney, who with or without a criminal reference, or the attorney general under section 27.030, RSMo, may institute the appropriate criminal proceedings.

6. Nothing in this section shall limit the power of the state to punish any person for any conduct that constitutes a crime under any other state statute.

375.777. 1. The director shall:

(1) Notify the association of the existence of an insolvent insurer not later than three days after he receives notice of the determination of the insolvency;

(2) Upon request of the board of directors, provide the association with a statement of the net direct written premiums of each member insurer; and

(3) Notify the agents of the insolvent insurer of the determination of insolvency and of the insureds' rights under sections 375.771 to 375.779. Such notification shall be by first class mail at their last known address, where available, but if sufficient information for notification by mail is not available, notice by publication in a newspaper of general circulation shall be sufficient.

2. The director may[:

(1)] require each agent of the insolvent insurer

to give prompt written notice, by first class mail, at the insured's last known address, to each insured of the insolvent insurer for whom he was agent of record, provided the agent has received the notification of subsection 1 of this section[: and

(2) Suspend or revoke, after notice and hearing, the certificate of authority to transact insurance in this state of] .

3. It is unlawful for any member insurer [which fails] to fail to pay an assessment when due or [fails] fail to comply with the plan of operation. [As an alternative, the director may levy an administrative penalty on any member insurer which fails to pay an assessment when due. Such administrative penalty shall not exceed five percent of the unpaid assessment per month, except that no administrative penalty shall be less than one hundred dollars per month.

3. Any final action or order of the director under this section shall be subject to judicial review in the circuit court of Cole County] Every day in which the member insurer fails to pay is a separate violation.

4. If the director determines that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, the director may issue such administrative orders as authorized under section 374.046, RSMo. A violation of this section is a level two violation under section 374.049, RSMo. The director may also suspend or revoke the license or certificate of authority of such person for any willful violation.

5. If the director believes that a person has engaged, is engaging in, or has taken a

substantial step toward engaging in an act, practice or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized under section 374.048, RSMo. A violation of this section is a level two violation under section 374.049, RSMo.

375.780. [Every violation of] **1. A person commits a crime if he or she willfully violates any of the provisions of [sections 375.010 to 375.920] this chapter. If not otherwise specifically provided for [shall be deemed a misdemeanor, and shall subject the individual, association of individuals or corporation violating the same to a penalty of not less than fifty nor more than five hundred dollars for each offense; such penalty may be recovered and sued for against corporations or associations in the manner provided and by any of the officers designated in section 375.310, and against individuals by civil action, by information or by indictment, and an attorney's fee of twenty-five dollars shall be taxed as costs against the defendant, as in said section; all fines and penalties recovered under sections 375.010 to 375.920 shall be turned into the school fund, as provided by law for other fines and penalties] , the crime is a class B misdemeanor.**

2. The director may refer such evidence as is available concerning violations of this section to the proper prosecuting attorney, who with or without a criminal reference, or the attorney general under section 27.030, RSMo, may institute the appropriate criminal proceedings.

3. Nothing in this section shall limit the power of the state to punish any person for any conduct that constitutes a crime under any other state statute.

375.786. 1. It [shall be] is unlawful for any

insurance company to transact insurance business in this state, as set forth in subsection 2, without a certificate of authority from the director; provided, however, that this section shall not apply to:

(1) The lawful transaction of insurance as provided in chapter 384, RSMo;

(2) The lawful transaction of reinsurance by insurance companies;

(3) Transactions in this state involving a policy lawfully solicited, written and delivered outside of this state covering only subjects of insurance not resident, located or expressly to be performed in this state at the time of issuance, and which transactions are subsequent to the issuance of such policy;

(4) Attorneys acting in the ordinary relation of attorney and client in the adjustment of claims or losses;

(5) Transactions in this state involving group life and group sickness and accident or blanket sickness and accident insurance or group annuities where the master policy of such groups was lawfully issued and delivered in and pursuant to the laws of a state in which the insurance company was authorized to do an insurance business, to a group organized for purposes other than the procurement of insurance, and where the policyholder is domiciled or otherwise has a bona fide situs;

(6) Transactions in this state involving any policy of insurance or annuity contract issued prior to August 13, 1972;

(7) Transactions in this state relative to a policy issued or to be issued outside this state involving insurance on vessels, craft or hulls, cargoes, marine builder's risk, marine protection and indemnity or other risk, including strikes and war risks commonly insured under ocean or wet marine forms of policy;

(8) Except as provided in chapter 384, RSMo, transactions in this state involving contracts of

insurance issued to one or more industrial insureds; provided that nothing herein shall relieve an industrial insured from taxation imposed upon independently procured insurance. An “industrial insured” is hereby defined as an insured:

(a) Which procures the insurance of any risk or risks other than life, health and annuity contracts by use of the services of a full-time employee acting as an insurance manager or buyer or the services of [a regularly and continuously retained qualified insurance consultant] **an insurance producer whose services are wholly compensated by such insured and not by the insurer;**

(b) Whose aggregate annual premiums for insurance excluding workers' compensation insurance premiums total at least [twenty-five] **one hundred** thousand dollars; and

(c) Which has at least twenty-five full-time employees;

(9) Transactions in this state involving life insurance, health insurance or annuities provided to educational or religious or charitable institutions organized and operated without profit to any private shareholder or individual for the benefit of such institutions and individuals engaged in the service of such institutions, provided that any company issuing such contracts under this paragraph shall:

(a) File a copy of any policy or contract issued to Missouri residents with the director;

(b) File a copy of its annual statement prepared pursuant to the laws of its state of domicile, as well as such other financial material as may be requested, with the director; and

(c) Provide, in such form as may be acceptable to the director, for the appointment of the director as its true and lawful attorney upon whom may be served all lawful process in any action or proceeding against such company arising out of any policy or contract it has issued to, or which is currently held by, a Missouri citizen, and process

so served against such company shall have the same form and validity as if served upon the company;

(10) Transactions in this state involving accident, health, personal effects, liability or any other travel or auto-related products or coverages provided or sold by a rental company after January 1, 1994, to a renter in connection with and incidental to the rental of motor vehicles.

2. Any of the following acts in this state effected by mail or otherwise by or on behalf of an unauthorized insurance company is deemed to constitute the transaction of an insurance business in this state: (The venue of an act committed by mail is at the point where the matter transmitted by mail is delivered and takes effect. Unless otherwise indicated, the term “insurance company” as used in sections 375.786 to 375.790 includes all corporations, associations, partnerships and individuals engaged as principals in the business of insurance and also includes interinsurance exchanges and mutual benefit societies.)

(1) The making of or proposing to make an insurance contract;

(2) The making of or proposing to make, as guarantor or surety, any contract of guaranty or suretyship as a vocation and not merely incidental to any other legitimate business or activity of the guarantor or surety;

(3) The taking or receiving of any application for insurance;

(4) The receiving or collection of any premium, commission, membership fees, assessments, dues or other consideration for any insurance or any part thereof;

(5) The issuance or delivery of contracts of insurance to residents of this state or to persons authorized to do business in this state;

(6) Directly or indirectly acting as an agent for or otherwise representing or aiding on behalf of another any person or insurance company in the

solicitation, negotiation, procurement or effectuation of insurance or renewals thereof or in the dissemination of information as to coverage or rates, or forwarding of applications, or delivery of policies or contracts, or inspection of risks, a fixing of rates or investigation or adjustment of claims or losses or in the transaction of matters subsequent to effectuation of the contract and arising out of it, or in any other manner representing or assisting a person or insurance company in the transaction of insurance with respect to subjects of insurance resident, located or to be performed in this state. The provisions of this subsection shall not operate to prohibit full-time salaried employees of a corporate insured from acting in the capacity of an insurance manager or buyer in placing insurance in behalf of such employer;

(7) The transaction of any kind of insurance business specifically recognized as transacting an insurance business within the meaning of the statutes relating to insurance;

(8) The transacting or proposing to transact any insurance business in substance equivalent to any of the foregoing in a manner designed to evade the provisions of the statutes.

3. (1) The failure of an insurance company transacting insurance business in this state to obtain a certificate of authority shall not impair the validity of any act or contract of such insurance company and shall not prevent such insurance company from defending any action at law or suit in equity in any court of this state, but no insurance company transacting insurance business in this state without a certificate of authority shall be permitted to maintain an action in any court of this state to enforce any right, claim or demand arising out of the transaction of such business until such insurance company shall have obtained a certificate of authority.

(2) In the event of failure of any such unauthorized insurance company to pay any claim or loss within the provisions of such insurance contract, any person who assisted or in any manner

aided directly or indirectly in the procurement of such insurance contract shall be liable to the insured for the full amount of the claim or loss in the manner provided by the provisions of such insurance contract.

4. If the director determines that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, the director may issue such administrative orders as authorized under section 374.046, RSMo. A violation of this section is a level four violation under section 374.049, RSMo.

5. If the director believes that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized under section 374.048, RSMo. A violation of this section is a level four violation under section 374.049, RSMo.

6. Any person who transacts insurance business without a certificate of authority, as provided in this section, is guilty of a class C felony.

7. The director may refer such evidence as is available concerning violations of this chapter to the proper prosecuting attorney, who with or without a criminal reference, or the attorney general under section 27.030, RSMo, may institute the appropriate criminal proceedings.

8. Nothing in this section shall limit the power of the state to punish any person for any conduct that constitutes a crime in any other state statute.

375.881. [1.] The director may revoke or suspend the certificate of authority of a foreign insurance company [or may by order require the insurance company to pay to the people of the state of Missouri a penalty in a sum not exceeding five hundred dollars and upon failure of the insurance company to pay the penalty within twenty days after the mailing of the order, postage prepaid, certified, and addressed to the last known place of business of the insurance company, unless the order is stayed by an order of a court of competent jurisdiction, the director of insurance may revoke or suspend the license of the insurance company for any period of time] **under section 374.047, RSMo, or issue such administrative orders as appropriate under section 374.046, RSMo, whenever he finds that the company**

(1) Is insolvent;

(2) Fails to comply with the requirements for admission in respect to capital, the investment of its assets or the maintenance of deposits in this or other state or fails to maintain the surplus which similar domestic companies transacting the same kinds of business are required to maintain;

(3) Is in such a financial condition that its further transaction of business in this state would be hazardous to policyholders and creditors in this state and to the public;

(4) Has refused or neglected to pay a valid final judgment against the company within thirty days after the rendition of the judgment;

(5) Has refused to submit to the jurisdiction of a court of this state upon the grounds of diversity of citizenship in a cause of action arising out of business transacted, acts done, or contracts made in this state by the foreign insurance company;

(6) Has violated any law of this state or has in this state violated its charter or exceeded its

corporate powers;

(7) Has refused to submit its books, papers, accounts, records, or affairs to the reasonable inspection or examination of the director, his actuaries, deputies or examiners;

(8) Has an officer who has refused upon reasonable demand to be examined under oath touching its affairs;

(9) Fails to file its annual statement within thirty days after the date when it is required by law to file the statement;

(10) Fails to file with the director a copy of an amendment to its charter or articles of association within thirty days after the effective date of the amendment;

(11) Fails to file with the director copies of the agreement and certificate of merger and the financial statements of the merged companies, if required, within thirty days after the effective date of the merger;

(12) Fails to pay any fees, taxes or charges prescribed by the laws of this state within thirty days after they are due and payable; provided, however, that in case of objection or legal contest the company shall not be required to pay the tax until thirty days after final disposition of the objection or legal contest;

(13) Fails to file any report for the purpose of enabling the director to compute the taxes to be paid by the company within thirty days after the date when it is required by law to file the report;

(14) Has had its corporate existence dissolved or its certificate of authority revoked in the state or country in which it was organized;

(15) Has had all its risks reinsured in their entirety in another company; or

(16) Has ceased to transact the business of insurance in this state for a period of one year.

[2. The director shall not revoke or suspend the certificate of authority of a foreign insurance

company until he has given the company at least twenty days' notice of the revocation or suspension and of the grounds therefor and has afforded the company an opportunity for a hearing.]

375.940. [1.] Whenever the director shall have reason to believe that any person or insurer has been engaged or is engaging in this state in any unfair method of competition or any unfair or deceptive act or practice **in violation of sections 375.930 to 375.948**, and that a proceeding by [him] **the director** in respect thereto would be to the interest of the public, [he] **the director** shall issue and serve upon such person or insurer a statement of the charges [in that respect and a notice of hearing thereon to be held at a time and place fixed in the notice which shall not be less than twenty days after the date of service thereof.

2. At the time and place fixed for such hearing, such person or insurer shall have an opportunity to be heard to show cause why an order should not be made by the director requiring such person or insurer to cease and desist from the acts, methods or practices so complained of. Upon good cause shown, the director shall permit any person to intervene, appear and be heard at such hearing by counsel or in person. Nothing herein shall preclude the informal disposition of any case by stipulation, consent order, or default, or by agreed settlement where such settlement is in conformity with law.

3. Nothing contained in sections 375.930 to 375.948 shall require the observance at any such hearing of formal rules of pleading or evidence.

4. Upon such hearing, the director shall have power to examine and cross-examine witnesses, receive oral and documentary evidence, administer oaths, subpoena witnesses and compel their attendance, and require the production of books, papers, records, correspondence and all other written instruments or documents which he deems relevant to the inquiry. The director, upon any such hearing, shall cause to be made a record of all the evidence and all the proceedings had at such

hearing. In case of a refusal of any person to comply with any subpoena issued hereunder or to testify with respect to any matter concerning which he may be lawfully interrogated, the circuit court of Cole County or the county where such party resides, or may be found, on application of the director, may issue an order requiring such person to comply with such subpoena and to testify; and any failure to obey any such order of the court may be punished by the court as a contempt thereof.

5. Statements of charges, notices, orders, and other processes of the director under sections 375.930 to 375.948 may be served by anyone duly authorized by the director either in the manner provided by law for service of process in civil actions, or by registering or certifying and mailing a copy thereof to the person affected by such statement, notice, order, or other process at his or its residence or principal office or place of business. The verified return by the person so serving such statement, notice, order or other process, setting forth the manner of such service, shall be proof of the same, and the return postcard receipt for such statement, notice, order or other process, registered and mailed as aforesaid, shall be proof of the service of the same] **under the procedures set forth in section 374.046, RSMo.**

375.942. 1. [If, after such hearing, the director determines that the person charged has engaged in an unfair method of competition or in an unfair or deceptive act or practice prohibited by section 375.934 or 375.937, he shall reduce his findings to writing and shall issue and cause to be served upon the person charged with the violation a copy of such findings and an order requiring such person to cease and desist from engaging in such method of competition, act or practice, and thereafter the director may, at his discretion, order one or more of the following:

(1) Payment of a monetary penalty of not more than one thousand dollars for each violation but not to exceed an aggregate penalty of one hundred thousand dollars in any twelve-month

period unless the violation was committed flagrantly and in conscious disregard of section 375.934 or 375.937, in which case the penalty shall be not more than twenty-five thousand dollars for each violation but not to exceed an aggregate penalty of two hundred fifty thousand dollars in any twelve-month period;

(2) Suspension or revocation of the insurer's license if such insurer knew or reasonably should have known it was in violation of section 375.934 or 375.937.

2. Until the expiration of the time allowed under section 375.944 for filing a petition for judicial review, if no such petition has been duly filed within such time or, if a petition for review has been filed within such time, then until the transcript of the record in the proceeding has been filed in the circuit court of Cole County, the director may at any time, upon such notice and in such manner as he shall deem proper, modify or set aside in whole or in part any order issued by him under this section.

3. After the expiration of the time allowed for filing such a petition for review, if no such petition has been duly filed within such time, the director may at any time, after notice and opportunity for hearing, reopen and alter, modify or set aside, in whole or in part, any order issued by him under this section, whenever in his opinion conditions of fact or of law have so changed as to require such action or if the public interest shall so require.

4. Nothing contained in sections 375.930 to 375.948 shall be construed to prohibit the director and the person from agreeing to a voluntary forfeiture with or without proceedings being instituted. Any sum so agreed upon shall be paid into the school fund as provided by law for other fines and penalties] **If the director determines that an insurer has engaged, is engaging, or has taken a substantial step toward engaging in an act, practice, or course of business constituting a violation of sections 375.930 to 375.948 or a rule adopted or order issued pursuant thereto,**

or that a person has materially aided or is materially aiding a practice constituting a violation of sections 375.930 to 375.948 or a rule adopted or order issued pursuant thereto, the director may issue such administrative orders as authorized under section 374.046, RSMo. Each practice in violation of section 375.934 is a level two violation under section 374.049, RSMo. Each act as part of a trade practice does not constitute a separate violation under section 374.049, RSMo. The director may also suspend or revoke the license or certificate of authority of an insurer for any willful violation.

2. If the director believes that an insurer has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of sections 375.930 to 375.948 or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business conduct constituting a violation of sections 375.930 to 375.948 or a rule adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized under section 374.048, RSMo. Each practice in violation of section 375.934 is a level two violation under section 374.049, RSMo. Each act as part of a trade practice does not constitute a separate violation under section 374.049, RSMo.

375.946. [Any person who violates] **It is unlawful for any person to violate any provision of a cease and desist order of the director under section 375.942[, while such order is in effect, may, after notice and hearing, and upon order of the director, be subject to either or both of the following:**

(1) A monetary penalty of not more than twenty-five thousand dollars for each and every act or violation not to exceed an aggregate amount of two hundred fifty thousand dollars pursuant to any such hearing; or

(2) Suspension or revocation of such person's license or certificate of authority]. **The director may institute an action under sections 374.046 and 374.047, RSMo, as necessary to enforce any such order.**

375.994. 1. Department investigators shall have the power to serve subpoenas issued for the examination, investigation, and trial of all offenses determined by their investigations.

2. It is unlawful for any person to interfere, either by abetting or assisting such resistance or otherwise interfering, with department investigators in the duties imposed upon them by law or department rule.

3. Any moneys, or other property which is awarded to the department as costs of investigation, or as a fine, shall be credited to the [department of] insurance dedicated fund created by section 374.150, RSMo.

4. **If the director determines that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of section 375.991 or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of section 375.991 or a rule adopted or order issued pursuant thereto, the director may issue such administrative orders as authorized under section 374.046, RSMo. A violation of any of these sections is a level two violation under section 374.049, RSMo. The director may also suspend or revoke the license or certificate of authority of such person for any willful violation.**

5. **If the director believes that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of section 375.991 or a rule adopted or order issued pursuant thereto, or that a person**

has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of section 375.991 or a rule adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized under section 374.048, RSMo. A violation of any of these sections is a level two violation under section 374.049, RSMo.

6. Nothing in this section shall be construed as prohibiting the department of insurance from regulating unfair or fraudulent trade practices as provided for in sections 375.930 to 375.948.

[5. In the event] **7. If** the director determines that a person regulated under this chapter has conducted its business fraudulently with respect to sections 375.991 to 375.994, or has as a matter of business practice abused its rights under said sections, such conduct shall [be considered] **constitute** either an unfair trade practice under the provisions of sections 375.930 to 375.948 or an unfair claims settlement practice under the provisions of sections 375.1000 to 375.1018. [The director shall have the power and authority, pursuant to the unfair trade practices act and the unfair claims settlement practices act to subject such persons to the monetary penalty or suspend or revoke such person's license or certificate of authority, under such acts.]

375.1010. 1. [Whenever the director shall have reason to believe that any insurer has been engaged or is engaging in this state in any improper claims practice, and that a proceeding by him in respect thereto would be to the interest of the public, he shall issue and serve upon such person or insurer a statement of the charges in that respect and a notice of hearing thereon to be held at a time and place fixed in the notice which shall not be less than twenty days after the date of service thereof.

2. At the time and place fixed for such hearing, such insurer shall have an opportunity to be heard to show cause why an order should not be made by the director requiring such insurer to

cease and desist from the acts, methods or practices so complained of. Upon good cause shown, the director shall permit any person to intervene, appear and be heard at such hearing by counsel or in person. Nothing in sections 375.1000 to 375.1018 shall preclude the informal disposition of any case by stipulation, consent order, or default, or by agreed settlement where such settlement is in conformity with law.

3. Nothing contained in sections 375.1000 to 375.1018 shall require the observance at any such hearing of formal rules of pleading or evidence.

4. Upon such hearing, the director may examine and cross-examine witnesses, receive oral and documentary evidence, administer oaths, subpoena witnesses and compel their attendance, and require the production of books, papers, records, correspondence and all other written instruments or documents which he deems relevant to the inquiry. The director, upon any such hearing, shall cause to be made a record of all the evidence and all the proceedings had at such hearing. In case of a refusal of any person to comply with any subpoena issued hereunder or to testify with respect to any matter concerning which he may be lawfully interrogated, the circuit court of Cole County or the county where such party resides, or may be found, on application of the director, may issue an order requiring such person to comply with such subpoena and to testify; and any failure to obey any such order of the court may be punished by the court as a contempt thereof.

5. Statements of charges, notices, orders, and other processes of the director under sections 375.1000 to 375.1018 may be served by anyone duly authorized by the director either in the manner provided by law for service of process in civil actions, or by registering or certifying and mailing a copy thereof to the person affected by such statement, notice, order, or other process at his or its residence or principal office or place of business. The verified return by the person so serving such statement, notice, order or other

process, setting forth the manner of such service, shall be proof of the same, and the return postcard receipt for such statement, notice, order or other process, registered and mailed as aforesaid, shall be proof of the service of the same] **If the director determines that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of sections 375.1000 to 375.1018 or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of sections 375.1000 to 375.1018 or a rule adopted or order issued pursuant thereto, the director may issue such administrative orders as authorized under section 374.046, RSMo. Each practice in violation of section 375.1005 is a level two violation under section 374.049, RSMo. Each act as part of a claims settlement practice does not constitute a separate violation under section 374.049, RSMo. The director may also suspend or revoke the license or certificate of authority of an insurer for any willful violation.**

2. If the director believes that an insurer has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of sections 375.1000 to 375.1018 or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of sections 375.1000 to 375.1018 or a rule adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized under section 374.048, RSMo. Each practice in violation of section 375.1005 is a level two violation under section 374.049, RSMo. Each act as part of a claims settlement practice does not constitute a separate violation under section 374.049, RSMo.

375.1014. 1. [Any person, including any person who has been permitted to intervene, who is aggrieved by a final order or decision of the director shall be entitled to judicial review thereof.

2. The court shall make and enter upon the pleadings evidence and proceedings set forth in the transcript a degree modifying, affirming or reversing the order of the director, in whole or in part. To the extent that the order of the director is affirmed, the court shall thereupon issue its own order commanding obedience to the terms of such order of the director. If either party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the director, the court may order such additional evidence to be taken before the director and to be adduced upon the hearing in such manner and upon such terms and conditions as the court may deem proper. The director may modify his findings of fact, or make new findings by reason of the additional evidence so taken, and he shall file such modified or new findings which are supported by evidence on the record and his recommendation, if any, for the modification or setting aside of his original order, with the return of such additional evidence.

3. An order issued by the director under section 375.1012 shall become final:

(1) Upon the expiration of the time allowed for filing a petition for review if no such petition has been duly filed within such time; except that the director may thereafter modify or set aside his order to the extent provided in subsection 2 of section 375.1012; or

(2) Upon the final decision of the court if the court directs that the order of the director be affirmed or the petition for review dismissed.

4.] **A final order issued by the director under sections 375.1000 to 375.1018 is subject to**

judicial review in accordance with the provisions of chapter 536, RSMo, in the circuit court of Cole County.

2. No order of the director under section 375.942 or order of a court to enforce the same shall in any way relieve or absolve any person affected by such order from any liability under any other laws of this state.

375.1016. [Any person who violates] **It is unlawful for any person to violate any provision of** a cease and desist order of the director under section 375.1012, [while such order is in effect, may, after notice and hearing, and upon order of the director, be subject to either or both of the following:

(1) A monetary penalty of not more than twenty-five thousand dollars for each and every act or violation not to exceed an aggregate amount of two hundred fifty thousand dollars pursuant to any such hearing; or

(2) Suspension or revocation of such person's license or certificate of authority] **and the director may institute an action under sections 374.046 and 374.047, RSMo, as necessary to enforce any such order.”; and**

Further amend said bill, Section 375.1075, Pages 11 and 12, by inserting after all of said section the following:

“375.1135. 1. [A reinsurance intermediary, insurer or reinsurer found by the director, after a hearing conducted in accordance with chapter 536, RSMo, to be in violation of any provisions of sections 375.1110 to 375.1140, shall:

(1) For each separate violation, pay a penalty in an amount not exceeding five thousand dollars;

(2) Be subject to revocation or suspension of its license; and

(3)] **If the director determines that a reinsurance intermediary, insurer, or reinsurer has engaged, is engaging in, or has taken a substantial step toward engaging in an act,**

practice or course of business constituting a violation of sections 375.1110 to 375.1140 or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of sections 375.1110 to 375.1140 or a rule adopted or order issued pursuant thereto, the director may issue such administrative orders as authorized under section 374.046, RSMo. A violation of any of these sections is a level two violation under section 374.049, RSMo. The director may also suspend or revoke the license or certificate of authority of a reinsurance intermediary, insurer, or reinsurer for any willful violation.

2. If the director believes that a reinsurance intermediary, insurer, or reinsurer has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of sections 375.1110 to 375.1140 or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of sections 375.1110 to 375.1140 or a rule adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized under section 374.048, RSMo. A violation of any of these sections is a level two violation under section 374.049, RSMo.

3. In addition to any other relief authorized by sections 374.046 and 374.047, RSMo, if a violation was committed by the reinsurance intermediary, such reinsurance intermediary shall make restitution to the insurer, reinsurer, rehabilitator or liquidator of the insurer or reinsurer for the net losses incurred by the insurer or reinsurer attributable to such violation.

[2. The decision, determination or order of the director pursuant to subsection 1 of this section shall be subject to judicial review pursuant to

sections 536.100 to 536.140, RSMo.

3. Nothing contained in this section shall affect the right of the director to impose any other penalties provided by law.]

4. Nothing contained in sections 375.1110 to 375.1140 is intended to or shall in any manner limit or restrict the rights of policyholders, claimants, creditors or other third parties or confer any rights to such persons.

375.1156. 1. Any officer, manager, director, trustee, owner, employee or agent of any insurer, or any other persons with authority over or in charge of any segment of the insurer's affairs, shall cooperate with the director or any receiver in any proceeding under sections 375.1150 to 375.1246 or any investigation preliminary to the proceeding. The term "person" as used in this section, shall include any person who exercises control directly or indirectly over activities of the insurer through any holding company or other affiliate of the insurer. "To cooperate" shall include, but shall not be limited to, the following:

(a) To reply promptly in writing to any inquiry from the director requesting such a reply; and

(b) To make available to the director any books, accounts, documents, or other records or information or property of or pertaining to the insurer and in its possession, custody or control.

2. [No person shall] **It is unlawful for any person included in subsection 1 of this section to obstruct or interfere with the director in the conduct of any delinquency proceeding or any investigation preliminary or incidental thereto.**

3. This section shall not be construed to abridge otherwise existing legal rights, including the right to resist a petition for liquidation or other delinquency proceedings, or other orders.

4. [Any person included within subsection 1 of this section who fails to cooperate with the director, or any person who knowingly obstructs or interferes with the director in the conduct of any

delinquency proceeding or any investigation preliminary or incidental thereto, or who knowingly violates any order the director issued validly under sections 375.1150 to 375.1246 shall be guilty of a class A misdemeanor, and, in addition thereto, after a hearing, shall be subject to the imposition by the director of an administrative penalty not to exceed ten thousand dollars for each occurrence or violation and shall be subject further to the revocation or suspension of any insurance licenses issued by the director. Moneys collected pursuant to the imposition of such administrative penalties shall be transferred to the state treasurer and deposited to the general revenue fund.

5.] In any proceeding under sections 375.1150 to 375.1246, the director and his deputies shall be responsible on their official bonds for the faithful performance of their duties. If the court deems it desirable for the protection of the assets, it may at any time require an additional bond from the director or his deputies, and such bonds shall be paid for out of the assets of the insurer as a cost of administration.

375.1160. 1. As used in this section:

(1) "Exceeded its powers" means one or more of the following conditions:

(a) The insurer has refused to permit examination of its books, papers, accounts, records or affairs by the director, his deputy, employees or duly commissioned examiners;

(b) A domestic insurer has unlawfully removed from this state or is unable to produce books, papers, accounts or records necessary for an examination of the insurer;

(c) The insurer has failed to promptly comply with the applicable financial reporting statutes or rules and requests relating thereto;

(d) The insurer has neglected or refused to observe an order of the director to make good, within the time prescribed by law, any prohibited deficiency in its capital, capital stock or surplus;

(e) The insurer is continuing to transact insurance or write business after its license has been revoked or suspended by the director;

(f) The insurer, by contract or otherwise, has unlawfully or has in violation of an order of the director or has without first having obtained written approval of the director if approval is required by law:

a. Totally reinsured its entire outstanding business, or

b. Merged or consolidated substantially its entire property or business with another insurer;

(g) The insurer engaged in any transaction in which it is not authorized to engage under the laws of this state;

(h) A domestic insurer has committed or engaged in, or is about to commit or engage in, any act, practice or transaction that would subject it to delinquency proceedings under sections 375.1150 to 375.1246; or

(i) The insurer refused to comply with a lawful order of the director;

(2) "Consent" means agreement to administrative supervision by the insurer.

2. (1) An insurer may be subject to administrative supervision by the director if upon examination or at any other time it appears in the director's discretion that:

(a) The insurer's condition renders the continuance of its business hazardous to the public or to its insureds;

(b) The insurer exceeded its powers granted under its certificate of authority and applicable law;

(c) The insurer has failed to comply with the laws of this state relating to insurance;

(d) The business of the insurer is being conducted fraudulently; or

(e) The insurer gives its consent.

(2) If the director determines that the conditions set forth in subdivision (1) of this subsection exist, the director shall:

(a) Notify in writing the insurer of his determination;

(b) Furnish to the insurer a written list of his requirements to rescind his determination; and

(c) Notify the insurer that it is under the supervision of the director and that the director is applying and effectuating the provisions of this section.

(3) The notice of supervision under this subsection and any order issued pursuant to this section shall be served upon the insurer in writing by registered mail. The notice of supervision shall state the conduct, condition or ground upon which the director bases his order.

(4) If placed under administrative supervision, the insurer shall have sixty days, or another period of time as designated by the director, to comply with the requirements of the director subject to the provisions of this section. In the event of such insurer's failure to comply with such time periods, the director may institute proceedings under section 375.1165 or 375.1175 to have a rehabilitator or liquidator appointed, or to extend the period of supervision.

(5) If it is determined that none of the conditions giving rise to the supervision exist, the director shall release the insurer from supervision.

3. (1) Except as set forth in this subsection, all proceedings, hearings, notices, orders, correspondence, reports, records and other information in the possession of the director or the department [of insurance] relating to the supervision of any insurer are confidential except as provided by this section.

(2) Personnel of the department [of insurance] shall have access to these proceedings, hearings, notices, orders, correspondence, reports, records or information as permitted by the director.

(3) The director may open the proceedings or hearings or disclose the notices, orders, correspondence, reports, records or information to a department, agency or instrumentality of this or another state or the United States if the director determines that the disclosure is necessary or proper for the enforcement of the laws of this or another state of the United States.

(4) The director may open the proceedings or hearings or make public the notices, orders, correspondence, reports, records or other information if the director deems that it is in the best interest of the public or in the best interest of the insurer, its insureds, creditors or the general public.

(5) This subsection does not apply to hearings, notices, correspondence, reports, records or other information obtained upon the appointment of a receiver for the insurer by a court of competent jurisdiction.

4. During the period of supervision, the director or his designated appointee shall serve as the administrative supervisor. The director may provide that the insurer shall not do any of the following things during the period of supervision, without the prior approval of the director or the appointed supervisor:

(1) Dispose of, convey or encumber any of its assets or its business in force;

(2) Withdraw any of its bank accounts;

(3) Lend any of its funds;

(4) Invest any of its funds;

(5) Transfer any of its property;

(6) Incur any debt, obligation or liability;

(7) Merge or consolidate with another company;

(8) Approve new premiums or renew any policies;

(9) Enter into any new reinsurance contract or treaty;

(10) Terminate, surrender, forfeit, convert or lapse any insurance policy, certificate or contract, except for nonpayment of premiums due;

(11) Write any new or renewal business;

(12) Release, pay or refund premium deposits, accrued cash or loan values, unearned premiums, or other reserves on any insurance policy, certificate or contract;

(13) Make any material change in management; or

(14) Increase salaries and benefits of officers or directors or the preferential payment of bonuses, dividends or other payments deemed preferential.

5. Any insurer subject to a supervision order under this section may seek review pursuant to section 536.150, RSMo, of that order within thirty days of the entry of the order of supervision. Such a request for a hearing shall not stay the effect of the order.

6. During the period of supervision the insurer may contest an action taken or proposed to be taken by the administrative supervisor specifying the manner in which the action being complained of would not result in improving the condition of the insurer. An insurer may request review pursuant to section 536.150, RSMo, of written denial of the insurer's request to reconsider pursuant to this subsection.

7. If any person has violated any supervision order issued under this section which as to him was still in effect, the director may [impose an administrative penalty in an amount not to exceed ten thousand dollars for each violation. Moneys collected pursuant to the imposition of such penalties shall be transferred to the state treasurer and deposited to the general revenue fund.

8. The director or administrative supervisor may apply for, and any court of general jurisdiction may grant, such restraining orders, preliminary and permanent injunctions, and other orders as may be deemed necessary and proper to enforce a supervision order.

9.] initiate an action under section 375.1161.

8. In the event that any person, subject to the provisions of sections 375.1150 to 375.1246, including those persons described in subsection 1 of section 375.1156, shall knowingly violate any valid order of the director issued under the provisions of this section and, as a result of such violation, the net worth of the insurer shall be reduced or the insurer shall suffer loss it would not otherwise have suffered, said person shall become personally liable to the insurer for the amount of any such reduction or loss. The director or administrative supervisor is authorized **under subsection 1 of section 375.1161** to bring an action on behalf of the insurer in any court of competent jurisdiction to recover the amount of reduction or loss together with any costs.

[10.] **9.** Nothing contained in sections 375.1150 to 375.1246 shall preclude the director from initiating judicial proceedings to place an insurer in conservation, rehabilitation or liquidation proceedings or other delinquency proceedings, however designated under the laws of this state, regardless of whether the director has previously initiated administrative supervision proceedings under this section against the insurer.

[11.] **10.** The director may adopt reasonable rules necessary for the implementation of this section.

[12.] **11.** Notwithstanding any other provision of law, the director may meet with an administrative supervisor appointed under this section and with the attorney or other representative of the administrative supervisor, without the presence of any other person, at the time of any proceeding or during the pendency of any proceeding held under authority of this section to carry out his duties under this section or for the administrative supervisor to carry out his duties under this section.

[13.] **12.** There shall be no liability on the part of, and no cause of action of any nature shall arise

against, the director or the department of insurance or its employees or agents for any action taken by them in the performance of their powers and duties under this section.

375.1161. 1. If the director determines that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of sections 375.1150 to 375.1246 or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of sections 375.1150 to 375.1246 or a rule adopted or order issued pursuant thereto, the director may issue such administrative orders as authorized under section 374.046, RSMo. A violation of any of these sections is a level four violation under section 374.049, RSMo. The director may also suspend or revoke the license or certificate of authority of such person for any willful violation.

2. If the director believes that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of sections 375.1150 to 375.1246 or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of sections 375.1150 to 375.1246 or a rule adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized under section 374.048, RSMo. A violation of any of these sections is a level four violation under section 374.049, RSMo.

375.1204. 1. [An agent, broker,] A producer, premium finance company, or any other person, other than the insured, responsible for the payment of a premium, shall be obligated to pay any unpaid earned premium due the insurer at the time of the declaration of insolvency as shown on the records

of the insurer. The liquidator shall also have the right to recover from such person any part of an unearned premium that represents commission of such person. Credits or setoffs or both shall not be allowed to [an agent, broker,] a producer or premium finance company for any amounts advanced to the insurer by the [agent, broker,] producer or premium finance company on behalf of, but in the absence of a payment by the insured. An insured shall be obligated to pay any unpaid earned premium due the insurer at the time of the declaration of insolvency, as shown on the records of the insurer.

2. [Upon satisfactory evidence of a violation of this section, the director may pursue either one or both of the following courses of action:

(1) Suspend or revoke or refuse to renew any licenses issued by the department of insurance to such offending party or parties;

(2) Impose an administrative penalty of not more than one thousand dollars for each and every act in violation of this section by said party or parties. All amounts collected as a result of imposition of such administrative penalties shall be paid to the state treasurer for deposit to the general revenue fund.

3. Before the director shall take any action as set forth in subsection 2 of this section, he shall give written notice to the person, company, association or exchange accused of violating the law, stating specifically the nature of the alleged violation and fixing a time and place, at least ten days thereafter, when a hearing on the matter shall be held. After such hearing, or upon failure of the accused to appear at such hearing, the director, if he shall find such violation, shall impose such of the penalties under subsection 2 of this section as he deems advisable.

4. When the director shall take any action provided by subsection 2 of this section, the party aggrieved may appeal said action to the court within thirty days of the director's decision] If the

director determines that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, the director may issue such administrative orders as authorized under section 374.046, RSMo. A violation of this section is a level one violation under section 374.049, RSMo. The director may also suspend, revoke, or refuse to renew any license issued by the director to any offending person for any willful violation.

3. If the director believes that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized under section 374.048, RSMo. A violation of this section is a level one violation under section 374.049, RSMo.

375.1306. 1. An employer shall not use any genetic information or genetic test results, as those terms are defined in subdivisions (3) and (4) of section 375.1300, of an employee or prospective employee to distinguish between, discriminate against, or restrict any right or benefit otherwise due or available to such employee or prospective employee. The requirements of this section shall not prohibit:

(1) Underwriting in connection with individual or group life, disability income or long-term care insurance;

(2) Any action required or permissible by law or regulation;

(3) Action taken with the written permission of an employee or prospective employee or such person's authorized representative; or

(4) The use of genetic information when such information is directly related to a person's ability to perform assigned job responsibilities.

2. [Any person who violates the provisions of this section shall be fined not more than five hundred dollars for each violation of this section] **If the director determines that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, the director may issue such administrative orders as authorized under section 374.046, RSMo. A violation of any of these sections is a level two violation under section 374.049, RSMo.**

3. If the director believes that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized under section 374.048, RSMo. A violation of any of these sections is a level two violation under section 374.049, RSMo.

375.1309. 1. Any person who, in the ordinary course of business, practice of a profession or rendering of a service, creates, stores, receives or

furnishes genetic information, as such term is defined in subdivision (3) of section 375.1300, shall hold such information as confidential medical records and shall not disclose such genetic information except pursuant to written authorization of the person to whom such information pertains or to that person's authorized representative. The requirements of this section shall not apply to:

(1) Statistical data compiled without reference to the identity of an individual;

(2) Health research conducted in accordance with the provisions of the federal common rule protecting the rights and welfare of research participants (45 CFR 46 and 21 CFR 50 and 56), or to health research using medical archives or databases in which the identity of individuals is protected from disclosure by coding or encryption, or by removing all identities;

(3) The release of such information pursuant to legal or regulatory process; or

(4) The release of such information for body identification.

2. [Any person who violates the provisions of this section shall be fined not more than five hundred dollars] **If the director determines that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, the director may issue such administrative orders as authorized under section 374.046, RSMo. A violation of any of these sections is a level two violation under section 374.049, RSMo.**

3. If the director believes that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act,

practice or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized under section 374.048, RSMo. A violation of any of these sections is a level two violation under section 374.049, RSMo.”; and

Further amend said bill, Section 376.307, Pages 54 through 56, by inserting after all of said section the following:

“376.309. 1. As used in this section, “separate account” means an account established by an insurance company, into which any amounts paid to or held by such company under applicable contracts are credited and the assets of which, subject to the provisions of this section, may be invested in such investments as shall be authorized by a resolution adopted by such company's board of directors. The income, if any, and gains and losses, realized or unrealized, on such account shall be credited to or charged against the amounts allocated to such account without regard to other income, gains or losses of the company. If and to the extent so provided under the applicable contracts, that portion of the assets of any such separate account equal to the reserves and other contract liabilities with respect to such account shall not be chargeable with liabilities arising out of any other business the company may conduct.

2. Any domestic life insurance company may, after adoption of a resolution by its board of directors, establish one or more separate accounts, and may allocate to such account or accounts any amounts paid to or held by it which are to be applied under the terms of an individual or group contract to provide benefits payable in fixed or in variable dollar amounts or in both.

3. To the extent it deems necessary to comply with any applicable federal or state act, the

company may, with respect to any separate account or any portion thereof, provide for the benefit of persons having beneficial interests therein special voting and other rights and special procedures for the conduct of the business and affairs of such separate account or portion thereof, including, without limitation, special rights and procedures relating to investment policy, investment advisory services, selection of public accountants, and selection of a committee, the members of which need not be otherwise affiliated with the company, to manage the business and affairs of such separate account or portion thereof; and the corporate charter of such company shall be deemed amended to authorize the company to do so. The provisions of this section shall not affect existing laws pertaining to the voting rights of such company's policyholders.

4. The amounts allocated to any separate account and the accumulations thereon may be invested and reinvested without regard to any requirements or limitations prescribed by the laws of this state governing the investments of life insurance companies, and the investments in such separate account or accounts shall not be taken into account in applying the investment limitations, including but not limited to quantitative restrictions, otherwise applicable to the investments of the company, except that to the extent that the company's reserve liability with regard to benefits guaranteed as to principal amount and duration, and funds guaranteed as to principal amount or stated rate of interest, is maintained in any separate account, a portion of the assets of such separate account at least equal to such reserve liability shall be, except as the director [of insurance] might otherwise approve, invested in accordance with the laws of this state governing the general investment account of any company. As used herein, the expression "general investment account" shall mean all of the funds, assets and investments of the company which are not allocated in a separate account. The provisions of section 376.170 relating to deposits for

registered policies shall not be applicable to funds and investments allocated to separate accounts. No investment in the separate account or in the general investment account of a life insurance company shall be transferred by sale, exchange, substitution or otherwise from one account to another unless, in case of a transfer into a separate account, the transfer is made solely to establish the account or to support the operation of the contracts with respect to the separate account to which the transfer is made or unless the transfer, whether into or from a separate account, is made by a transfer of cash, or by a transfer of other assets having a readily determinable market value, provided that such transfer of other assets is approved by the director [of insurance] and is for assets of equivalent value. Such transfer shall be deemed approved to the extent the assets of a separate account so transferred have been paid to or are being held by the company in connection with a pension, retirement or profit-sharing plan subject to the provisions of the Internal Revenue Code, as amended, and the Employee Retirement Income Security Act of 1974, as amended. The director [of insurance] may withdraw such deemed approval by providing written notice to the company that its financial condition or past practices require such withdrawal. The director [of insurance] may approve other transfers among such accounts if the director concludes that such transfers would be equitable.

5. Unless otherwise approved by the director [of insurance], assets allocated to a separate account shall be valued at their market value on the date of valuation, or if there is no readily available market, then as provided under the terms of the contract or the rules or other written agreement applicable to such separate account; provided, that the portion of the assets of such separate account at least equal to the company's reserve liability with regard to the guaranteed benefits and funds referred to in subsection 4 of this section, if any, shall be valued in accordance with the rules otherwise applicable to the company's assets.

6. The director [of insurance] shall have the sole and exclusive authority to regulate the issuance and **authority to regulate the** sale of contracts under which amounts are to be allocated to one or more separate accounts as provided herein, and to issue such reasonable rules, regulations and licensing requirements as [he] **the director** shall deem necessary to carry out the purposes and provisions of this section; and [such contracts,] the companies [which] **that** issue [them and the agents or other persons who sell them] **such contracts** shall not be subject to [sections 409.101 to 409.419, RSMo, or amendments thereto, nor to the jurisdiction of the] **registration with the** commissioner of securities. **The director may, subject to the provisions of section 374.185, RSMo, consult and cooperate with the commissioner of securities in investigations arising from the offer and sale of contracts regulated under this section and may request assistance from the commissioner of securities in any proceeding arising from the offer and sale of any such contracts.**

7. No domestic life insurance company, and no other life insurance company admitted to transact business in this state, shall be authorized to deliver within this state any contract under which amounts are to be allocated to one or more separate accounts as provided herein until said company has satisfied the director [of insurance] that its condition or methods of operation in connection with the issuance of such contracts will not render its operation hazardous to the public or its policyholders in this state. In determining the qualifications of a company requesting authority to deliver such contracts within this state, the director [of insurance] shall consider, among other things:

(1) The history and financial condition of the company;

(2) The character, responsibility and general fitness of the officers and directors of the company; and

(3) In the case of a company other than a

domestic company, whether the statutes and regulations of the jurisdiction of its incorporation provide a degree of protection to policyholders and the public which is substantially equal to that provided by this section and the rules and regulations issued thereunder.

8. An authorized life insurance company, whether domestic, foreign or alien, which issues contracts under which amounts are to be allocated to one or more separate accounts as provided herein, and which is a subsidiary of or affiliated through common management or ownership with another life insurance company authorized to do business in this state, may be deemed to have met the provisions of subsection 7 of this section if either it or the parent or affiliated company meets the requirements thereof.

9. If the contract provides for payment of benefits in variable amounts, it shall contain a statement of the essential features of the procedure to be followed by the company in determining the dollar amount of such variable benefits. Any such contract, including a group contract, and any certificate issued thereunder, shall state that such dollar amount may decrease or increase and shall contain on its first page a statement that the benefits thereunder are on a variable basis.

10. Except as otherwise provided in this section, all pertinent provisions of the insurance laws of this state shall apply to separate accounts and contracts relating thereto.

376.620. [In all suits upon policies of insurance on life hereafter issued by any company doing business in this state, to a citizen of this state, it shall be no defense that the insured committed suicide, unless it shall be shown to the satisfaction of the court or jury trying the cause, that the insured contemplated suicide at the time he made his application for the policy, and any stipulation in the policy to the contrary shall be void.] **1. Any life insurance or certificate issued or delivered in this state, may exclude or restrict liability of death as the result of suicide**

in the event the insured, while sane or insane, dies as a result of suicide within one year from the date of the issue of the policy or certificate. Any such exclusion or restriction shall be clearly stated in the policy or certificate.

2. Any life insurance policy or certificate which contains any exclusion or restriction under subsection 1 of this section shall also provide that in the event the insured dies as a result of suicide within one year from the date of issue of the policy that the insurer shall promptly refund all premiums paid for coverage on such insured.

376.889. [In addition to any other applicable penalties, the director may require issuers violating any provision of sections 376.850 to 376.890 or regulations promulgated pursuant to sections 376.850 to 376.890 to cease marketing any Medicare supplement policy or certificate in this state which is related directly or indirectly to a violation, or may require such issuer to take such actions as are necessary to comply with the provisions of sections 376.850 to 376.890, or both]

1. If the director determines that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of sections 376.850 to 376.890 or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of sections 376.850 to 376.890 or a rule adopted or order issued pursuant thereto, the director may issue such administrative orders as authorized under section 374.046, RSMo. A violation of any of these sections is a level two violation under section 374.049, RSMo.

2. If the director believes that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of sections 376.850 to 376.890 or a rule

adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of sections 376.850 to 376.890 or a rule adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized under section 374.048, RSMo. A violation of any of these sections is a level two violation under section 374.049, RSMo.”; and

Further amend said bill, Section 376.1012, Pages 56 and 57, by inserting after all of said section the following:

“376.1094. 1. The **director shall suspend or revoke the** certificate of authority of an administrator [shall be suspended or revoked] if the director finds that the administrator:

(1) Is in an unsound financial condition;

(2) Is using such methods or practices in the conduct of its business so as to render its further transaction of business in this state hazardous or injurious to insured persons or the public; or

(3) Has failed to satisfy any judgment rendered against it in this state within sixty days after the judgment has become final.

2. The director may, in his discretion, suspend or revoke the certificate of authority of an administrator if the director finds that the administrator or any of its officers, directors or any individual responsible for the conduct of its affairs as described in subdivision (3) of subsection 2 of section 376.1092:

(1) Has violated any lawful rule or order of the director or any provision of the insurance laws of this state;

(2) Has refused to be examined or to produce its accounts, records and files for examination, or if any of its officers has refused to give information with respect to its affairs or has refused to perform any other legal obligation as to such examination, when required by the director;

(3) Has, without just cause, refused to pay proper claims or perform services arising under its contracts or has, without just cause, caused covered individuals to accept less than the amount due them or caused covered individuals to employ attorneys or bring suit against the administrator to secure full payment or settlement of such claims;

(4) Is affiliated with or under the same general management or interlocking directorate or ownership as another administrator or insurer which unlawfully transacts business in this state without having a certificate of authority;

(5) At any time fails to meet any qualification for which issuance of the certificate could have been refused had such failure then existed and been known to the department;

(6) Has been convicted of, or has entered a plea of guilty or nolo contendere to, a felony without regard to whether adjudication was withheld;

(7) Is not competent, trustworthy, financially responsible or of good personal and business reputation, has had an insurance or administrator license denied for cause by any state or been subject to any form of administrative, civil or criminal action by any federal or state agency or court resulting in some form of discipline or sanction; or

(8) Is under suspension or revocation in another state.

3. The director may, in his discretion and without advance notice or hearing thereon, immediately suspend the certificate of any administrator if the director finds that one or more of the following circumstances exist:

(1) The administrator is insolvent or impaired;

(2) A proceeding for receivership, conservatorship, rehabilitation, or other delinquency proceeding regarding the administrator has been commenced in any state;

(3) The financial condition or business

practices of the administrator otherwise poses an imminent threat to the public health, safety or welfare of the residents of this state.

4. [If the director finds that one or more grounds exist for the suspension or revocation of a certificate of authority issued under sections 376.1075 to 376.1095, the director may, in lieu of such suspension or revocation, bring a civil action against the administrator in a court of competent jurisdiction. The court may impose a fine upon the administrator of not more than fifty thousand dollars, such fine to be payable to the Missouri state school fund] **If the director determines that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of sections 376.1075 to 376.1095 or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of sections 376.1075 to 376.1095 or a rule adopted or order issued pursuant thereto, the director may issue such administrative orders as authorized under section 374.046, RSMo. A violation of any of these sections is a level three violation under section 374.049, RSMo.**

5. If the director believes that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of sections 376.1075 to 376.1095 or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of sections 376.1075 to 376.1095 or a rule adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized under section 374.048, RSMo. A violation of any of these sections is a level three violation under section 374.049, RSMo.

376.1500. As used IN sections 376.1500 to

376.1532, the following words or phrases mean:

(1) **“Director”**, the director of the department of insurance, financial institutions and professional registration;

(2) **“Discount card”**, a card or any other purchasing mechanism or device, which is not insurance, that purports to offer discounts or access to discounts in health-related purchases from health care providers;

(3) **“Discount medical plan”**, a business arrangement or contract in which a person, in exchange for fees, dues, charges, or other consideration, provides access for plan members to providers of medical services and the right to receive medical services from those providers at a discount. The term does not include any product regulated as an insurance product, group health service product or membership in a health maintenance organization in this state or discounts provided by an insurer, group health service, or health maintenance organizations where those discounts are provided at no cost to the insured or member and are offered due to coverage with a licensed insurer, group health service, or health maintenance organization. The term does not include an arrangement where the discounts or prices are sold, rented or otherwise provided to another licensed carrier or to a self-insured or self-funded employer sponsored plan or Taft-Hartley trust;

(4) **“Discount medical plan organization”**, means a person or an entity that, in exchange for fees, dues, charges or other consideration, provides access for plan members to providers of medical services and the right to receive medical services from those providers at a discount. It is the person or organization that contracts with providers, provider networks or other discount medical plan organizations to offer access to medical services at a discount and determines the charge to plan members;

(5) **“Health care provider”**, any person or entity licensed by this state to provide health care services including, but not limited to physicians, hospitals, home health agencies, pharmacies, and dentists;

(6) **“Health care provider network”**, an entity which directly contracts with physicians and hospitals and has contractual rights to negotiate on behalf of those health care providers with a discount medical plan organization to provide medical services to members of the discount medical plan organization;

(7) **“Marketer”**, a person or entity who markets, promotes, sells or distributes a discount medical plan, including a private label entity that places its name on and markets or distributes a discount medical plan but does not operate a discount medical plan;

(8) **“Medical services”**, any care, service or treatment of illness or dysfunction of, or injury to, the human body including, but not limited to, physician care, inpatient care, hospital surgical services, emergency services, ambulance services, dental care services, vision care services, mental health services, substance abuse services, chiropractic services, podiatric care services, laboratory services, and medical equipment and supplies. The term does not include pharmaceutical supplies or prescriptions;

(9) **“Member”**, any person who pays fees, dues, charges, or other consideration for the right to receive the purported benefits of a discount medical plan; and

(10) **“Person”**, an individual, corporation, business trust, estate, trust, partnership, association, joint venture, limited liability company, or any other government or commercial entity.

376.1502. 1. It is unlawful to transact business in this state as a discount medical plan

organization, unless the organization is a corporation, limited liability corporation, partnership, limited liability partnership or other legal entity organized under the laws of this state or, if a foreign entity, authorized to transact business in this state, and is registered as a discount medical plan organization with the director or duly authorized by the director as an insurance company, licensed health maintenance organization, licensed group health service organization, or licensed third party administrator.

2. An individual person, employee, or agent of a registered entity described in subsection 1 of this section may also transact business in this state on behalf of such entity.

376.1504. 1. To register as a discount medical plan organization, an applicant shall:

(1) File with the director an application on a form approved and adopted by the director; and

(2) Pay to the director an application fee of two hundred fifty dollars.

2. A registration is valid for a one-year term and expires one year following the registration date unless it is renewed as provided in this section.

3. Before it expires, a registrant may renew the registration for an additional one-year term if the registrant:

(1) Otherwise is qualified to receive a registration;

(2) Files with the director a renewal application on a form approved and adopted by the director; and

(3) Pays a renewal fee of two hundred fifty dollars.

4. All amounts collected as registration or renewal fees shall be deposited into the insurance dedicated fund.

5. Nothing in this subsection shall require a provider who provides discounts to his or her own patients to obtain and maintain a registration as a discount medical plan organization.

376.1506. 1. If the director has a reason to believe that the discount medical plan organization is not complying with the requirements of sections 376.1500 to 376.1532, the director may examine or investigate the business and affairs of any discount medical plan organization under the authority of sections 374.190 and 374.202 to 374.207, RSMo. The director may require any discount medical plan organization or applicant to produce any records, books, files, advertising and solicitation materials, or other information and may take statements under oath to determine whether the discount medical plan organization or applicant is in violation of the law. Reasonable expenses incurred in conducting any examination shall be paid by the discount medical plan organization under sections 374.202 to 374.207, RSMo.

2. Failure by the discount medical plan organization to pay the expenses incurred under this subsection shall be grounds for denial or revocation of the discount medical plan organization's registration.

376.1508. 1. A discount medical plan organization may charge a reasonable one-time processing fee and a periodic charge as long as the fee is disclosed to the applicant.

2. If the member cancels the membership within the first thirty days after receipt of the discount card and other membership materials, the member shall receive a reimbursement of all periodic charges paid. The return of all periodic charges shall be made within thirty days of the date of the cancellation. If all of the periodic charges have not been paid within thirty days, interest shall be assessed and paid on the proceeds at a rate of the treasury bill rate of the preceding calendar year, plus two percentage

points.

3. The right of cancellation shall be set out in the written membership materials on the first page, in ten-point type or larger.

4. If a discount medical plan organization cancels a membership for any reason other than nonpayment of charges by the member, the discount medical plan organization shall make a pro rata reimbursement of all periodic charges to the member.

376.1510. A discount medical plan organization shall not:

(1) Use in its advertisements, marketing material, brochures, and discount cards the terms “health plan”, “coverage”, “copay”, “copayments”, “preexisting conditions”, “guaranteed issue”, “premium”, “PPO”, “preferred provider organization”, or other terms in a manner that could reasonably mislead a person to believe that the discount medical plan is health insurance;

(2) Except for hospital services, have restrictions on free access to plan providers including waiting periods and notification periods;

(3) Pay providers any fees for medical services;

(4) Collect or accept money from a member for payment to a provider for specific medical services furnished or to be furnished to the member, unless the organization is licensed by the director to act as an administrator; or

(5) Except as otherwise provided in sections 376.1500 to 376.1532, as a disclaimer of any relationship between discount medical plan benefits and insurance, or as a description of an insurance product connected with a discount medical plan, use in its advertisements, marketing material, brochures, and discount cards the term “insurance”.

376.1512. 1. The following disclosures, to be

printed in bold and in not less than twelve-point type, shall be made in writing to any prospective member and shall appear on the first content page of any advertisements, marketing materials or brochures relating to a discount medical plan:

(1) The plan is not insurance;

(2) The plan provides discounts with certain health care providers for medical services;

(3) The plan does not make payments directly to the providers of medical services;

(4) The plan member is obligated to pay for all health care services but will receive a discount from those health care providers who have contracted with the discount plan organization; and

(5) The name and the location of the registered discount medical plan organization, including the current telephone number of the registered discount medical plan organization or other entity responsible for customer service for the plan, if different from the registered discount medical plan organization.

2. If the discount medical plan is sold, marketed, or solicited by telephone, the disclosures required by this section shall be made orally and provided in the initial written materials that describe the benefits under the discount medical plan provided to the prospective or new member.

3. Each discount card or any other plan identifier issued to a plan member shall state in bold and prominent type on the front face of the card that “THIS IS NOT INSURANCE”.

376.1514. 1. All providers offering medical services to members under a discount medical plan shall provide such services pursuant to a written agreement. The agreement may be entered into directly by the health care provider or by a health care provider network to which

the provider belongs if the provider network has contracts with the health care provider that allow the provider network to contract on behalf of the health care provider.

2. A health care provider agreement shall provide the following:

(1) A description of the services and products to be provided at a discount;

(2) The amount or amounts of the discounts or, alternatively, a fee schedule which reflects the health care provider's discounted rates; and

(3) A provision that the health care provider will not charge members more than the discounted rates.

3. A health care provider agreement with a health care provider network shall require that the health care provider network have written agreements with its health care providers that:

(1) Contain the terms described in this subsection;

(2) Authorize the health care provider network to contract with the discount medical plan organization on behalf of the provider; and

(3) Require the network to maintain an up-to-date list of its contracted health care providers and to provide that list on a quarterly basis to the discount medical plan organization.

4. A health care provider agreement between a discount medical plan organization and an entity that contracts with a health care provider network shall require that the entity, in its contract with the health care provider network, require the health care provider network to have written agreements with its providers that comply with subsection 3 of this section.

5. The discount medical plan organization shall maintain a copy of each active health care provider agreement into which it has entered.

376.1516. 1. Each benefit under the

discount medical plan shall be included in the written membership materials between the discount medical plan organization and the member. The written membership materials shall also include a statement notifying the members of their right to cancel under section 376.1508, and such materials shall also list all of the disclosures required by section 376.1512.

2. Upon request by the Director, any forms used by a discount medical plan organization, including written membership materials, shall be submitted to the Director.

376.1518. 1. Each discount medical plan organization registered pursuant to sections 376.1500 to 376.1532, shall at all times maintain a net worth of at least one hundred fifty thousand dollars.

2. The director may not allow a registration unless the discount medical plan organization has a net worth of at least one hundred fifty thousand dollars.

376.1520. Each discount medical plan organization required to be registered pursuant to this section shall provide the director at least thirty days' advance notice of any change in the discount medical plan organization's name, address, principal business address, or mailing address.

376.1522. Each discount medical plan organization shall maintain a current list of the names and addresses of the providers with which it has contracted on a web site page, the address of which shall be prominently displayed on all its advertisements, marketing materials, brochures, and discount cards. This section applies to those providers with whom the discount medical plan organization has contracted directly, as well as those who are members of a provider network with which the discount medical plan organization has contracted.

376.1524. 1. All advertisements, marketing

materials, brochures and discount cards used by marketers shall be approved in writing for such use by the discount medical plan organization.

2. The discount medical plan organization shall have an executed written agreement with a marketer prior to the marketer's marketing, promoting, selling, or distributing the discount medical plan.

376.1528. The director under the provisions of section 374.045, RSMo, may promulgate rules to administer and interpret the provisions of sections 376.1500 to 376.1532.

376.1530. 1. The director may deny a registration to an applicant or refuse to renew, suspend, or revoke the registration of a registrant if the applicant or registrant, or an officer, director, or employee of the applicant or registrant:

(1) Makes a material misstatement or misrepresentation in an application for registration;

(2) Fraudulently or deceptively obtains or attempts to obtain a registration for the applicant or registrant or for another;

(3) Has advertised, merchandised or attempted to merchandise its services in such a manner as to misrepresent its services or capacity for service or has engaged in deceptive, misleading or unfair practices with respect to advertising or merchandising;

(4) In connection with the advertisement, offer, sale or administration of a health care discount program, makes any untrue statement of material fact, conceals any material fact, uses any deception or commits fraud or engages in any dishonest activity;

(5) Is not fulfilling its obligations as a discount medical plan organization;

(6) Does not have the minimum net worth as required by sections 376.1500 to 376.1532; or

(7) Violates any provision of sections 376.1500 to 376.1532, or any law or regulation of this state relating to insurance or the provision of medical care.

2. If the director has cause to believe that grounds for the suspension or revocation of a registration exist, the director shall notify the discount medical plan organization in writing, specifically stating the grounds for suspension or revocation, and shall provide opportunity for a hearing on the matter before the director.

3. When the registration of a discount medical plan organization is surrendered or revoked, such organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs transacted under the registration. The organization may not engage in any further advertising, solicitation, collecting of fees, or renewal of contracts.

376.1532. 1. If the director determines that a person has engaged, is engaging, or has taken a substantial step toward engaging in a violation of sections 376.1500 to 376.1532, or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of sections 376.1500 to 376.1532 or a rule adopted or order issued pursuant thereto, the director may issue such administrative orders as authorized under section 374.046, RSMo. A violation of sections 376.1500 to 376.1532 is a level two violation under section 374.049, RSMo. The director of insurance may also suspend or revoke the license or certificate of authority of such person for any willful violation.

2. If the director believes that a person has engaged, is engaging, or has taken a substantial step toward engaging in a violation of sections 376.1500 to 376.1532 or a rule adopted or order issued pursuant thereto, or that a person has

materially aided or is materially aiding an act, practice, omission or course of business constituting a violation of sections 376.1500 to 376.1532 or a rule adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized under section 374.048, RSMo. A violation of sections 376.1500 to 376.1532 is a level two violation under section 374.049, RSMo.”; and

Further amend said bill, Section 377.200, Pages 57 and 58, by inserting after all of said section the following:

“379.361. 1. [The director may, if he finds that any insurer or filing organization has violated any provision of section 379.017 and sections 379.316 to 379.361, impose a penalty of not more than five hundred dollars for each violation, but if he finds the violation to be willful, he may impose a penalty of not more than five thousand dollars for each violation. These penalties may be in addition to any other penalty provided by law.

2. The director may suspend the license of any rating organization or insurer which fails to comply with an order of the director within the time limited by such order, or any extension thereof which the director may grant. The director shall not suspend the license of any rating organization or insurer for failure to comply with an order until the time prescribed for an appeal therefrom has expired or if an appeal has been taken, until the order has been affirmed. The director may determine when a suspension of license shall become effective and it shall remain in effect for the period fixed by him, unless he modifies or rescinds such suspension or until the order upon which such suspension is based is modified, rescinded or reversed.

3. No penalty shall be imposed or no license shall be suspended or revoked except upon a written order of the director, stating his findings, made after a hearing held upon not less than ten days' written notice to such person or organization specifying the alleged violation] **If the director**

determines that any insurer or filing organization has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of section 379.017 and sections 379.316 to 379.361 or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of section 379.017 and sections 379.316 to 379.361 or a rule adopted or order issued pursuant thereto, the director may issue such administrative orders as authorized under section 374.046, RSMo. A violation of any of these sections is a level two violation under section 374.049, RSMo. The practice of using a rate not in effect under section 379.321, if caused by a single act or omission by the insurer or filing organization, is a level two violation under section 374.049, RSMo. Each act as part of a rating violation does not constitute a separate violation under section 374.049, RSMo. The director may also suspend or revoke the license or certificate of authority of an insurer or filing company for any willful violation.

2. If the director believes that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of section 379.017 and sections 379.316 to 379.361 or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of section 379.017 and sections 379.316 to 379.361 or a rule adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized under section 374.048, RSMo. A violation of any of these sections is a level two violation under section 374.049, RSMo. The practice of using a rate not in effect under section 379.321, if caused by a single act or omission by the insurer or filing organization, is a level two violation

under section 374.049, RSMo. Each act as part of a rating violation does not constitute a separate violation under section 374.049, RSMo.

379.510. [Any person or organization who willfully violates a final order of the director under sections 379.420 to 379.510 shall be deemed guilty of a misdemeanor and shall upon conviction thereof be punished by a fine not to exceed five hundred dollars for such violation] **1. If the director determines that any person has violated a final order of the director under sections 379.420 to 379.510, the director may issue such administrative orders as authorized under section 374.046, RSMo. A violation of any of these sections is a level two violation under section 374.049, RSMo.**

2. If the director believes that a person has violated a final order of the director under sections 379.420 to 379.510, the director may maintain a civil action for relief authorized under section 374.048, RSMo. A violation of any of these sections is a level two violation under section 374.049, RSMo.

379.790. **1. It is unlawful for** any attorney [who shall] **to** exchange any contracts of indemnity of the kind and character specified in sections 379.650 to 379.790, or directly or indirectly solicit or negotiate any applications for same without first complying with the foregoing provisions[, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than one hundred dollars nor more than one thousand dollars; provided] . However, [that] the director [of insurance] may, in his discretion and on such terms as he may prescribe, issue a permit for organization purposes, the permit to continue in force or be canceled at the pleasure of the director [of insurance].

2. If the director determines that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of this section or a rule adopted or

order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, the director may issue such administrative orders as authorized under section 374.046, RSMo. A violation of this section is a level one violation under section 374.049, RSMo.

3. If the director believes that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized under section 374.048, RSMo. A violation of this section is a level one violation under section 374.049, RSMo.

380.391. [No] **1. It is unlawful for any** officer, director, member, agent or employee of any company operating under the provisions of sections 380.201 to [380.591 shall,] **380.611 to** directly or indirectly, use or employ, or permit others to use or employ, any of the money, funds or securities of the company for private profit or gain[, and any such use shall be deemed a felony, punishable, upon conviction, by imprisonment by the department of corrections and human resources for not less than two years nor more than five years for each offense].

2. Any person who willfully engages in any act, practice, omission, or course of business in violation of this section is guilty of a class D felony.

3. The director may refer such evidence as is available concerning violations of this section to the proper prosecuting attorney, who with or without a criminal reference, or the attorney

general under section 27.030, RSMo, may institute the appropriate criminal proceedings.

4. Nothing in this section shall limit the power of the state to punish any person for any conduct that constitutes a crime in any other state statute.

380.571. 1. [The director may issue cease and desist orders whenever it appears to him upon competent and substantial evidence that any company operating under the provisions of sections 380.201 to 380.591 is acting in violation of those laws or any other applicable laws or any rule or regulation promulgated by the director pursuant thereto. Before any cease and desist order shall be issued, a copy of the proposed order together with an order to show cause why such cease and desist order should not be issued shall be served either personally or by certified mail on the company named therein.

2. Upon issuing any order to show cause, the director shall notify the company named therein that it is entitled to a public hearing before the director if a request for a hearing is made in writing to the director within fifteen days from the day of the service of the order to show cause why the cease and desist order should not be issued. The cease and desist order shall be issued fifteen days after the service of the order to show cause if no request for a public hearing is made as above provided.

3. Upon receipt of a request for a hearing, the director shall set a time and place for the hearing which shall not be less than ten days or more than fifteen days from the receipt of the request or as otherwise agreed upon by the parties. Notice of the time and place shall be given by the director not less than five days before the hearing.

4. At the hearing the company may be represented by counsel and shall be entitled to be advised of the nature and source of any adverse evidence procured by the director, and shall be given the opportunity to submit any relevant

written or oral evidence in its behalf to show cause why the cease and desist order should not be issued.

5. At the hearing the director shall have such powers as are conferred upon him by the provisions of section 374.190, RSMo.

6. At the conclusion of the hearing, or within ten days thereafter, the director shall issue the cease and desist order as proposed or as subsequently modified, or notify the company that no order will be issued.

7. The circuit court of Cole County shall have jurisdiction to review any cease and desist order of the director under the provisions of sections 536.100 to 536.150, RSMo; and, if any company against whom an order is issued fails to request judicial review, or if, after judicial review, the director's cease and desist order is upheld, the order shall become final.

8. If any company willfully violates any provision of any cease and desist order of the director after it becomes final, it may be penalized by the director by a fine of not more than one thousand dollars.

9. The director of insurance may in addition to a monetary fine, suspend or revoke the certificate of authority of any company violating a cease and desist order] **If the director determines that any person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of sections 380.201 to 380.611 or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of sections 380.201 to 380.611 or a rule adopted or order issued pursuant thereto, the director may issue such administrative orders as authorized under section 374.046, RSMo. A violation of any of these sections is a level two violation under section 374.049, RSMo, except a violation of**

section 380.391 is a level four violation under section 374.049, RSMo. The director may also suspend or revoke the certificate of authority of such person for any willful violation.

2. If the director believes that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of sections 380.201 to 380.611 or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of sections 380.201 to 380.611 or a rule adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized under section 374.048, RSMo. A violation of any of these sections is a level two violation under section 374.049, RSMo, except a violation of section 380.391 is a level four violation under section 374.049, RSMo.”; and

Further amend said bill, Section 381.068, Page 58, by inserting after all of said section the following:

“384.054. Any tax imposed by sections 384.011 to 384.071 which is delinquent in payment shall be subject to a penalty of **one percent of the tax per diem up to** ten percent of the tax. Any delinquent tax shall bear interest at the rate determined under section 32.065, RSMo, from the time such tax is due.

384.071. 1. **If the director determines that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of sections 384.011 to 384.071 or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of sections 384.011 to 384.071 or a rule adopted or order issued pursuant thereto, the director may issue such administrative orders as authorized**

under section 374.046, RSMo. A violation of any of these sections is a level three violation under section 374.049, RSMo.

2. If the director believes that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of sections 384.011 to 384.071 or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of sections 384.011 to 384.071 or a rule adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized under section 374.048, RSMo. A violation of any of these sections is a level three violation under section 374.049, RSMo.

3. Any surplus lines licensee who in this state represents or aids a nonadmitted insurer in violation of the provisions of sections 384.011 to 384.071 may be found guilty of a **class B** misdemeanor and subject to a fine not in excess of one thousand dollars.

[2. In addition to any other penalty provided for herein or otherwise provided by law, including any suspension, revocation or refusal to renew a license, any person, firm, association or corporation violating any provision of sections 384.011 to 384.071 shall be liable to a penalty not exceeding one thousand dollars for the first offense, and not exceeding two thousand dollars for each succeeding offense.

3.] 4. The above penalties are not exclusive remedies. [Penalties may also be assessed under sections 375.930 to 375.948, RSMo.]; and

Further amend said bill, Section 409.950, Page 58, by inserting after all of said section the following:

“[374.261. As used in sections 374.261 to 374.269, the following words mean:

(1) “Director”, the director of the

department of insurance;

(2) "Examiners", nonsalaried employees of the department of insurance conducting an examination pursuant to section 374.190;

(3) "Sick leave", those days of leave taken during the conduct of an examination during which an examiner is prevented from conducting an examination due to illness or injury.]

[374.263. There is hereby created in the state treasury a fund to be known as the "Insurance Examiner's Sick Leave Fund", hereinafter referred to as the "fund". The fund shall be used to pay the daily wages of department of insurance examiners who are temporarily unable to continue an examination of an insurance company or companies pursuant to section 374.190, because of illness or injury suffered or sustained by the examiner during the course of the examination which the examiner is conducting.]

[374.265. 1. There shall be an amount assessed against those domestic insurers which are subject to premium tax and are engaged in the business of insurance within this state, which amount shall be no less than one hundred and fifty nor greater than five hundred dollars.

2. The initial assessment shall be made within one month of September 28, 1981, in the total amount of thirty-six thousand dollars. Thereafter, assessments shall be made annually, or as needed whenever the balance in the fund becomes less than ten thousand dollars. The amount of such subsequent assessments shall be that amount necessary to return the balance in the fund to thirty-six thousand dollars.]

[374.267. 1. The director of the department of insurance, his agents or

appointees shall be empowered to make assessments pursuant to section 374.265, and to administer the fund.

2. The director, his agents or appointees shall compensate an examiner out of the fund only after the examiner has satisfied the director, his agents or appointees that:

(1) The examiner was employed by the department of insurance to conduct an examination of an insurance company or companies pursuant to section 374.190 at the time of the illness or injury for which daily wages are claimed; and

(2) The examiner was prevented from conducting the examination due to illness or injury.

3. The amount paid by the director, his agents or appointees to an examiner from the fund shall not exceed the amount of the examiner's daily wages times the number of days during which the examiner was prevented from conducting an examination as result of illness or injury, but in no event shall any examiner be paid for more than one and one-fourth days times the number of months for which he has been employed by the department of insurance as an examiner, nor shall an examiner be paid for or receive credit for sick leave after August 13, 1988, for or on the basis of any month, months or portion thereof before August 13, 1988.]; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the

House refuses to adopt Senate Substitute for House Bill 744, as amended, and request the Senate recede from its position and failing to do so grant the House a conference thereon and allow the conferees to exceed the differences in Sections 388.700 through 388.742 as truly agreed to and finally passed in Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill 327, as amended, and conferees be bound to the House position in Senate Substitute for House Bill 744, as amended, with respect to the enforcement of seat belt laws being primary.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has reappointed the following conference committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 64**, as amended. Representatives: Wallace, Cunningham (86), Muschany, Aull and Lampe.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SCS** for **SBs 62** and **41**, as amended, and has taken up and passed **CCS** for **HCS** for **SCS** for **SBs 62** and **41**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has granted the Senate further conference on **HCS** for **SCS** for **SB 308**, as amended.

PRIVILEGED MOTIONS

Senator Stouffer moved that the Senate refuse to recede from its position on **SS** for **HB 744**, as amended, and grant the House a conference thereon, and further that the conferees are allowed to exceed the differences in Sections 388.700 through 388.742 as truly agreed and finally passed in **SS** for **SCS** for **HCS** for **HB 327**, as amended.

At the request of Senator Stouffer, the above motion was withdrawn.

Senator Koster assumed the Chair.

Senator Stouffer moved that the Senate refuse to recede from its position on **SS** for **HB 744**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SS** for **HB 744**, as amended: Senators Stouffer, Rupp, Engler, Days and McKenna.

President Pro Tem Gibbons reappointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 308**, as amended: Senators Crowell, Ridgeway, Shields, Kennedy and Wilson.

HOUSE BILLS ON THIRD READING

HB 801, with **SCS**, entitled:

An Act to repeal section 392.410, RSMo, and to enact in lieu thereof one new section relating to telecommunications.

Was called from the Informal Calendar and taken up by Senator Engler.

SCS for **HB 801**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 801

An Act to repeal sections 392.410, 407.1095, 407.1098, 407.1101, 407.1104, and 407.1107, RSMo, and to enact in lieu thereof nine new sections relating to telecommunications.

Was taken up.

Senator Engler moved that **SCS** for **HB 801** be adopted.

Senator Griesheimer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 801, Page 3, Section 392.410, Line 78, by inserting at the end of said line the following: **“The commission shall also include in such study the potential economic impact of interconnected voice over Internet protocol service as defined by the Federal Communications Commission in Section 9.3 of Title 47 of the Code of Federal Regulations. The commission shall not regulate or otherwise exercise jurisdiction over such service without specific authorization from the general assembly until at least one hundred thirty-six days after the next immediate due date of this report. Any decision of the public service commission inconsistent with this section is hereby preempted and rendered invalid.”**

Senator Griesheimer moved that the above amendment be adopted.

Senator Griesheimer offered **SA 1 to SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for House Bill No. 801, Page 1, Lines 9-10, by striking all of said lines and inserting in lieu thereof the following: **“assembly until after July 1, 2008. Any decision of the”**.

Senator Griesheimer moved that the above amendment be adopted.

At the request of Senator Griesheimer, **SA 1 to SA 1** and **SA 1** were withdrawn.

Senator Engler moved that **SCS for HB 801** be adopted, which motion prevailed.

On motion of Senator Engler, **SCS for HB 801** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell

Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 215, with **SCS**, entitled:

An Act to repeal sections 167.031, 211.021, 211.033, 211.034, 211.041, 211.061, 211.071, 211.081, 211.091, 211.101, 211.161, and 211.181, RSMo, and to enact in lieu thereof twelve new sections relating to juvenile courts, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Goodman.

SCS for HB 215, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 215

An Act to repeal sections 167.031, 211.021, 211.033, 211.034, 211.041, 211.061, 211.071, 211.091, 211.101, and 211.161, RSMo, and to enact in lieu thereof nine new sections relating to juvenile courts, with penalty provisions.

Was taken up.

President Kinder assumed the Chair.

Senator Goodman moved that **SCS** for **HB 215** be adopted.

Senator Lager offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 215, Page 11, Section 211.161, Line 19, by inserting immediately after said line the following:

“Section 1. The office of the state courts administrator shall conduct a study and report to the general assembly by June 30, 2008, on the impact of changing the definition of “child”, as used in section 211.021, RSMo, to include any person over seventeen years but not yet eighteen years of age unless such person has committed a status offense as defined in subdivision (2) of subsection 1 of section 211.031, RSMo. The report shall contain information regarding the impact on caseloads of juvenile officers, including the average increase in caseload per juvenile officer for each judicial circuit, and the number of children affected by the change in definition.”; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted.

Senator Lager offered **SA 1** to **SA 1**, which was read:

**SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1**

Amend Senate Amendment No. 1 to Senate Committee Substitute for House Bill No. 215, Page 1, Lines 7-8, by striking “unless such person has” and inserting in lieu thereof the following: **“alleged to have”**.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

SA 1, as amended, was again taken up.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Goodman moved that **SCS** for **HB 215**, as amended, be adopted, which motion prevailed.

On motion of Senator Goodman, **SCS** for **HB 215**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Rupp
Scott	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators

Gibbons	Purgason	Ridgeway—3
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the

Senate on **SS** for **SCS** for **HCS** for **HB 780**, as amended. Representatives: Wasson, Bearden, Parson, Page and Quinn (9).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 308**, as amended. Representatives: Wasson, Parson, Tilley, Page and McClanahan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 497**, entitled:

An Act to repeal sections 50.327, 52.290, 52.312, 52.315, 52.317, 58.500, 58.510, 94.660, 110.130, 110.140, 110.150, 141.150, 141.640, and 473.743, RSMo, and to enact in lieu thereof thirteen new sections relating to county officials, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 418**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 112**, entitled:

An Act to repeal sections 160.900, 160.905, 160.910, 160.915, 160.920, 160.925, 160.930, 162.700, and 376.1218, RSMo, and to enact in lieu thereof eleven new sections relating to special education, with an expiration date for a certain section.

With House Amendment Nos. 1, 2 and 3.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 112, Page 7, Section 160.933, Line 23, by inserting after all of said line the following:

“162.675. As used in sections 162.670 to 162.995, unless the context clearly indicates otherwise, the following terms mean:

(1) “**Children with disabilities**” or “**handicapped children**”, children under the age of twenty-one years who have not completed an approved high school program and who, because of mental, physical, emotional or learning problems, require special educational services;

(2) “**Gifted children**”, children who exhibit precocious development of mental capacity and learning potential as determined by competent professional evaluation to the extent that continued educational growth and stimulation could best be served by an academic environment beyond that offered through a standard grade level curriculum;

[(2) “**Handicapped children**”, children under the age of twenty-one years who have not completed an approved high school program and who, because of mental, physical, emotional or learning problems, require special educational services;]

(3) “**Severely handicapped children**”, handicapped children under the age of twenty-one years who meet the eligibility criteria for state schools for severely handicapped children, identified in state regulations that implement the Individuals with Disabilities Education Act;

(4) “**Special educational services**”, programs designed to meet the needs of **children with disabilities** or handicapped or severely handicapped children and which include, but are not limited to, the provision of diagnostic and evaluation services, student and parent counseling,

itinerant, homebound and referral assistance, organized instructional and therapeutic programs, transportation, and corrective and supporting services.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 112, Page 6, Section 160.930, Lines 1 to 12, by deleting all of said Lines from the bill; and

Further amend said bill, Page 11, Section 376.1218, Line 71, by inserting after all of said line the following:

“[160.930. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the program authorized under sections 160.900 to 160.925, section 162.700, RSMo, and section 376.1218, RSMo, shall automatically sunset two years after August 28, 2005, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under sections 160.900 to 160.925, section 162.700, RSMo, and section 376.1218, RSMo, shall automatically sunset twelve years after the effective date of the reauthorization of sections 160.900 to 160.925, section 162.700, RSMo, and section 376.1218, RSMo; and

(3) Sections 160.900 to 160.925, section 162.700, RSMo, and section 376.1218, RSMo, shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under sections 160.900 to 160.925, section 162.700, RSMo, and section 376.1218, RSMo, is sunset.]” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 112, Section 160.933, Page 7, by inserting after all of said section the following:

“162.431. 1. When it is necessary to change the boundary lines between seven-director school districts, in each district affected, ten percent of the voters by number of those voting for school board members in the last annual school election in each district may petition the district boards of education in the districts affected, regardless of county lines, for a change in boundaries. The question shall be submitted at the next [general municipal] election, **as the term “election” is defined in section 115.123, RSMo.**

2. The voters shall decide the question by a majority vote of those who vote upon the question. If assent to the change is given by each of the various districts voting, each voting separately, the boundaries are changed from that date.

3. If one of the districts votes against the change and the other votes for the change, the matter may be appealed to the state board of education, in writing, within fifteen days of the submission of the question by either one of the districts affected, or in the above event by a majority of the signers of the petition requesting a vote on the proposal. At the first meeting of the state board following the appeal, a board of arbitration composed of three members, none of whom shall be a resident of any district affected, shall be appointed. In determining whether it is necessary to change the boundary line between seven-director districts, the board of arbitration shall base its decision upon the following:

(1) The presence of school-aged children in the affected area;

(2) The presence of actual educational harm to school-aged children, either due to a significant difference in the time involved in transporting students or educational deficiencies in the district

which would have its boundary adversely affected; and

(3) The presence of an educational necessity, not of a commercial benefit to landowners or to the district benefitting for the proposed boundary adjustment.

4. If the potential receiving district obtained a score consistent with the criteria for classification of the district as “accredited” on its most recent annual performance report and the potential sending district obtained a score consistent with the criteria for classification of the district as “unaccredited” on its most recent annual performance report, the board shall approve the proposed boundary change for the educational well-being of the children enrolled in the potential sending district.

[4.] **5.** Within twenty days after notification of appointment, the board of arbitration shall meet and consider the necessity for the proposed changes and shall decide whether the boundaries shall be changed as requested in the petition or be left unchanged, which decision shall be final. The decision by the board of arbitration shall be rendered not more than thirty days after the matter is referred to the board. The chairman of the board of arbitration shall transmit the decision to the secretary of each district affected who shall enter the same upon the records of his district and the boundaries shall thereafter be in accordance with the decision of the board of arbitration. The members of the board of arbitration shall be allowed a fee of fifty dollars each, to be paid at the time the appeal is made by the district taking the appeal or by the petitioners should they institute the appeal.

[5.] **6.** If the board of arbitration decides that the boundaries shall be left unchanged, no new petition for the same, or substantially the same, boundary change between the same districts shall be filed until after the expiration of two years from the date of the municipal election at which the question was submitted to the voters of the

districts.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 162**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SCS** for **SB 429**, as amended and grants the Senate a conference thereon.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 429**, as amended: Senators Gibbons, Goodman, Bartle, Justus and Callahan.

On motion of Senator Shields, the Senate recessed until 2:15 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kinder.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 1360**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HCS** for **HB 364**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

HCS for **HB 364**, entitled:

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof one new section relating to Missouri adjusted gross income calculations.

Was taken up by Senator Purgason.

Senator Purgason offered **SS** for **HCS** for **HB 364**, entitled:

SENATE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 364

An Act to repeal sections 103.085, 143.121, 376.426, 376.776, 376.960, 376.961, 376.964, 376.966, 376.986, 376.989, 379.930, 379.936, 379.938, 379.940, 379.942, 379.943, 379.944, and 379.952, RSMo, and to enact in lieu thereof twenty-eight new sections relating to health insurance, with an effective date for certain sections.

Senator Purgason moved that **SS** for **HCS** for **HB 364** be adopted.

Senator Loudon raised the point of order that **SS** for **HCS** for **HB 364** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem who ruled it not well taken.

Senator Loudon offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 364, Page 11, Section 143.121, Line 8 of said page, by

inserting immediately after said line the following:

“324.1230. 1. As used in sections 324.1230 to 324.1245, the following terms shall mean:

- (1) “Antepartum”, before birth;**
- (2) “Board”, the board of direct-entry midwives;**
- (3) “Client”, a person who retains the services of a direct-entry midwife;**
- (4) “Direct-entry midwife”, any person who is certified by the North American Registry of Midwives (NARM) as a certified professional midwife (CPM) and provides for compensation those skills relevant to the care of women and infants in the antepartum, intrapartum, and postpartum period;**
- (5) “Division”, the division of professional registration;**
- (6) “Intrapartum”, during birth;**
- (7) “Postpartum”, after birth.**

2. There is hereby created and established within the division of professional registration a “Board of Direct-Entry Midwives”.

3. No later than December 31, 2007, the governor shall appoint members to the board with the advice and consent of the senate. The board shall consist of five members each of whom is a United States citizen and who has been a resident of this state for at least one year immediately preceding their appointment. Of these five members, one member shall be a physician licensed under chapter 334, RSMo, who has provided out-of-hospital birth services, one member shall be a public member, three members shall be licensed direct-entry midwives who attend births in homes or other out-of-hospital settings, provided that the first midwife members appointed need not be licensed at the time of appointment if they are actively working toward licensure under the provisions of sections 324.1230 to 324.1245.

4. The initial appointments to the board shall be one member for a term of one year, one member for a term of two years, one member for a term of three years, one member for a term of four years and one member for a term of five years. After the initial terms, each member shall serve a five-year term. No member of the board shall serve more than two consecutive five-year terms. The organization of the board shall be established by members of the board. Upon the death, resignation, or removal from office of any member of the board, the appointment to fill the vacancy shall be for the unexpired portion of the term so vacated and shall be made within sixty days after the vacancy occurs.

5. The public member shall not be a member of any profession regulated by chapter 334 or 335, RSMo, or under sections 324.1230 to 324.1245, or the spouse of such person. The public member is subject to the provisions of section 620.132, RSMo.

6. The board may sue and be sued in its own name and its members need not be named parties. Members of the board shall not be personally liable, either jointly or severally, for any act or acts committed in the performance of their official duties as board members. No board member shall be personally liable for any court costs which accrue in any action by or against the board.

7. Notwithstanding any other provision of law to the contrary, any appointed member of the board shall receive as compensation an amount established by the director of the division of professional registration not to exceed fifty dollars per day for board business plus actual and necessary expenses. The director of the division of professional registration shall establish by rule the guidelines for payment.

8. The board shall employ administrative and clerical personnel necessary to enforce the

provisions of sections 324.1230 to 324.1245.

9. The board shall hold an annual meeting at which time it shall elect from its membership a chairman and secretary. The board may hold such additional meetings as may be required in the performance of its duties, provided that notice of every meeting shall be given to each member at least ten days prior to the date of the meeting. A quorum of the board shall consist of a majority of its members.

10. No licensing activity or other statutory requirements shall become effective until expenditures or personnel are specifically appropriated for the purpose of conducting the business as required to administer the provisions of sections 324.1230 to 324.1245 and the initial rules filed have become effective.

324.1233. 1. The board shall issue licenses to applicants who:

(1) Present evidence of current certification by the North American Registry of Midwives (NARM) as a certified professional midwife (CPM);

(2) Present evidence of current certification in basic life support (BLS) for healthcare providers, and either infant cardiopulmonary resuscitation (CPR) or neonatal resuscitation;

(3) Pay a licensure fee set by the board; and

(4) Comply with the written disclosure requirement under subsection 1 of section 324.1239.

2. The board shall renew licenses to applicants who:

(1) Present evidence of attendance at a minimum of ten hours per year of continuing education in midwifery or related fields;

(2) Present evidence of attendance at a minimum of three hours per year of peer review;

(3) Present evidence of current certification

in basic life support (BLS) for healthcare providers, and either infant cardiopulmonary resuscitation (CPR) or neonatal resuscitation; and

(4) Pay a renewal fee set by the board.

3. Any license issued under sections 324.1230 to 324.1245 shall expire three years after the date of its issuance. The board may refuse to issue or renew any certificate of registration or authority, permit, or license required pursuant to this chapter for one or any combination of causes stated in subsection 4 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo. As an alternative to a refusal to issue or renew any certificate, registration, or authority, the board may, at its discretion, issue a license which is subject to probation, restriction, or limitation to an applicant for licensure for any one or any combination of causes stated in subsection 4 of this section. The board's order of probation, limitation, or restriction shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited, or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited, or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.

4. The board may cause a complaint to be

filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit, or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit, or license for any one or any combination of the following causes:

(1) Violates any provision of sections 324.1230 to 324.1245 or the rules adopted thereafter;

(2) Engages in conduct detrimental to the health or safety of either the mother or infant, or both, as determined by the board; or

(3) Has an unpaid judgment resulting from providing direct-entry midwifery services.

5. After the filing of such complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 4 of this section, for disciplinary action are met, the board may, singly or in combination, warn, censure, or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years, or may suspend the person's license, certificate, or permit for a period not to exceed three years, or restrict or limit the person's license, certificate, or permit for an indefinite period of time, or revoke the person's license, certificate, or permit, or administer a public or private reprimand, or deny the person's application for a license, or permanently withhold issuance of a license or require the person to submit to the care, counseling, or treatment of physicians designated by the board at the expense of the individual to be examined, or require the person to attend such continuing educational courses and pass such examinations as the board may

direct.

6. The division may promulgate rules necessary to implement the administration of the licensure system established under sections 324.1230 to 324.1245. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

324.1236. 1. There is hereby established in the treasury a fund to be known as the "Board of Direct-Entry Midwives Fund". All fees of any kind and character authorized to be charged by the board shall be collected by the director of the division of professional registration and shall be transmitted to the department of revenue for deposit in the state treasury for credit to this fund, to be disbursed only in payment of expenses of maintaining the board and for the enforcement of the provisions of law concerning professions regulated by the board; and no other money shall be paid out of the state treasury for carrying out these provisions. Warrants shall be issued on the state treasurer for payment out of said fund.

2. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, RSMo, the state treasurer may approve disbursements. Upon appropriation, money in the fund shall be used solely for the administration of sections 324.1230 to 324.1245. Notwithstanding the provisions of section

33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

324.1239. 1. Every licensed direct-entry midwife shall present a written disclosure statement to each client, which shall include but not be limited to, the following:

- (1) A description of direct-entry midwifery education and related training;
- (2) Licensure as a direct-entry midwife, including the effective dates of the licensure;
- (3) The benefits and risks associated with childbirth in the setting selected by the client;
- (4) A statement concerning the licensed direct-entry midwife's malpractice or liability insurance coverage; and
- (5) A plan, specific to the client, for transfer to medical care, if needed.

2. Notwithstanding any other provision of the law, a licensed direct-entry midwife providing a service of direct-entry midwifery shall not be deemed to be engaged in the practice of medicine, nursing, nurse-midwifery, or any other medical or healing practice.

3. Nothing in sections 324.1230 to 324.1245 shall be construed to apply to a person who provides information and support in preparation for labor and delivery and assists in the delivery of an infant if that person does not do the following:

- (1) Advertise as a midwife or as a provider of midwife services;
- (2) Assist, as primary attendant, in more than six births a year;
- (3) Accept any form of compensation for

midwife services; and

(4) Use any words, letters, signs, or figures to indicate that the person is a midwife.

4. A person who is a member of a recognized religious sect or division, as defined in 26 U.S.C. 1402(g), by reason of which they are conscientiously opposed to acceptance of benefits of any public or private insurance which makes payments in the event of death, disability, old age, or retirement or makes payments toward the cost of, or provides services for, medical bills, including benefits of any insurance system established under the Federal Social Security Act, 42 U.S.C. 301 to 42 U.S.C. 1397jj, shall not be subject to the provisions of sections 324.1230 to 324.1245.

5. A person shall not be subject to the licensure provisions of section 324.1233 if said person:

(1) Is a resident of this state;

(2) Is at least twenty-one years of age;

(3) Has passed the North American Registry of Midwives Skills Assessment;

(4) Has provided a service of midwifery for at least twenty of the last thirty years before August 28, 2007;

(5) Presents evidence of current certification in basic life support (BLS) for healthcare providers, and either infant cardiopulmonary resuscitation (CPR) or neonatal resuscitation;

(6) Presents a written disclosure statement to each client as provided under subsection 1 of this section, except such person shall disclose evidence of the licensure exemption from the board required under subdivision (7) of this subsection; and

(7) Has requested and received an exemption from the Board of Direct-Entry Midwives.

6. No person other than the licensed direct-entry midwife who provided care to the client shall be liable for the direct-entry midwife's negligent or willful and wanton acts or omissions. Except as otherwise provided by law, no other licensed physician, licensed doctor of osteopathy, certified nurse midwife, licensed nurse, hospital, emergency medical technicians licensed under chapter 190, RSMo, or agents thereof, shall be exempt from liability for their own subsequent and independent negligent, grossly negligent, or willful and wanton acts or omissions.

7. The provisions of sections 324.1230 to 324.1245 shall be remedial and curative in nature.

8. Nothing in sections 324.1230 to 324.1245 shall be construed to prohibit the attendance at birth of the mother's choice of family, friends, or other uncompensated labor support attendants.

324.1242. No licensed direct-entry midwife shall be permitted to:

(1) Prescribe drugs or medications;

(2) Perform medical inductions or cesarean sections during the delivery of an infant;

(3) Use forceps during the delivery of an infant; or

(4) Perform vacuum delivery of an infant.

324.1245. Any person who violates the provisions of sections 324.1230 to 324.1245, or any rule or order made under sections 324.1230 to 324.1245 is guilty of a class A misdemeanor.

334.010. 1. It shall be unlawful for any person not now a registered physician within the meaning of the law to practice medicine or surgery in any of its departments, to engage in the practice of medicine across state lines or to profess to cure and attempt to treat the sick and others afflicted with bodily or mental infirmities, [or engage in the practice of midwifery in this state.] except as

herein provided.

2. For the purposes of this chapter, the “practice of medicine across state lines” shall mean:

(1) The rendering of a written or otherwise documented medical opinion concerning the diagnosis or treatment of a patient within this state by a physician located outside this state as a result of transmission of individual patient data by electronic or other means from within this state to such physician or physician's agent; or

(2) The rendering of treatment to a patient within this state by a physician located outside this state as a result of transmission of individual patient data by electronic or other means from within this state to such physician or physician's agent.

3. A physician located outside of this state shall not be required to obtain a license when:

(1) In consultation with a physician licensed to practice medicine in this state; and

(2) The physician licensed in this state retains ultimate authority and responsibility for the diagnosis or diagnoses and treatment in the care of the patient located within this state; or

(3) Evaluating a patient or rendering an oral, written or otherwise documented medical opinion, or when providing testimony or records for the purpose of any civil or criminal action before any judicial or administrative proceeding of this state or other forum in this state; or

(4) Participating in a utilization review pursuant to section 376.1350, RSMo.

334.120. 1. There is hereby created and established a board to be known as “The State Board of Registration for the Healing Arts” for the purpose of registering, licensing and supervising all physicians and surgeons[, and midwives] in this state. The board shall consist of nine members, including one voting public member, to be appointed by the governor by and with the advice

and consent of the senate, five of whom shall be graduates of professional schools approved and accredited as reputable by the American Medical Association or the Liaison Committee on Medical Education and two of whom shall be graduates of professional schools approved and accredited as reputable by the American Osteopathic Association, and all of whom, except the public member, shall be duly licensed and registered as physicians and surgeons pursuant to the laws of this state. Each member must be a citizen of the United States and must have been a resident of this state for a period of at least one year next preceding his or her appointment and shall have been actively engaged in the lawful and ethical practice of the profession of physician and surgeon for at least five years next preceding his or her appointment. Not more than four members shall be affiliated with the same political party. All members shall be appointed for a term of four years. Each member of the board shall receive as compensation an amount set by the board not to exceed fifty dollars for each day devoted to the affairs of the board, and shall be entitled to reimbursement of his or her expenses necessarily incurred in the discharge of his or her official duties. The president of the Missouri State Medical Association, for all medical physician appointments, or the president of the Missouri Association of Osteopathic Physicians and Surgeons, for all osteopathic physician appointments, in office at the time shall, at least ninety days prior to the expiration of the term of the respective board member, other than the public member, or as soon as feasible after the appropriate vacancy on the board otherwise occurs, submit to the director of the division of professional registration a list of five physicians and surgeons qualified and willing to fill the vacancy in question, with the request and recommendation that the governor appoint one of the five persons so listed, and with the list so submitted, the president of the Missouri State Medical Association or the Missouri Association

of Osteopathic Physicians and Surgeons, as appropriate, shall include in his or her letter of transmittal a description of the method by which the names were chosen by that association.

2. The public member shall be at the time of his or her appointment a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated pursuant to this chapter or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by this chapter, or an activity or organization directly related to any profession licensed or regulated pursuant to this chapter. All members, including public members, shall be chosen from lists submitted by the director of the division of professional registration. The duties of the public member shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgment of a licensee or a candidate for licensure.”; and

Further amend said bill, Page 93, Section 379.952, Line 17 of said page, by inserting after all of said line the following:

“[334.260. On August 29, 1959, all persons licensed under the provisions of chapter 334, RSMo 1949, as midwives shall be deemed to be licensed as midwives under this chapter and subject to all the provisions of this chapter.]”; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted.

Senator Engler raised the point of order that **SA 1** is out of order as it goes beyond the scope of the original bill.

Senator Scott assumed the Chair.

Senator Gross assumed the Chair.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Green offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Committee Substitute for House Bill No. 364, Page 11, Section 143.121, Line 8 of said page, by inserting immediately after said line the following:

“195.070. 1. A physician, podiatrist, dentist, or a registered optometrist certified to administer pharmaceutical agents as provided in section 336.220, RSMo, in good faith and in the course of his or her professional practice only, may prescribe, administer, and dispense controlled substances or he or she may cause the same to be administered or dispensed by an individual as authorized by statute.

2. An advanced practice registered nurse, as defined in section 335.016, RSMo, who holds a certificate of controlled substance prescriptive authority from the board of nursing pursuant to section 335.019, RSMo, and who is delegated the authority to prescribe controlled substances under a controlled substance collaborative practice agreement pursuant to section 334.104, RSMo, may prescribe any controlled substances listed in Schedule V of section 195.017, RSMo. However, no such certified advanced practice registered nurse shall ever, under any circumstances, prescribe controlled substance for his or her own self or family.

3. A veterinarian, in good faith and in the course of his professional practice only, and not for use by a human being, may prescribe, administer, and dispense controlled substances and he may cause them to be administered by an assistant or orderly under his direction and supervision.

[3.] **4. A practitioner shall not accept any portion of a controlled substance unused by a**

patient, for any reason, if such practitioner did not originally dispense the drug.

[4.] **5.** An individual practitioner may not prescribe or dispense a controlled substance for such practitioner's personal use except in a medical emergency.

195.100. 1. It shall be unlawful to distribute any controlled substance in a commercial container unless such container bears a label containing an identifying symbol for such substance in accordance with federal laws.

2. It shall be unlawful for any manufacturer of any controlled substance to distribute such substance unless the labeling thereof conforms to the requirements of federal law and contains the identifying symbol required in subsection 1 of this section.

3. The label of a controlled substance in Schedule II, III or IV shall, when dispensed to or for a patient, contain a clear, concise warning that it is a criminal offense to transfer such narcotic or dangerous drug to any person other than the patient.

4. Whenever a manufacturer sells or dispenses a controlled substance and whenever a wholesaler sells or dispenses a controlled substance in a package prepared by him, he shall securely affix to each package in which that drug is contained, a label showing in legible English the name and address of the vendor and the quantity, kind, and form of controlled substance contained therein. No person except a pharmacist for the purpose of filling a prescription under sections 195.005 to 195.425, shall alter, deface, or remove any label so affixed.

5. Whenever a pharmacist or practitioner sells or dispenses any controlled substance on a prescription issued by a physician, dentist, podiatrist [or] veterinarian, **or advanced practice registered nurse**, he shall affix to the container in which such drug is sold or dispensed, a label showing his own name and address of the

pharmacy or practitioner for whom he is lawfully acting; the name of the patient or, if the patient is an animal, the name of the owner of the animal and the species of the animal; the name of the physician, dentist, podiatrist [or], veterinarian, **or advanced practice registered nurse** by whom the prescription was written; **the name of the collaborating physician if the prescription is written by an advanced practice registered nurse**, and such directions as may be stated on the prescription. No person shall alter, deface, or remove any label so affixed.

334.104. 1. A physician may enter into collaborative practice arrangements with registered professional nurses. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the registered professional nurse and is consistent with that nurse's skill, training and competence.

2. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer, dispense or prescribe drugs and provide treatment if the registered professional nurse is an advanced practice nurse as defined in subdivision (2) of section 335.016, RSMo. Such collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols or standing orders for the delivery of health care services.

3. **Controlled substance collaborative practice arrangements may delegate to an advanced practice registered nurse, as defined in section 335.016, RSMo, the authority to administer, dispense, or prescribe controlled substances listed in Schedule V of section**

195.017, RSMo. Such controlled substance collaborative practice agreements shall be in writing and shall also set forth provisions for the type of collaboration between the advanced practice registered nurse and the collaborating physician.

4. The state board of registration for the healing arts pursuant to section 334.125 and the board of nursing pursuant to section 335.036, RSMo, may jointly promulgate rules regulating the use of collaborative practice arrangements **and controlled substance collaborative practice arrangements**. Such rules shall be limited to specifying geographic areas to be covered, the methods of treatment that may be covered by collaborative practice arrangements and the requirements for review of services provided pursuant to collaborative practice arrangements **including collaborative practice arrangements delegating the authority to prescribe controlled substances**. Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither the state board of registration for the healing arts nor the board of nursing may separately promulgate rules relating to collaborative practice arrangements. Such jointly promulgated rules shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined pursuant to chapter 197, RSMo.

[4.] 5. The state board of registration for the healing arts shall not deny, revoke, suspend or otherwise take disciplinary action against a physician for health care services delegated to a registered professional nurse provided the provisions of this section and the rules promulgated thereunder are satisfied. Upon the

written request of a physician subject to a disciplinary action imposed as a result of an agreement between a physician and a registered professional nurse or registered physician assistant, whether written or not, prior to August 28, 1993, all records of such disciplinary licensure action and all records pertaining to the filing, investigation or review of an alleged violation of this chapter incurred as a result of such an agreement shall be removed from the records of the state board of registration for the healing arts and the division of professional registration and shall not be disclosed to any public or private entity seeking such information from the board or the division. The state board of registration for the healing arts shall take action to correct reports of alleged violations and disciplinary actions as described in this section which have been submitted to the National Practitioner Data Bank. In subsequent applications or representations relating to his medical practice, a physician completing forms or documents shall not be required to report any actions of the state board of registration for the healing arts for which the records are subject to removal under this section.

[5.] 6. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice agreement, **including collaborative practice arrangements delegating the authority to prescribe controlled substances**, or physician assistant agreement and also report to the board the name of each licensed professional with whom the physician has entered into such agreement. The board may make this information available to the public. The board shall track the reported information and may routinely conduct random reviews of such agreements to ensure that agreements are carried out for compliance under this chapter.

[6.] 7. Notwithstanding anything to the contrary in this section, a registered nurse who has graduated from a school of nurse anesthesia

accredited by the Council on Accreditation of Educational Programs of Nurse Anesthesia or its predecessor and has been certified or is eligible for certification as a nurse anesthetist by the Council on Certification of Nurse Anesthetists shall be permitted to provide anesthesia services without a collaborative practice arrangement provided that he or she is under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed.

335.016. As used in this chapter, unless the context clearly requires otherwise, the following words and terms mean:

(1) “Accredited”, the official authorization or status granted by an agency for a program through a voluntary process;

(2) “Advanced practice **registered nurse**”, a nurse who has [had] education beyond the basic nursing education and is certified by a nationally recognized professional organization as [having a nursing specialty, or who meets criteria for advanced practice nurses established by the board of nursing. The board of nursing may promulgate rules specifying which professional nursing organization certifications are to be recognized as advanced practice nurses, and may set standards for education, training and experience required for those without such specialty certification to become advanced practice nurses.] **an advanced registered nurse practitioner, certified nurse midwife, certified registered nurse anesthetist, or a certified clinical nurse specialist. The board shall have the authority to approve any nationally recognized professional organization for the purposes of this section.** Advanced practice nurses and only such individuals may use the title “Advanced Practice Registered Nurse” and the abbreviation “APRN”;

(3) **“Advanced registered nurse practitioner”, a registered nurse who is currently certified as a nurse practitioner by a nationally recognized certifying body approved by the board of nursing;**

(4) “Approval”, official recognition of nursing education programs which meet standards established by the board of nursing;

[(4)] (5) “Board” or “state board”, the state board of nursing;

(6) **“Certified clinical nurse specialist”, a registered nurse who is currently certified as a clinical nurse specialist by a nationally recognized certifying board approved by the board of nursing;**

(7) **“Certified nurse midwife”, a registered nurse who is currently certified as a nurse midwife by the American College of Nurse Midwives, or other nationally recognized certifying body approved by the board of nursing;**

(8) **“Certified registered nurse anesthetist”, a registered nurse who is currently certified as a nurse anesthetist by the Council on Certification of Nurse Anesthetists, the Council on Recertification of Nurse Anesthetists, or other nationally recognized certifying body approved by the board of nursing;**

[(5)] (9) “Executive director”, a qualified individual employed by the board as executive secretary or otherwise to administer the provisions of this chapter under the board's direction. Such person employed as executive director shall not be a member of the board;

[(6)] (10) “Inactive nurse”, as defined by rule pursuant to section 335.061;

[(7) A] (11) “Licensed practical nurse” or “practical nurse”, a person licensed pursuant to the provisions of this chapter to engage in the practice of practical nursing;

[(8)] (12) “Licensure”, the issuing of a license to practice professional or practical nursing to candidates who have met the specified requirements and the recording of the names of those persons as holders of a license to practice professional or practical nursing;

[(9)] **(13)** “Practical nursing”, the performance for compensation of selected acts for the promotion of health and in the care of persons who are ill, injured, or experiencing alterations in normal health processes. Such performance requires substantial specialized skill, judgment and knowledge. All such nursing care shall be given under the direction of a person licensed by a state regulatory board to prescribe medications and treatments or under the direction of a registered professional nurse. For the purposes of this chapter, the term “direction” shall mean guidance or supervision provided by a person licensed by a state regulatory board to prescribe medications and treatments or a registered professional nurse, including, but not limited to, oral, written, or otherwise communicated orders or directives for patient care. When practical nursing care is delivered pursuant to the direction of a person licensed by a state regulatory board to prescribe medications and treatments or under the direction of a registered professional nurse, such care may be delivered by a licensed practical nurse without direct physical oversight;

[(10)] **(14)** “Professional nursing”, the performance for compensation of any act which requires substantial specialized education, judgment and skill based on knowledge and application of principles derived from the biological, physical, social and nursing sciences, including, but not limited to:

(a) Responsibility for the teaching of health care and the prevention of illness to the patient and his or her family;

(b) Assessment, nursing diagnosis, nursing care, and counsel of persons who are ill, injured or experiencing alterations in normal health processes;

(c) The administration of medications and treatments as prescribed by a person licensed by a state regulatory board to prescribe medications and treatments;

(d) The coordination and assistance in the delivery of a plan of health care with all members of a health team;

(e) The teaching and supervision of other persons in the performance of any of the foregoing;

[(11) A] **(15)** “Registered professional nurse” or “registered nurse”, a person licensed pursuant to the provisions of this chapter to engage in the practice of professional nursing.

335.019. The board of nursing may grant a certificate of controlled substance prescriptive authority to an advanced practice nurse who:

(1) Submits proof of successful completion of an advanced pharmacology course that shall include preceptorial experience in the prescription of drugs, medicines and therapeutic devices; and

(2) Provides documentation of a minimum of three hundred clock hours preceptorial experience in the prescription of drugs, medicines, and therapeutic devices with a qualified preceptor; and

(3) Has a controlled substance prescribing authority delegated in the collaborative practice agreement pursuant to section 334.104, RSMo, with a physician who has an unrestricted federal Drug Enforcement Administration registration number and who is actively engaged in a practice comparable in scope, specialty, or expertise to that of the advanced practice registered nurse.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

Senator Goodman raised the point of order that **SA 2** is out of order as it goes beyond the scope, title and content of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Green offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend House Committee Substitute for House Bill No. 364, Page 3, Section 143.121, Line 72, by striking “and”; and further amend line 78 by inserting immediately after “subsection” the following: “; and

(j) The amount of any qualified higher education expenses determined under section 143.1014”; and

Further amend said bill, page 4, section 143.121, line 96, by inserting after all of said line the following:

“143.1014. 1. This section shall be known and may be cited as the “Higher Education Expenses Deduction”.

2. As used in this section, the following terms mean:

(1) “Department”, the department of revenue;

(2) “Director”, the director of the department of revenue;

(3) “Higher education institution”, an institution that meets the standards for accreditation as determined by either the North Central Association of Colleges and Secondary Schools or by other accrediting bodies recognized by the United States Department of Education or by utilizing accreditation standards applicable to non-degree granting institutions as established by the coordinating board for higher education.

(4) “Tax liability”, the tax due under chapter 143, other than taxes withheld under sections 143.191 to 143.265; and

(5) “Taxpayer”, any student filing income tax returns or a taxpayer who claims a student as a dependent.

3. If any taxpayer with a federal adjusted

gross income of less than two hundred thousand dollars incurs tuition or fee expenses for enrollment of at least half time at a higher education institution, such taxpayer shall subtract from such taxpayer's federal adjusted gross income an amount equal to one hundred percent of such costs the taxpayer paid during the taxable year.

4. The department may promulgate such rules or regulations as are necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

5. The provisions of this section shall apply to all tax years beginning on or after January 1, 2008.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

Senator Goodman raised the point of order that **SA 3** is out of order as it goes beyond the scope of the underlying bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Loudon offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for House

Committee Substitute for House Bill No. 364, Page 1, In the Title, Line 5, of the title, by inserting after “RSMo,” the following: “and sections 143.782, 143.790, and 313.321, as Truly Agreed to and Finally Passed by Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 818 by the first regular session of the ninety-fourth general assembly”; and

Further amend said bill and page, Section A, Line 4 of said page, by inserting after “RSMo,” the following: “and sections 143.782, 143.790, and 313.321, as Truly Agreed to and Finally Passed by Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 818 by the first regular session of the ninety-fourth general assembly”; and

Further amend said bill, Page 93, Section 379.952, Line 17 of said page, by inserting after all of said line the following:

“[143.782. As used in sections 143.782 to 143.788, unless the context clearly requires otherwise, the following terms shall mean and include:

(1) “Court”, the supreme court, court of appeals, or any circuit court of the state;

(2) “Debt”, any sum due and legally owed to any state agency which has accrued through contract, subrogation, tort, or operation of law regardless of whether there is an outstanding judgment for that sum, court costs as defined in section 488.010, RSMo, fines and fees owed, or any support obligation which is being enforced by the division of family services on behalf of a person who is receiving support enforcement services pursuant to section 454.425, RSMo, or **any claim for unpaid health care services which is being enforced by the department of health and senior**

services on behalf of a hospital or healthcare provider under section 143.790;

(3) “Debtor”, any individual, sole proprietorship, partnership, corporation or other legal entity owing a debt;

(4) “Department”, the department of revenue of the state of Missouri;

(5) “Refund”, the Missouri income tax refund which the department determines to be due any taxpayer pursuant to the provisions of this chapter. The amount of a refund shall not include any senior citizens property tax credit provided by sections 135.010 to 135.035, RSMo, unless such refund is being offset for a delinquency or debt relating to individual income tax or a property tax credit; and

(6) “State agency”, any department, division, board, commission, office, or other agency of the state of Missouri, including public community college district.]

[143.790. 1. Any hospital or healthcare provider who has provided health care services to an individual who was not covered by a health insurance policy or was not eligible to receive benefits under the state's medical assistance program of needy persons, Title XIX, P.L. 89-97, 1965 amendments to the federal Social Security Act, 42 U.S.C. Section 301, et seq., under chapter 208, RSMo, and the health insurance for uninsured children under sections 208.631 to 208.657, RSMo, at the time such health care services were administered, and such person has failed to pay for such services for a period greater than ninety days, may submit a claim to the

director of the department of health and senior services for the unpaid health care services. The director of the department of health and senior services shall review such claim. If the claim appears meritorious on its face, the claim for the unpaid medical services shall constitute a debt of the department of health and senior services for purposes of sections 143.782 to 143.788, and the director may certify the debt to the department of revenue in order to set off the debtor's income tax refund. Once the debt has been certified, the director of the department of health and senior services shall submit the debt to the department of revenue under the set off procedure established under section 143.783.

2. At the time of certification, the director of the department of health and senior services shall supply any information necessary to identify each debtor whose refund is sought to be set off pursuant to section 143.784 and certify the amount of the debt or debts owed by each such debtor.

3. If a debtor identified by the director of the department of health and senior services is determined by the department of revenue to be entitled to a refund, the department of revenue shall notify the department of health and senior services that a refund has been set off on behalf of the department of health and senior services for purposes of this section and shall certify the amount of such setoff, which shall not exceed the amount of the claimed debt certified. When the refund owed exceeds the claimed debt, the department shall send the excess amount to the debtor

within a reasonable time after such excess is determined.

4. The department of revenue shall notify the debtor by certified mail the taxpayer whose refund is sought to be set off that such setoff will be made. The notice shall contain the provisions contained in subsection 3 of section 143.794, including the opportunity for a hearing to contest the setoff provided therein, and shall otherwise substantially comply with the provisions of subsection 3 of section 143.784.

5. Once a debt has been setoff and finally determined under the applicable provisions of sections 143.782 to 143.788, and the department of health and senior services has received the funds transferred from the department of revenue, the department of health and senior services shall settle with each hospital or healthcare provider for the amounts that the department of revenue setoff for such party. At the time of each settlement, each hospital or healthcare provider shall be charged for administration expenses which shall not exceed twenty percent of the collected amount.

6. Lottery prize payouts made under section 313.321, RSMo, shall also be subject to the set off procedures established in this section and any rules and regulations promulgated thereto.

7. The director of the department of revenue shall have priority to offset any delinquent tax owed to the state of Missouri. Any remaining refund shall be offset to pay a state agency debt or to meet a child support obligation that

is enforced by the division of family services on behalf of a person who is receiving support enforcement services under section 454.425, RSMo.

8. The director of the department of revenue and the director of the department of health and senior services shall promulgate rules and regulations necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.]

[313.321. 1. The money received by the Missouri state lottery commission from the sale of Missouri lottery tickets and from all other sources shall be deposited in the "State Lottery Fund", which is hereby created in the state treasury. At least forty-five percent, in the aggregate, of the money received from the sale of Missouri lottery tickets shall be appropriated to the Missouri state lottery commission and shall be used to fund prizes to lottery players. Amounts in the state lottery fund may be appropriated to the Missouri state lottery commission for administration,

advertising, promotion, and retailer compensation. The general assembly shall appropriate remaining moneys not previously allocated from the state lottery fund by transferring such moneys to the general revenue fund. The lottery commission shall make monthly transfers of moneys not previously allocated from the state lottery fund to the general revenue fund as provided by appropriation.

2. The commission may also purchase and hold title to any securities issued by the United States government or its agencies and instrumentalities thereof that mature within the term of the prize for funding multi-year payout prizes.

3. The "Missouri State Lottery Imprest Prize Fund" is hereby created. This fund is to be established by the state treasurer and funded by warrants drawn by the office of administration from the state lottery fund in amounts specified by the commission. The commission may write checks and disburse moneys from this fund for the payment of lottery prizes only and for no other purpose. All expenditures shall be made in accordance with rules and regulations established by the office of administration. Prize payments may also be made from the state lottery fund. Prize payouts made pursuant to this section shall be subject to the provisions of section 143.781, RSMo; and prize payouts made pursuant to this section shall be subject to set off for delinquent child support payments as assessed by a court of competent jurisdiction or pursuant to section 454.410, RSMo. **Prize payouts made under this section shall be subject to set off for unpaid healthcare services provided by hospitals and healthcare**

providers under the procedure established in section 143.790, RSMo.

4. Funds of the state lottery commission not currently needed for prize money, administration costs, commissions and promotion costs shall be invested by the state treasurer in interest-bearing investments in accordance with the investment powers of the state treasurer contained in chapter 30, RSMo. All interest earned by funds in the state lottery fund shall accrue to the credit of that fund.

5. No state or local sales tax shall be imposed upon the sale of lottery tickets or shares of the state lottery or on any prize awarded by the state lottery. No state income tax or local earnings tax shall be imposed upon any lottery game prizes which accumulate to an amount of less than six hundred dollars during a prize winner's tax year. The state of Missouri shall withhold for state income tax purposes from a lottery game prize or periodic payment of six hundred dollars or more an amount equal to four percent of the prize.

6. The director of revenue is authorized to enter into agreements with the lottery commission, in conjunction with the various state agencies pursuant to sections 143.782 to 143.788, RSMo, in an effort to satisfy outstanding debts to the state from the lottery winning of any person entitled to receive lottery payments which are subject to federal withholding. **The director of revenue is also authorized to enter into agreements with the lottery commission in conjunction with the department of health and senior services pursuant to section 143.790, RSMo, in an effort to satisfy**

outstanding debts owed to hospitals and healthcare providers for unpaid healthcare services of any person entitled to receive lottery payments which are subject to federal withholding.

7. In addition to the restrictions provided in section 313.260, no person, firm, or corporation whose primary source of income is derived from the sale or rental of sexually oriented publications or sexually oriented materials or property shall be licensed as a lottery game retailer and any lottery game retailer license held by any such person, firm, or corporation shall be revoked.]”; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion failed.

Senator Purgason moved that **SS for HCS for HB 364** be adopted, which motion prevailed.

Senator Purgason moved that **SS for HCS for HB 364** be read the 3rd time and passed and was recognized to close.

President Pro Tem Gibbons referred **SS for HCS for HB 364** to the Committee on Governmental Accountability and Fiscal Oversight.

HB 46, introduced by Representatives Viebrock and Stevenson, entitled:

An Act to repeal section 578.018, RSMo, and to enact in lieu thereof one new section relating to impoundment of animals.

Was called from the Informal Calendar and taken up by Senator Stouffer.

At the request of Senator Stouffer, **HB 46** was placed on the Informal Calendar.

President Pro Tem Gibbons assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SCS** for **HB 41**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

Senator Gross assumed the Chair.

CONCURRENT RESOLUTIONS

Senator Ridgeway moved that **HCR 11** be taken up for adoption, which motion prevailed.

On motion of Senator Ridgeway, **HCR 11** was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators

Bray Scott—2

Absent with leave—Senators—None

Vacancies—None

Senator Koster moved that **HCR 30** be taken up for adoption, which motion prevailed.

On motion of Senator Koster, **HCR 30** was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell

Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senators—None

Vacancies—None

PRIVILEGED MOTIONS

Senator Rupp moved that **SCS** for **SB 66**, with **HA 1** and **HA 2**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator Rupp moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Clemens	Coleman	Crowell	Days
Engler	Goodman	Graham	Green
Griesheimer	Gross	Justus	Kennedy
Lager	Loudon	Mayer	McKenna
Nodler	Ridgeway	Rupp	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—29			

NAYS—Senators

Purgason Scott—2

Absent—Senators

Champion Gibbons Koster—3

Absent with leave—Senators—None

Vacancies—None

HA 2 was taken up.

Senator Rupp moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senator Purgason—1

Absent—Senator Champion—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Rupp, **SCS** for **SB 66**, as amended by **HA 1** and **HA 2**, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senator Purgason—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

CONCURRENT RESOLUTIONS

Senator Gibbons moved that **HCR 16** be taken up for adoption, which motion prevailed.

On motion of Senator Gibbons, **HCR 16** was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

CONFERENCE COMMITTEE REPORTS

Senator Goodman, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 64**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 3 ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 64

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 64, with House Amendment No. 3, House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 4, House Substitute Amendment No. 1 to House Amendment No. 4 as amended, and House Substitute Amendment No. 1 for House

Amendment No. 5, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 64, as amended;

2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 64;

3. That the attached Conference Committee Substitute No. 3 for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 64, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Jack A.L. Goodman /s/ Maynard Wallace

/s/ Charlie Shields /s/ Jane Cunningham

/s/ Robert Mayer /s/ Scott Muschany

/s/ Jeff Smith /s/ Joe Aull

/s/ Yvonne S. Wilson /s/ Sara Lampe

Senator Goodman moved that the above conference committee report no. 3 be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senator Ridgeway—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Goodman, **CCS No. 3** for **HCS** for **SCS** for **SB 64**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 3
FOR HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 64

An Act to repeal sections 160.041, 167.121, 171.031, and 171.033, RSMo, and to enact in lieu thereof five new sections relating to education.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Rupp moved that **SS** for **SB 112**, with **HCS** as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SB 112**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 112

An Act to repeal sections 160.900, 160.905,

160.910, 160.915, 160.920, 160.925, 160.930, 162.700, and 376.1218, RSMo, and to enact in lieu thereof eleven new sections relating to special education, with an expiration date for a certain section.

Was taken up.

Senator Rupp moved that **HCS** for **SS** for **SB 112**, as amended, be adopted.

Senator Griesheimer assumed the Chair.

Senator Wilson raised the point of order that **HA 3**, as adopted to the **HCS**, violates the single subject rule and goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem who ruled it not well taken.

Senator Wilson moved that the Senate refuse to concur in **HCS** for **SS** for **SB 112**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion failed.

Senator Rupp moved that **HCS** for **SS** for **SB 112**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel—33			

NAYS—Senator Wilson—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Rupp, **HCS** for **SS** for **SB 112**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
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Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel—33			

NAYS—Senator Wilson—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SS** for **SCS** for **SB 429**, as amended. Representatives: Stream, Bruns, Cox, Roorda and Nasheed.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 582**, entitled:

An Act to repeal sections 52.290, 52.312, 52.315, 52.317, 52.361, 52.370, 55.140, 55.190, 67.1003, 67.1360, 67.1451, 67.1461, 67.1545, 67.2500, 67.2505, 67.2510, 71.011, 71.012,

89.010, 89.400, 94.660, 135.010, 135.030, 137.106, 139.031, 139.140, 139.150, 139.210, 139.220, 140.050, 140.070, 140.080, 140.160, 140.230, 140.250, 140.260, 140.290, 140.310, 140.340, 140.405, 140.420, 140.730, 141.150, 141.440, 141.500, 141.540, 141.640, 143.431, 144.030, 144.070, 144.440, 144.517, 144.518, 165.071, and 320.093, RSMo, and section 67.2505 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill nos. 795, 972, 1128 & 1161 merged with house substitute for senate committee substitute for senate bill no. 1155, ninety-second general assembly, second regular session, and section 67.2505, as enacted by senate substitute for senate committee substitute for house committee substitute for house bill no. 833 merged with house committee substitute for senate substitute for senate bill no. 732, ninety-second general assembly, second regular session and to enact in lieu thereof fifty-nine new sections relating to taxation.

With House Amendments Nos. 1, 2, 3, House Amendment No. 1 to House Amendment No. 4, House Amendment No. 4, as amended, House Amendment No. 5, House Amendment No. 1 to House Amendment No. 6, House Amendment No. 6, as amended, House Amendment Nos. 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 582, Page 1, In the Title, Line 8, by inserting after “RSMo,” the following: “and sections 99.820 and 99.825 as truly agreed to and finally passed in senate substitute for senate committee substitute for house committee substitute for house bill no. 327, ninety-fourth general assembly, first regular session,”; and

Further amend said bill, Page 2, Section A, Line 6, by inserting after “RSMo,” the following: “and sections 99.820 and 99.825 as truly agreed to and finally passed in senate substitute for senate

committee substitute for house committee substitute for house bill no. 327, ninety-fourth general assembly, first regular session,”; and

Further amend said bill, Page 29, Section 94.660, Line 65, by inserting after all of said line the following:

“99.820. 1. A municipality may:

(1) By ordinance introduced in the governing body of the municipality within fourteen to ninety days from the completion of the hearing required in section 99.825, approve redevelopment plans and redevelopment projects, and designate redevelopment project areas pursuant to the notice and hearing requirements of sections 99.800 to 99.865. No redevelopment project shall be approved unless a redevelopment plan has been approved and a redevelopment area has been designated prior to or concurrently with the approval of such redevelopment project and the area selected for the redevelopment project shall include only those parcels of real property and improvements thereon directly and substantially benefited by the proposed redevelopment project improvements;

(2) Make and enter into all contracts necessary or incidental to the implementation and furtherance of its redevelopment plan or project;

(3) Pursuant to a redevelopment plan, subject to any constitutional limitations, acquire by purchase, donation, lease or, as part of a redevelopment project, eminent domain, own, convey, lease, mortgage, or dispose of, land and other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the municipality or the commission determines is reasonably necessary to achieve the objectives of the redevelopment plan. No conveyance, lease, mortgage, disposition of land or other property, acquired by the municipality, or agreement relating to the development of the property shall be made except

upon the adoption of an ordinance by the governing body of the municipality. Each municipality or its commission shall establish written procedures relating to bids and proposals for implementation of the redevelopment projects. Furthermore, no conveyance, lease, mortgage, or other disposition of land or agreement relating to the development of property shall be made without making public disclosure of the terms of the disposition and all bids and proposals made in response to the municipality's request. Such procedures for obtaining such bids and proposals shall provide reasonable opportunity for any person to submit alternative proposals or bids;

(4) Within a redevelopment area, clear any area by demolition or removal of existing buildings and structures;

(5) Within a redevelopment area, renovate, rehabilitate, or construct any structure or building;

(6) Install, repair, construct, reconstruct, or relocate streets, utilities, and site improvements essential to the preparation of the redevelopment area for use in accordance with a redevelopment plan;

(7) Within a redevelopment area, fix, charge, and collect fees, rents, and other charges for the use of any building or property owned or leased by it or any part thereof, or facility therein;

(8) Accept grants, guarantees, and donations of property, labor, or other things of value from a public or private source for use within a redevelopment area;

(9) Acquire and construct public facilities within a redevelopment area;

(10) Incur redevelopment costs and issue obligations;

(11) Make payment in lieu of taxes, or a portion thereof, to taxing districts;

(12) Disburse surplus funds from the special allocation fund to taxing districts as follows:

(a) Such surplus payments in lieu of taxes shall be distributed to taxing districts within the redevelopment area which impose ad valorem taxes on a basis that is proportional to the current collections of revenue which each taxing district receives from real property in the redevelopment area;

(b) Surplus economic activity taxes shall be distributed to taxing districts in the redevelopment area which impose economic activity taxes, on a basis that is proportional to the amount of such economic activity taxes the taxing district would have received from the redevelopment area had tax increment financing not been adopted;

(c) Surplus revenues, other than payments in lieu of taxes and economic activity taxes, deposited in the special allocation fund, shall be distributed on a basis that is proportional to the total receipt of such other revenues in such account in the year prior to disbursement;

(13) If any member of the governing body of the municipality, a member of a commission established pursuant to subsection 2 of this section, or an employee or consultant of the municipality, involved in the planning and preparation of a redevelopment plan, or redevelopment project for a redevelopment area or proposed redevelopment area, owns or controls an interest, direct or indirect, in any property included in any redevelopment area, or proposed redevelopment area, which property is designated to be acquired or improved pursuant to a redevelopment project, he or she shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates, terms, and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the governing body of the municipality and entered upon the minutes books of the governing body of the municipality. If an individual holds such an interest, then that individual shall refrain from any further official involvement in regard to such redevelopment plan, redevelopment project or redevelopment area, from

voting on any matter pertaining to such redevelopment plan, redevelopment project or redevelopment area, or communicating with other members concerning any matter pertaining to that redevelopment plan, redevelopment project or redevelopment area. Furthermore, no such member or employee shall acquire any interest, direct or indirect, in any property in a redevelopment area or proposed redevelopment area after either (a) such individual obtains knowledge of such plan or project, or (b) first public notice of such plan, project or area pursuant to section 99.830, whichever first occurs;

(14) Charge as a redevelopment cost the reasonable costs incurred by its clerk or other official in administering the redevelopment project. The charge for the clerk's or other official's costs shall be determined by the municipality based on a recommendation from the commission, created pursuant to this section.

2. Prior to adoption of an ordinance approving the designation of a redevelopment area or approving a redevelopment plan or redevelopment project, the municipality shall create a commission of nine persons if the municipality is a county or a city not within a county and not a first class county with a charter form of government with a population in excess of nine hundred thousand, and eleven persons if the municipality is not a county and not in a first class county with a charter form of government having a population of more than nine hundred thousand, and twelve persons if the municipality is located in or is a first class county with a charter form of government having a population of more than nine hundred thousand, to be appointed as follows:

(1) In all municipalities two members shall be appointed by the school boards whose districts are included within the redevelopment plan or redevelopment area. Such members shall be appointed in any manner agreed upon by the affected districts;

(2) In all municipalities one member shall be

appointed, in any manner agreed upon by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for a redevelopment project or the redevelopment area, excluding representatives of the governing body of the municipality;

(3) In all municipalities six members shall be appointed by the chief elected officer of the municipality, with the consent of the majority of the governing body of the municipality;

(4) In all municipalities which are not counties and not in a first class county with a charter form of government having a population in excess of nine hundred thousand, two members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(5) In a municipality which is a county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the cities in the county which have tax increment financing districts in a manner in which the cities shall agree;

(6) In a municipality which is located in the first class county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(7) Effective January 1, 2008, in a municipality which is in a county under the authority of the East-West Gateway Council of Governments, except any municipality in any county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, the municipality shall create a commission in the same manner as the commission for any county with a charter form of government and with more than one million inhabitants, such commission shall have twelve

members with two such members appointed by the school boards whose districts are included in the county in a manner in which such school boards agree, with one such member to represent all other districts levying ad valorem taxes in a manner in which all such districts agree, six such members appointed either by the county executive or county commissioner, and three such members appointed by the cities in the county which have tax increment financing districts in a manner in which the cities shall agree;

(8) Effective January 1, 2008, when any city, town, or village under the authority of the East-West Gateway Council of Governments desires to implement a tax increment financing project, such city, town, or village shall first obtain the permission of the county tax increment financing commission created in this subsection within which the city, town, or village is located. In the event such commission votes in opposition to the redevelopment project, such redevelopment project shall not be approved unless at least two-thirds of the governing body of the city, town, or village votes to approve such project;

(9) At the option of the members appointed by the municipality, the members who are appointed by the school boards and other taxing districts may serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan or designation of a redevelopment area is considered for approval by the commission, or for a definite term pursuant to this subdivision. If the members representing school districts and other taxing districts are appointed for a term coinciding with the length of time a redevelopment project, plan or area is approved, such term shall terminate upon final approval of the project, plan or designation of the area by the governing body of the municipality. Thereafter the commission shall consist of the six members appointed by the municipality, except that members representing school boards and other

taxing districts shall be appointed as provided in this section prior to any amendments to any redevelopment plans, redevelopment projects or designation of a redevelopment area. If any school district or other taxing jurisdiction fails to appoint members of the commission within thirty days of receipt of written notice of a proposed redevelopment plan, redevelopment project or designation of a redevelopment area, the remaining members may proceed to exercise the power of the commission. Of the members first appointed by the municipality, two shall be designated to serve for terms of two years, two shall be designated to serve for a term of three years and two shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the municipality shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments.

3. The commission, subject to approval of the governing body of the municipality, may exercise the powers enumerated in sections 99.800 to 99.865, except final approval of plans, projects and designation of redevelopment areas. The commission shall hold public hearings and provide notice pursuant to sections 99.825 and 99.830. The commission shall vote on all proposed redevelopment plans, redevelopment projects and designations of redevelopment areas, and amendments thereto, within thirty days following completion of the hearing on any such plan, project or designation and shall make recommendations to the governing body within ninety days of the hearing referred to in section 99.825 concerning the adoption of or amendment to redevelopment plans and redevelopment projects and the designation of redevelopment areas. The requirements of subsection 2 of this section and this subsection shall not apply to redevelopment projects upon which the required hearings have been duly held prior to August 31, 1991.

99.825. 1. Prior to the adoption of an ordinance proposing the designation of a

redevelopment area, or approving a redevelopment plan or redevelopment project, the commission shall fix a time and place for a public hearing and notify each taxing district located wholly or partially within the boundaries of the proposed redevelopment area, plan or project. At the public hearing any interested person or affected taxing district may file with the commission written objections to, or comments on, and may be heard orally in respect to, any issues embodied in the notice. The commission shall hear and consider all protests, objections, comments and other evidence presented at the hearing. The hearing may be continued to another date without further notice other than a motion to be entered upon the minutes fixing the time and place of the subsequent hearing. Prior to the conclusion of the hearing, changes may be made in the redevelopment plan, redevelopment project, or redevelopment area, provided that each affected taxing district is given written notice of such changes at least seven days prior to the conclusion of the hearing. After the public hearing but prior to the adoption of an ordinance approving a redevelopment plan or redevelopment project, or designating a redevelopment area, changes may be made to the redevelopment plan, redevelopment projects or redevelopment areas without a further hearing, if such changes do not enlarge the exterior boundaries of the redevelopment area or areas, and do not substantially affect the general land uses established in the redevelopment plan or substantially change the nature of the redevelopment projects, provided that notice of such changes shall be given by mail to each affected taxing district and by publication in a newspaper of general circulation in the area of the proposed redevelopment not less than ten days prior to the adoption of the changes by ordinance. After the adoption of an ordinance approving a redevelopment plan or redevelopment project, or designating a redevelopment area, no ordinance shall be adopted altering the exterior boundaries, affecting the general land uses established pursuant

to the redevelopment plan or changing the nature of the redevelopment project without complying with the procedures provided in this section pertaining to the initial approval of a redevelopment plan or redevelopment project and designation of a redevelopment area. Hearings with regard to a redevelopment project, redevelopment area, or redevelopment plan may be held simultaneously.

2. Effective January 1, 2008, if, after concluding the hearing required under this section, the commission makes a recommendation under section 99.820 in opposition to a proposed redevelopment plan, redevelopment project, or designation of a redevelopment area, or any amendments thereto, a municipality desiring to approve such project, plan, designation, or amendments shall do so only upon a two-thirds majority vote of the governing body of such municipality.

3. Tax incremental financing projects within an economic development area shall apply to and fund only the following infrastructure projects: highways, roads, streets, bridges, sewers, traffic control systems and devices, water distribution and supply systems, curbing, sidewalks and any other similar public improvements, but in no case shall it include buildings.”; and

Further amend said bill, Page 78, Section 1, Line 4, by inserting after all of said line the following:

“[99.820. 1. A municipality may:

(1) By ordinance introduced in the governing body of the municipality within fourteen to ninety days from the completion of the hearing required in section 99.825, approve redevelopment plans and redevelopment projects, and designate redevelopment project areas pursuant to the notice and hearing requirements of sections 99.800 to 99.865. No redevelopment project shall

be approved unless a redevelopment plan has been approved and a redevelopment area has been designated prior to or concurrently with the approval of such redevelopment project and the area selected for the redevelopment project shall include only those parcels of real property and improvements thereon directly and substantially benefited by the proposed redevelopment project improvements;

(2) Make and enter into all contracts necessary or incidental to the implementation and furtherance of its redevelopment plan or project;

(3) Pursuant to a redevelopment plan, subject to any constitutional limitations, acquire by purchase, donation, lease or, as part of a redevelopment project, eminent domain, own, convey, lease, mortgage, or dispose of, land and other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the municipality or the commission determines is reasonably necessary to achieve the objectives of the redevelopment plan. No conveyance, lease, mortgage, disposition of land or other property, acquired by the municipality, or agreement relating to the development of the property shall be made except upon the adoption of an ordinance by the governing body of the municipality. Each municipality or its commission shall establish written procedures relating to bids and proposals for implementation of the redevelopment projects. Furthermore, no conveyance, lease, mortgage, or other disposition of land or agreement relating to the development of property shall be made without making public disclosure of the

terms of the disposition and all bids and proposals made in response to the municipality's request. Such procedures for obtaining such bids and proposals shall provide reasonable opportunity for any person to submit alternative proposals or bids;

(4) Within a redevelopment area, clear any area by demolition or removal of existing buildings and structures;

(5) Within a redevelopment area, renovate, rehabilitate, or construct any structure or building;

(6) Install, repair, construct, reconstruct, or relocate streets, utilities, and site improvements essential to the preparation of the redevelopment area for use in accordance with a redevelopment plan;

(7) Within a redevelopment area, fix, charge, and collect fees, rents, and other charges for the use of any building or property owned or leased by it or any part thereof, or facility therein;

(8) Accept grants, guarantees, and donations of property, labor, or other things of value from a public or private source for use within a redevelopment area;

(9) Acquire and construct public facilities within a redevelopment area;

(10) Incur redevelopment costs and issue obligations;

(11) Make payment in lieu of taxes, or a portion thereof, to taxing districts;

(12) Disburse surplus funds from the special allocation fund to taxing districts as follows:

(a) Such surplus payments in lieu of taxes shall be distributed to taxing

districts within the redevelopment area which impose ad valorem taxes on a basis that is proportional to the current collections of revenue which each taxing district receives from real property in the redevelopment area;

(b) Surplus economic activity taxes shall be distributed to taxing districts in the redevelopment area which impose economic activity taxes, on a basis that is proportional to the amount of such economic activity taxes the taxing district would have received from the redevelopment area had tax increment financing not been adopted;

(c) Surplus revenues, other than payments in lieu of taxes and economic activity taxes, deposited in the special allocation fund, shall be distributed on a basis that is proportional to the total receipt of such other revenues in such account in the year prior to disbursement;

(13) If any member of the governing body of the municipality, a member of a commission established pursuant to subsection 2 of this section, or an employee or consultant of the municipality, involved in the planning and preparation of a redevelopment plan, or redevelopment project for a redevelopment area or proposed redevelopment area, owns or controls an interest, direct or indirect, in any property included in any redevelopment area, or proposed redevelopment area, which property is designated to be acquired or improved pursuant to a redevelopment project, he or she shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates, terms, and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the

governing body of the municipality and entered upon the minutes books of the governing body of the municipality. If an individual holds such an interest, then that individual shall refrain from any further official involvement in regard to such redevelopment plan, redevelopment project or redevelopment area, from voting on any matter pertaining to such redevelopment plan, redevelopment project or redevelopment area, or communicating with other members concerning any matter pertaining to that redevelopment plan, redevelopment project or redevelopment area. Furthermore, no such member or employee shall acquire any interest, direct or indirect, in any property in a redevelopment area or proposed redevelopment area after either (a) such individual obtains knowledge of such plan or project, or (b) first public notice of such plan, project or area pursuant to section 99.830, whichever first occurs;

(14) Charge as a redevelopment cost the reasonable costs incurred by its clerk or other official in administering the redevelopment project. The charge for the clerk's or other official's costs shall be determined by the municipality based on a recommendation from the commission, created pursuant to this section.

2. Prior to adoption of an ordinance approving the designation of a redevelopment area or approving a redevelopment plan or redevelopment project, the municipality shall create a commission of nine persons if the municipality is a county or a city not within a county and not a first class county with a charter form of government with a population in excess of nine hundred thousand, and eleven

persons if the municipality is not a county and not in a first class county with a charter form of government having a population of more than nine hundred thousand, and twelve persons if the municipality is located in or is a first class county with a charter form of government having a population of more than nine hundred thousand, to be appointed as follows:

(1) In all municipalities two members shall be appointed by the school boards whose districts are included within the redevelopment plan or redevelopment area. Such members shall be appointed in any manner agreed upon by the affected districts;

(2) In all municipalities one member shall be appointed, in any manner agreed upon by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for a redevelopment project or the redevelopment area, excluding representatives of the governing body of the municipality;

(3) In all municipalities six members shall be appointed by the chief elected officer of the municipality, with the consent of the majority of the governing body of the municipality;

(4) In all municipalities which are not counties and not in a first class county with a charter form of government having a population in excess of nine hundred thousand, two members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(5) In a municipality which is a county with a charter form of

government having a population in excess of nine hundred thousand, three members shall be appointed by the cities in the county which have tax increment financing districts in a manner in which the cities shall agree;

(6) In a municipality which is located in the first class county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(7) In a municipality which is in a county under the authority of the East-West Gateway Council of Governments, except any municipality in any county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, the municipality shall create a commission in the same manner as the commission for a first class county with a charter form of government having a population of more than nine hundred thousand, such commission shall have twelve members with two such members appointed by the school boards whose districts are included in the county in a manner in which such school boards agree, with one such member to represent all other districts levying ad valorem taxes in a manner in which all such districts agree, three such members appointed either by the county executive or county commissioner, and six such members appointed by the cities in the county which have tax increment financing districts in a manner in which the cities shall agree;

(8) When any city, town, or village under the authority of the East-West Gateway Council of Governments desires to implement a tax increment financing project, such city, town, or village shall first obtain the permission of the county tax increment financing commission created in this subsection within which the city, town, or village is located;

(9) At the option of the members appointed by the municipality, the members who are appointed by the school boards and other taxing districts may serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan or designation of a redevelopment area is considered for approval by the commission, or for a definite term pursuant to this subdivision. If the members representing school districts and other taxing districts are appointed for a term coinciding with the length of time a redevelopment project, plan or area is approved, such term shall terminate upon final approval of the project, plan or designation of the area by the governing body of the municipality. Thereafter the commission shall consist of the six members appointed by the municipality, except that members representing school boards and other taxing districts shall be appointed as provided in this section prior to any amendments to any redevelopment plans, redevelopment projects or designation of a redevelopment area. If any school district or other taxing jurisdiction fails to appoint members of the commission within thirty days of receipt of written notice of a proposed redevelopment plan, redevelopment project or designation of a redevelopment area, the remaining

members may proceed to exercise the power of the commission. Of the members first appointed by the municipality, two shall be designated to serve for terms of two years, two shall be designated to serve for a term of three years and two shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the municipality shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments.

3. The commission, subject to approval of the governing body of the municipality, may exercise the powers enumerated in sections 99.800 to 99.865, except final approval of plans, projects and designation of redevelopment areas. The commission shall hold public hearings and provide notice pursuant to sections 99.825 and 99.830. The commission shall vote on all proposed redevelopment plans, redevelopment projects and designations of redevelopment areas, and amendments thereto, within thirty days following completion of the hearing on any such plan, project or designation and shall make recommendations to the governing body within ninety days of the hearing referred to in section 99.825 concerning the adoption of or amendment to redevelopment plans and redevelopment projects and the designation of redevelopment areas. The requirements of subsection 2 of this section and this subsection shall not apply to redevelopment projects upon which the required hearings have been duly held prior to August 31, 1991.]

[99.825. 1. Prior to the adoption of an

ordinance proposing the designation of a redevelopment area, or approving a redevelopment plan or redevelopment project, the commission shall fix a time and place for a public hearing and notify each taxing district located wholly or partially within the boundaries of the proposed redevelopment area, plan or project. At the public hearing any interested person or affected taxing district may file with the commission written objections to, or comments on, and may be heard orally in respect to, any issues embodied in the notice. The commission shall hear and consider all protests, objections, comments and other evidence presented at the hearing. The hearing may be continued to another date without further notice other than a motion to be entered upon the minutes fixing the time and place of the subsequent hearing. Prior to the conclusion of the hearing, changes may be made in the redevelopment plan, redevelopment project, or redevelopment area, provided that each affected taxing district is given written notice of such changes at least seven days prior to the conclusion of the hearing. After the public hearing but prior to the adoption of an ordinance approving a redevelopment plan or redevelopment project, or designating a redevelopment area, changes may be made to the redevelopment plan, redevelopment projects or redevelopment areas without a further hearing, if such changes do not enlarge the exterior boundaries of the redevelopment area or areas, and do not substantially affect the general land uses established in the redevelopment plan or substantially change the nature of the redevelopment projects, provided that notice of such changes shall be given by

mail to each affected taxing district and by publication in a newspaper of general circulation in the area of the proposed redevelopment not less than ten days prior to the adoption of the changes by ordinance. After the adoption of an ordinance approving a redevelopment plan or redevelopment project, or designating a redevelopment area, no ordinance shall be adopted altering the exterior boundaries, affecting the general land uses established pursuant to the redevelopment plan or changing the nature of the redevelopment project without complying with the procedures provided in this section pertaining to the initial approval of a redevelopment plan or redevelopment project and designation of a redevelopment area. Hearings with regard to a redevelopment project, redevelopment area, or redevelopment plan may be held simultaneously.

2. If, after concluding the hearing required under this section, the commission makes a recommendation under section 99.820 in opposition to a proposed redevelopment plan, redevelopment project, or designation of a redevelopment area, or any amendments thereto, a municipality desiring to approve such project, plan, designation, or amendments shall do so only upon a two-thirds majority vote of the governing body of such municipality.

3. Tax incremental financing projects within an economic development area shall apply to and fund only the following infrastructure projects: highways, roads, streets, bridges, sewers, traffic control systems and devices, water distribution and supply systems, curbing, sidewalks and any other similar public improvements, but in no case shall it

include buildings.]”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 582, Section 67.1360, Page 8, Lines 92 and 93, by deleting all of said lines and inserting in lieu thereof the following:

“attendance for school year 2006 between one thousand nine hundred and two thousand;”; and

Further amend said bill, Section 135.010, Pages 29 to 31, by deleting all of said section; and

Further amend said bill, Section 135.030, Page 32, Lines 9 to 15, by deleting all of said lines and inserting in lieu thereof the following: **“shall be the sum of twenty-seven thousand five hundred dollars.”**; and

Further amend said bill, section, and page, Lines 28 to 33, by deleting all of said lines and inserting in lieu thereof the following: **“fourteen thousand three hundred dollars.”**; and

Further amend said bill, Section 137.106, Pages 36 to 43, by removing all of said section from the bill; and

Further amend said bill, Section 144.055, Page 71, Line 8, by inserting after the word, “RSMo” the following: **“, and such transaction is certified for sales tax exemption by the department of economic development”**; and

Further amend said bill, Section 320.093, Page 77, Line 40, by deleting the number, **“2011”** and inserting in lieu thereof the number, **“2010”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 582, Section 135.090, Page 34,

Line 38, by inserting after all of said section, the following:

“135.327. 1. As used in this section, the following terms shall mean:

(1) “CASA”, an entity which receives funding from the court-appointed special advocate fund established under section 476.777, RSMo, **including an association based in this state, affiliated with a national association, organized to provide support to entities receiving funding from the court appointed special advocate fund;**

(2) “Child advocacy centers”, the regional child assessment centers listed in subsection 2 of section 210.001, RSMo;

(3) “Contribution”, amount of donation to qualified agency;

(4) “Crisis care center”, **entities contracted with this state which provide** temporary care for children whose age ranges from birth through seventeen years of age whose parents or guardian are experiencing an unexpected and unstable or serious condition that requires immediate action resulting in short term care, usually three to five continuous, uninterrupted days, for children who may be at risk for child abuse, neglect, or in an emergency situation;

(5) “Department”, the department of revenue;

(6) “Director”, the director of the department of revenue;

(7) “Qualified agency”, CASA, child advocacy centers, or a crisis care center;

(8) “Tax liability”, the tax due under chapter 143, RSMo, other than taxes withheld under sections 143.191 to 143.265, RSMo.

2. Any person residing in this state who legally adopts a special needs child on or after January 1, 1988, and before January 1, 2000, shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child adopted that may be

applied to taxes due under chapter 143, RSMo. Any business entity providing funds to an employee to enable that employee to legally adopt a special needs child shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child adopted that may be applied to taxes due under such business entity's state tax liability, except that only one ten thousand dollar credit is available for each special needs child that is adopted.

3. Any person residing in this state who proceeds in good faith with the adoption of a special needs child on or after January 1, 2000, shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child that may be applied to taxes due under chapter 143, RSMo; provided, however, that beginning on or after July 1, 2004, two million dollars of the tax credits allowed shall be allocated for the adoption of special needs children who are residents or wards of residents of this state at the time the adoption is initiated. Any business entity providing funds to an employee to enable that employee to proceed in good faith with the adoption of a special needs child shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child that may be applied to taxes due under such business entity's state tax liability, except that only one ten thousand dollar credit is available for each special needs child that is adopted.

4. Individuals and business entities may claim a tax credit for their total nonrecurring adoption expenses in each year that the expenses are incurred. A claim for fifty percent of the credit shall be allowed when the child is placed in the home. A claim for the remaining fifty percent shall be allowed when the adoption is final. The total of these tax credits shall not exceed the maximum limit of ten thousand dollars per child. The cumulative amount of tax credits which may be claimed by taxpayers claiming the credit for nonrecurring adoption expenses in any one fiscal year prior to July 1, 2004, shall not exceed two

million dollars. The cumulative amount of tax credits that may be claimed by taxpayers claiming the credit for nonrecurring adoption expenses shall not be [less] **more** than four million dollars but may be increased by appropriation in any [one] fiscal year beginning on or after July 1, 2004; provided, however, that by December thirty-first following each July, if less than two million dollars in credits have been issued for adoption of special needs children who are not residents or wards of residents of this state at the time the adoption is initiated, the remaining amount of the cap shall be available for the adoption of special needs children who are residents or wards of residents of this state at the time the adoption is initiated. For all fiscal years beginning on or after July 1, 2006, applications to claim the adoption tax credit for special needs children who are residents or wards of residents of this state at the time the adoption is initiated shall be filed between July first and April fifteenth of each fiscal year. For all fiscal years beginning on or after July 1, 2006, applications to claim the adoption tax credit for special needs children who are not residents or wards of residents of this state at the time the adoption is initiated shall be filed between July first and December thirty-first of each fiscal year.

5. Notwithstanding any provision of law to the contrary, any individual or business entity may assign, transfer or sell tax credits allowed in this section. Any sale of tax credits claimed pursuant to this section shall be at a discount rate of seventy-five percent or greater of the amount sold.

6. The director of revenue shall establish a procedure by which, for each fiscal year, the cumulative amount of tax credits authorized in this section is equally apportioned among all taxpayers within the two categories specified in subsection 3 of this section claiming the credit in that fiscal year. To the maximum extent possible, the director of revenue shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers within each category can claim all the tax credits possible up to the cumulative

amount of tax credits available for the fiscal year.

7. For all tax years beginning on or after January 1, 2006, a tax credit may be claimed in an amount equal to up to fifty percent of a verified contribution to a qualified agency and shall be named the children in crisis tax credit. The minimum amount of any tax credit issued shall not be less than fifty dollars and shall be applied to taxes due under chapter 143, RSMo, excluding sections 143.191 to 143.265, RSMo. A contribution verification shall be issued to the taxpayer by the agency receiving the contribution. Such contribution verification shall include the taxpayer's name, Social Security number, amount of tax credit, amount of contribution, the name and address of the agency receiving the credit, and the date the contribution was made. The tax credit provided under this subsection shall be initially filed [in] **for** the year in which the verified contribution is made.

8. The cumulative amount of the tax credits redeemed shall not exceed the unclaimed portion of the resident adoption category allocation as described in this section. The director of revenue shall determine the unclaimed portion available. The amount available shall be equally divided among the [agencies meeting the definition of qualified agency] **three qualified agencies: CASA, child advocacy centers, or crisis care centers** to be used towards tax credits issued. In the event tax credits claimed under one agency do not total the allocated amount for that agency, the unused portion for that agency will be made available to the remaining agencies [as needed] **equally**. In the event the total amount of tax credits claimed **for any one agency** exceeds the amount available **for that agency**, the amount redeemed shall and will be apportioned equally to all eligible taxpayers claiming the credit **under that agency**. After all children in crisis tax credits have been claimed, any remaining unclaimed portion of the reserved allocation for adoptions of special needs children who are residents or wards of residents of this state shall then be made available for adoption

tax credit claims of special needs children who are not residents or wards of residents of this state at the time the adoption is initiated.

9. Prior to December thirty-first of each year, the entities listed under the definition of qualified agency shall apply to the department of social services in order to verify their qualified agency status. Upon a determination that the agency is eligible to be a qualified agency, the department of social services shall provide a letter of eligibility to such agency. No later than February first of each year, the department of social services shall provide a list of qualified agencies to the department of revenue. All tax credit applications to claim the children in crisis tax credit shall be filed between July first and April fifteenth of each fiscal year. A taxpayer shall apply for the children in crisis tax credit by attaching a copy of the contribution verification provided by a qualified agency to such taxpayer's income tax return.

10. The tax credits provided under this section shall be subject to the provisions of section 135.333.

11. (1) In the event a credit denial, due to lack of available funds, causes a balance-due notice to be generated by the department of revenue, or any other redeeming agency, the taxpayer will not be held liable for any penalty or interest, provided the balance is paid, or approved payment arrangements have been made, within sixty days from the notice of denial.

(2) In the event the balance is not paid within sixty days from the notice of denial, the remaining balance shall be due and payable under the provisions of chapter 143, RSMo.

12. The director shall calculate the level of appropriation necessary to issue all tax credits for nonresident special needs adoptions applied for under this section and provide such calculation to the speaker of the house of representatives, the president pro tempore of the senate, and the director of the division of budget and planning in

the office of administration by January thirty-first of each year.

13. The department may promulgate such rules or regulations as are necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.

14. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under subsections 7 to 12 of this section shall automatically sunset six years after August 28, 2006, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

Further amend said bill, Section 135.610, Page 36, Line 66, by inserting after all of said section, the following:

“135.1150. 1. This section shall be known and may be cited as the “Residential Treatment Agency Tax Credit Act”.

2. As used in this section, the following terms mean:

(1) “Certificate”, a tax credit certificate issued under this section;

(2) “Department”, the Missouri department of social services;

(3) “Eligible [monetary] donation”, donations received from a taxpayer by an agency that are used solely to provide direct care services to children who are residents of this state. **Eligible donations may include cash, publicly traded stocks and bonds, and real estate that will be valued and documented according to rules promulgated by the department of social services.** For purposes of this section, “direct care services” include but are not limited to increasing the quality of care and service for children through improved employee compensation and training;

(4) “Qualified residential treatment agency” or “agency”, a residential care facility that is licensed under section 210.484, RSMo, accredited by the Council on Accreditation (COA), the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), or the Commission on Accreditation of Rehabilitation Facilities (CARF), and is under contract with the Missouri department of social services to provide treatment services for children who are residents or wards of residents of this state, and that receives eligible [monetary] donations. Any agency that operates more than one facility or at more than one location shall be eligible for the tax credit under this section only for any eligible [monetary donations] **donation** made to facilities or locations of the agency which are licensed and accredited;

(5) “Taxpayer”, any of the following individuals or entities who make **an** eligible [monetary donations] **donation** to an agency:

(a) A person, firm, partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed in chapter 143,

RSMo;

(b) A corporation subject to the annual corporation franchise tax imposed in chapter 147, RSMo;

(c) An insurance company paying an annual tax on its gross premium receipts in this state;

(d) Any other financial institution paying taxes to the state of Missouri or any political subdivision of this state under chapter 148, RSMo;

(e) An individual subject to the state income tax imposed in chapter 143, RSMo.

3. For all taxable years beginning on or after January 1, 2007, any taxpayer shall be allowed a credit against the taxes otherwise due under chapter 147, 148, or 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, in an amount equal to fifty percent of the amount of an eligible [monetary] donation, subject to the restrictions in this section. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state income tax liability in the tax year for which the credit is claimed. Any amount of credit that the taxpayer is prohibited by this section from claiming in a tax year shall not be refundable, but may be carried forward to any of the taxpayer's four subsequent taxable years.

4. To claim the credit authorized in this section, an agency may submit to the department an application for the tax credit authorized by this section on behalf of taxpayers. The department shall verify that the agency has submitted the following items accurately and completely:

(1) A valid application in the form and format required by the department;

(2) A statement attesting to the eligible [monetary] donation received, which shall include the name and taxpayer identification number of the individual making the eligible [monetary] donation, the amount of the eligible [monetary] donation, and the date the eligible [monetary]

donation was received by the agency; and

(3) Payment from the agency equal to the value of the tax credit for which application is made.

If the agency applying for the tax credit meets all criteria required by this subsection, the department shall issue a certificate in the appropriate amount.

5. An agency may apply for tax credits in an aggregate amount that does not exceed forty percent of the payments made by the department to the agency in the preceding twelve months.

6. Tax credits issued under this section may be assigned, transferred, sold, or otherwise conveyed, and the new owner of the tax credit shall have the same rights in the credit as the taxpayer. Whenever a certificate is assigned, transferred, sold, or otherwise conveyed, a notarized endorsement shall be filed with the department specifying the name and address of the new owner of the tax credit or the value of the credit.

7. The department shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.

8. Under section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after August 28, 2006, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

Section B. Because immediate action is necessary to ensure the appropriate allocation of the tax credits under the children in crisis tax credit program, the repeal and reenactment of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section A of this act shall be in full force and effect upon its passage and approval.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 4

Amend House Amendment No. 4 to House Committee Substitute for Senate Bill No. 582, Page 20, Line 21, by inserting after the word, “**facility.]**” the following:

“Section B. The repeal of sections 143.006, 144.054, 144.605, 147.010 and the repeal and reenactment of section 620.1878 of section A of this act shall not become effective unless the truly agreed and finally passed Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill 327, Ninety-fourth General Assembly, First Regular Session is approved by the Governor and delivered to the Secretary of State.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 582, Page 1, in the Title, Line 8, by inserting after “RSMo” the following: “and sections 143.006, 144.054, 144.605, 147.010, and 620.1878 as truly agreed and finally passed in Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill 327, Ninety-fourth General Assembly, First Regular Session,”; and

Further amend said bill, Section A, Page 2, Line 6 by inserting after “RSMo” the following: “and sections 143.006, 144.054, 144.605, 147.010, and 620.1878 as truly agreed and finally passed in Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill 327, Ninety-fourth General Assembly, First Regular Session,”; and

Further amend said bill, Section 320.093, Page 78, Line 51 by inserting after all of said line the following:

“[620.1878. For the purposes of sections 620.1875 to 620.1890, the following terms shall mean:

(1) “**Approval**”, a document submitted by the department to the qualified company that states the benefits that may be provided by this program;

(2) “Average wage”, the new payroll divided by the number of new jobs;

[(2)] (3) “Commencement of operations”, the starting date for the qualified company's first new employee, which must be no later than twelve months from the date of the [proposal] **approval**;

[(3)] (4) “County average wage”, the average wages in each county as determined by the department for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county **for the**

purpose of determining eligibility. The department shall publish the county average wage for each county at least annually. **Notwithstanding the provisions of this subdivision to the contrary, for any qualified company that in conjunction with their project is relocating employees from a Missouri county with a higher county average wage, the company shall obtain the endorsement of the governing body of the community from which jobs are being relocated or the county average wage for their project shall be the county average wage for the county from which the employees are being relocated;**

[(4)] (5) “Department”, the Missouri department of economic development;

[(5)] (6) “Director”, the director of the department of economic development;

[(6)] (7) “Employee”, a person employed by a qualified company **on a full-time basis, who receives an annual salary equal to or less than the average salary for the county in which the employee is employed or deemed to be employed;**

[(7)] “Full-time equivalent employees”, employees of the qualified company converted to reflect an equivalent of the number of full-time, year-round employees. The method for converting part-time and seasonal employees into an equivalent number of full-time, year-round employees shall be published in a rule promulgated by the department as authorized in section 620.1884;]

(8) “Full-time[, year-round] employee”, an employee of the **qualified** company that [works] **is scheduled to work** an average of at least thirty-five hours per week for a twelve-month period, and one for which the qualified company offers health insurance and pays at least fifty percent of such insurance premiums;

(9) “High-impact project”, a qualified company that, within two years from commencement of operations, creates one hundred

or more new jobs;

(10) “Local incentives”, the present value of the dollar amount of direct benefit received by a qualified company for a project facility from one or more local political subdivisions, but shall not include loans or other funds provided to the qualified company that must be repaid by the qualified company to the political subdivision;

(11) “NAICS”, the 1997 edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget. Any NAICS sector, subsector, industry group or industry identified in this section shall include its corresponding classification in subsequent federal industry classification systems;

(12) “New direct local revenue”, the present value of the dollar amount of direct net new tax revenues of the local political subdivisions likely to be produced by the project over a ten-year period as calculated by the department, **excluding local earnings tax**, and net new utility revenues, provided the local incentives include a discount or other direct incentives from utilities owned or operated by the political subdivision;

(13) “New investment”, the purchase or leasing of new tangible assets to be placed in operation at the project facility, which will be directly related to the new jobs;

(14) “New job”, the number of full-time[, year-round] employees located at the project facility that exceeds the project facility base employment less any decrease in the number of full-time [equivalent] employees at related facilities below the related facility base employment. **No job that was created prior to the date of the notice of intent shall be deemed a new job;**

(15) “New payroll”, [the amount of wages paid by a qualified company to employees in new jobs] **the amount of taxable wages of full-time employees, excluding owners, located at the**

project facility that exceeds the project facility base payroll. If full-time employment at related facilities is below the related facility base employment, any decrease in payroll for full-time employees at the related facilities below that related facility base payroll shall also be subtracted to determine new payroll;

(16) “Notice of intent”, a form developed by the department, completed by the qualified company and submitted to the department which states the qualified company's intent to hire new jobs and request benefits under this program;

(17) “Percent of local incentives”, the amount of local incentives divided by the amount of new direct local revenue;

(18) “Program”, the Missouri quality jobs program provided in sections 620.1875 to 620.1890;

(19) “Project facility”, the building used by a qualified company at which the new jobs and new investment will be located. A project facility may include separate buildings that are located within one mile of each other such that their purpose and operations are interrelated;

(20) “Project facility base employment”, **the greater of the number of full-time employees located at the project facility on the date the notice of intent or** for the twelve-month period prior to the date of the [proposal] **notice of intent**, the average number of full-time [equivalent] employees located at the project facility. In the event the project facility has not been in operation for a full twelve-month period, [project facility base employment is] the average number of full-time [equivalent] employees for the number of months the project facility has been in operation prior to the date of the [proposal] **notice of intent**;

(21) “**Project facility base payroll**”, **the total amount of taxable wages paid by the qualified company to full-time employees of the qualified company located at the project facility in the twelve months prior to the notice of intent, not**

including the payroll of the owners of the qualified company unless the qualified company is participating in an employee stock ownership plan. For purposes of calculating the benefits under this program, the amount of base payroll shall increase each year based on an appropriate measure, as determined by the department;

(22) “Project period”, the time period that the benefits are provided to a qualified company;

[(22) “Proposal”, a document submitted by the department to the qualified company that states the benefits that may be provided by this program. The effective date of such proposal cannot be prior to the commencement of operations. The proposal shall not offer benefits regarding any jobs created prior to its effective date unless the proposal is for a job retention project;]

(23) “Qualified company”, a firm, partnership, joint venture, association, private or public corporation whether organized for profit or not, or headquarters of such entity registered to do business in Missouri that is the owner or operator of a project facility, **offers health insurance to all full-time employees of all facilities located in this state, and pays at least fifty percent of such insurance premiums.** For the purposes of sections 620.1875 to 620.1890, the term “qualified company” shall not include:

(a) Gambling establishments (NAICS industry group 7132);

(b) Retail trade establishments (NAICS sectors 44 and 45);

(c) Food and drinking places (NAICS subsector 722);

(d) [Utilities regulated by the Missouri public service commission] **Public utilities (NAICS 221 including water and sewer services);**

(e) Any company that is delinquent in the payment of any nonprotested taxes or any other amounts due the state or federal government or any

other political subdivision of this state; [or]

(f) Any company that has filed for or has publicly announced its intention to file for bankruptcy protection;

(g) **Educational services (NAIC sector 61);**

(h) **Religious organizations (NAIC industry group 8131); or**

(i) **Public administration (NAIC sector 92).**

Notwithstanding any provision of this section to the contrary, the headquarters or administrative offices of an otherwise excluded business may qualify for benefits if the offices serve a multistate territory. In the event a national, state, or regional headquarters operation is not the predominant activity of a project facility, the new jobs and investment of such headquarters operation is considered eligible for benefits under this section if the other requirements are satisfied;

(24) “Related company” means:

(a) A corporation, partnership, trust, or association controlled by the qualified company;

(b) An individual, corporation, partnership, trust, or association in control of the qualified company; or

(c) Corporations, partnerships, trusts or associations controlled by an individual, corporation, partnership, trust or association in control of the qualified company. As used in this subdivision, [“]control of a corporation[”] shall mean ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote, [“]control of a partnership or association[”] shall mean ownership of at least fifty percent of the capital or profits interest in such partnership or association, [“]control of a trust[”] shall mean ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such trust, and ownership shall be determined as provided in

Section 318 of the Internal Revenue Code of 1986, as amended;

(25) “Related facility”, a facility operated by the qualified company or a related company located in this state that is directly related to the operations of the project facility;

(26) “Related facility base employment”, **the greater of the number of full-time employees located at all related facilities on the date of the notice of intent or** for the twelve-month period prior to the date of the [proposal] **notice of intent**, the average number of full-time [equivalent] employees located at all related facilities of the qualified company or a related company located in this state;

(27) “Related facility base payroll”, **the total amount of taxable wages paid by the qualified company to full-time employees of the qualified company located at a related facility in the twelve months prior to the filing of the notice of intent, not including the payroll of the owners of the qualified company unless the qualified company is participating in an employee stock ownership plan. For purposes of calculating the benefits under this program, the amount of related facility base payroll shall increase each year based on an appropriate measure, as determined by the department;**

(28) “Rural area”, a county in Missouri with a population less than seventy-five thousand or that does not contain an individual city with a population greater than fifty thousand according to the most recent federal decennial census;

[(28)] **(29) “Small and expanding business project”, a qualified company that within two years of the date of the [proposal] approval creates a minimum of twenty new jobs if the project facility is located in a rural area or a minimum of forty new jobs if the project facility is not located in a rural area and creates fewer than one hundred new jobs regardless of the location of the project facility;**

[(29)] **(30)** “Tax credits”, tax credits issued by the department to offset the state income taxes imposed by [chapter] **chapters 143 and 148**, RSMo, or which may be sold or refunded as provided for in this program;

[(30)] **(31)** “Technology business project”, a qualified company that within two years of the date of the [proposal] **approval** creates a minimum of ten new jobs [with at least seventy-five percent of the new jobs directly] involved in the operations of a technology company as determined by a regulation promulgated by the department under the provisions of section 620.1884 [and] **or classified by NAICS codes; or which researches, develops, or manufactures power system technology for: aerospace; space; defense; hybrid vehicles; or implantable or wearable medical devices;**

[(31)] **(32)** “Withholding tax”, the state tax imposed by sections 143.191 to 143.265, RSMo. **For purposes of this program, the withholding tax shall be computed using a schedule as determined by the department based on average wages.]**

620.1878. For the purposes of sections 620.1875 to 620.1890, the following terms shall mean:

(1) **“Approval”, a document submitted by the department to the qualified company that states the benefits that may be provided by this program;**

(2) **“Average wage”, the new payroll divided by the number of new jobs;**

[(2)] **(3)** “Commencement of operations”, the starting date for the qualified company's first new employee, which must be no later than twelve months from the date of the [proposal] **approval;**

[(3)] **(4)** “County average wage”, the average wages in each county as determined by the department for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage,

the statewide average wage shall be deemed the county average wage for such county **for the purpose of determining eligibility.** The department shall publish the county average wage for each county at least annually. **Notwithstanding the provisions of this subdivision to the contrary, for any qualified company that in conjunction with their project is relocating employees from a Missouri county with a higher county average wage, the company shall obtain the endorsement of the governing body of the community from which jobs are being relocated or the county average wage for their project shall be the county average wage for the county from which the employees are being relocated;**

[(4)] **(5)** “Department”, the Missouri department of economic development;

[(5)] **(6)** “Director”, the director of the department of economic development;

[(6)] **(7)** “Employee”, a person employed by a qualified company;

[(7) “Full-time equivalent employees”, employees of the qualified company converted to reflect an equivalent of the number of full-time, year-round employees. The method for converting part-time and seasonal employees into an equivalent number of full-time, year-round employees shall be published in a rule promulgated by the department as authorized in section 620.1884;]

(8) **“Full-time[, year-round] employee”, an employee of the qualified company that [works] is scheduled to work an average of at least thirty-five hours per week for a twelve-month period, and one for which the qualified company offers health insurance and pays at least fifty percent of such insurance premiums;**

(9) **“High-impact project”, a qualified company that, within two years from commencement of operations, creates one hundred or more new jobs;**

(10) **“Local incentives”, the present value of**

the dollar amount of direct benefit received by a qualified company for a project facility from one or more local political subdivisions, but shall not include loans or other funds provided to the qualified company that must be repaid by the qualified company to the political subdivision;

(11) “NAICS”, the 1997 edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget. Any NAICS sector, subsector, industry group or industry identified in this section shall include its corresponding classification in subsequent federal industry classification systems;

(12) “New direct local revenue”, the present value of the dollar amount of direct net new tax revenues of the local political subdivisions likely to be produced by the project over a ten-year period as calculated by the department, **excluding local earnings tax**, and net new utility revenues, provided the local incentives include a discount or other direct incentives from utilities owned or operated by the political subdivision;

(13) “New investment”, the purchase or leasing of new tangible assets to be placed in operation at the project facility, which will be directly related to the new jobs;

(14) “New job”, the number of full-time[, year-round] employees located at the project facility that exceeds the project facility base employment less any decrease in the number of full-time [equivalent] employees at related facilities below the related facility base employment. **No job that was created prior to the date of the notice of intent shall be deemed a new job;**

(15) “New payroll”, [the amount of wages paid by a qualified company to employees in new jobs] **the amount of taxable wages of full-time employees, excluding owners, located at the project facility that exceeds the project facility base payroll. If full-time employment at related**

facilities is below the related facility base employment, any decrease in payroll for full-time employees at the related facilities below that related facility base payroll shall also be subtracted to determine new payroll;

(16) “Notice of intent”, a form developed by the department, completed by the qualified company and submitted to the department which states the qualified company's intent to hire new jobs and request benefits under this program;

(17) “Percent of local incentives”, the amount of local incentives divided by the amount of new direct local revenue;

(18) “Program”, the Missouri quality jobs program provided in sections 620.1875 to 620.1890;

(19) “Project facility”, the building used by a qualified company at which the new jobs and new investment will be located. A project facility may include separate buildings that are located within one mile of each other such that their purpose and operations are interrelated;

(20) “Project facility base employment”, **the greater of the number of full-time employees located at the project facility on the date the notice of intent or** for the twelve-month period prior to the date of the [proposal] **notice of intent**, the average number of full-time [equivalent] employees located at the project facility. In the event the project facility has not been in operation for a full twelve-month period, [project facility base employment is] the average number of full-time [equivalent] employees for the number of months the project facility has been in operation prior to the date of the [proposal] **notice of intent**;

(21) “Project facility base payroll”, **the total amount of taxable wages paid by the qualified company to full-time employees of the qualified company located at the project facility in the twelve months prior to the notice of intent, not including the payroll of the owners of the qualified company unless the qualified company**

is participating in an employee stock ownership plan. For purposes of calculating the benefits under this program, the amount of base payroll shall increase each year based on an appropriate measure, as determined by the department;

(22) “Project period”, the time period that the benefits are provided to a qualified company;

[(22) “Proposal”, a document submitted by the department to the qualified company that states the benefits that may be provided by this program. The effective date of such proposal cannot be prior to the commencement of operations. The proposal shall not offer benefits regarding any jobs created prior to its effective date unless the proposal is for a job retention project;]

(23) “Qualified company”, a firm, partnership, joint venture, association, private or public corporation whether organized for profit or not, or headquarters of such entity registered to do business in Missouri that is the owner or operator of a project facility, **offers health insurance to all full-time employees of all facilities located in this state, and pays at least fifty percent of such insurance premiums.** For the purposes of sections 620.1875 to 620.1890, the term “qualified company” shall not include:

(a) Gambling establishments (NAICS industry group 7132);

(b) Retail trade establishments (NAICS sectors 44 and 45);

(c) Food and drinking places (NAICS subsector 722);

(d) [Utilities regulated by the Missouri public service commission] **Public utilities (NAICS 221 including water and sewer services);**

(e) Any company that is delinquent in the payment of any nonprotested taxes or any other amounts due the state or federal government or any other political subdivision of this state; [or]

(f) Any company that has filed for or has

publicly announced its intention to file for bankruptcy protection;

(g) Educational services (NAIC sector 61);

(h) Religious organizations (NAIC industry group 8131); or

(i) Public administration (NAIC sector 92).

Notwithstanding any provision of this section to the contrary, the headquarters or administrative offices of an otherwise excluded business may qualify for benefits if the offices serve a multistate territory. In the event a national, state, or regional headquarters operation is not the predominant activity of a project facility, the new jobs and investment of such headquarters operation is considered eligible for benefits under this section if the other requirements are satisfied;

(24) “Related company” means:

(a) A corporation, partnership, trust, or association controlled by the qualified company;

(b) An individual, corporation, partnership, trust, or association in control of the qualified company; or

(c) Corporations, partnerships, trusts or associations controlled by an individual, corporation, partnership, trust or association in control of the qualified company. As used in this subdivision, [“]control of a corporation[”] shall mean ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote, [“]control of a partnership or association[”] shall mean ownership of at least fifty percent of the capital or profits interest in such partnership or association, [“]control of a trust[”] shall mean ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such trust, and ownership shall be determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;

(25) “Related facility”, a facility operated by the qualified company or a related company located in this state that is directly related to the operations of the project facility;

(26) “Related facility base employment”, **the greater of the number of full-time employees located at all related facilities on the date of the notice of intent or** for the twelve-month period prior to the date of the [proposal] **notice of intent**, the average number of full-time [equivalent] employees located at all related facilities of the qualified company or a related company located in this state;

(27) “**Related facility base payroll**”, the total amount of taxable wages paid by the qualified company to full-time employees of the qualified company located at a related facility in the twelve months prior to the filing of the notice of intent, not including the payroll of the owners of the qualified company unless the qualified company is participating in an employee stock ownership plan. For purposes of calculating the benefits under this program, the amount of related facility base payroll shall increase each year based on an appropriate measure, as determined by the department;

(28) “Rural area”, a county in Missouri with a population less than seventy-five thousand or that does not contain an individual city with a population greater than fifty thousand according to the most recent federal decennial census;

[(28)] (29) “Small and expanding business project”, a qualified company that within two years of the date of the [proposal] **approval** creates a minimum of twenty new jobs if the project facility is located in a rural area or a minimum of forty new jobs if the project facility is not located in a rural area and creates fewer than one hundred new jobs regardless of the location of the project facility;

[(29)] (30) “Tax credits”, tax credits issued by the department to offset the state income taxes

imposed by [chapter] **chapters 143 and 148**, RSMo, or which may be sold or refunded as provided for in this program;

[(30)] (31) “Technology business project”, a qualified company that within two years of the date of the [proposal] **approval** creates a minimum of ten new jobs [with at least seventy-five percent of the new jobs directly] involved in the operations of a technology company as determined by a regulation promulgated by the department under the provisions of section 620.1884 [and] **or** classified by NAICS codes; **or which researches, develops, or manufactures power system technology for: aerospace; space; defense; hybrid vehicles; or implantable or wearable medical devices;**

[(31)] (32) “Withholding tax”, the state tax imposed by sections 143.191 to 143.265, RSMo. **For purposes of this program, the withholding tax shall be computed using a schedule as determined by the department based on average wages.”; and**

Further amend said bill, Section 1, Page 78, Line 4 by inserting after all of said line the following:

“[143.006. Notwithstanding any other provision of this chapter to the contrary, whether a corporation or an individual has substantial nexus with this state for income tax purposes is determined without regard to whether the corporation or individual:

(1) Is a related taxpayer within the meaning of the definition found in subdivision (9) of section 135.100, RSMo, in regard to either a distribution facility in this state or a data storage facility in this state;

(2) Utilizes such distribution facility;

(3) Utilizes property at such distribution facility that is used at, or distributed from, that facility; or

(4) Sells property shipped or distributed

from such distribution facility.]”; and

Further amend said bill, Section 144.517, Page 78, Line 73 by inserting after all of said line the following:

“[144.054. 1. As used in this section, the following terms mean:

(1) “Processing”, any mode of treatment, act, or series of acts performed upon materials to transform or reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(2) “Recovered materials”, those materials which have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not they require subsequent separation and processing.

2. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, RSMo, and the local sales tax law as defined in section 32.085, RSMo, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, RSMo, and the local sales tax law as defined in section 32.085, RSMo, electrical energy and gas, whether natural, artificial, or propane, water, coal, and other utilities, chemicals, machinery, equipment, and materials used or consumed in the manufacturing, processing, compounding, mining, or producing of any product, or used or consumed in the processing of recovered materials, or used in research and development related to manufacturing, processing, compounding, mining, or producing any product.]

[144.605. The following words and phrases as used in sections 144.600 to 144.745 mean and include:

(1) “Calendar quarter”, the period of three consecutive calendar months ending on March thirty-first, June thirtieth, September thirtieth or December thirty-first;

(2) “Engages in business activities within this state” includes:

(a) [Purposefully or systematically exploiting the market provided by this state by any media-assisted, media-facilitated, or media-solicited means, including, but not limited to, direct mail advertising, distribution of catalogs, computer-assisted shopping, telephone, television, radio, or other electronic media, or magazine or newspaper advertisements, or other media; or

(b) Being owned or controlled by the same interests which own or control any seller engaged in the same or similar line of business in this state; or

(c) Maintaining or having a franchisee or licensee operating under the seller's trade name in this state if the franchisee or licensee is required to collect sales tax pursuant to sections 144.010 to 144.525; or

[(d)] (b) Soliciting sales or taking orders by sales agents or traveling representatives **in this state;**

(c) **Notwithstanding any other provision of this chapter to the contrary, whether a person engages in business activities within this state and whether the person has substantial nexus with this state shall be determined without regard to whether the person is a related taxpayer within the meaning of the definition found in subdivision (9) of section 135.100, RSMo, in regard to either a distribution facility in this state or a data storage facility in this state, or:**

a. Utilizes such distribution facility;

b. Utilizes property at such distribution facility that is used at, or distributed from, that facility; or

c. Sells property shipped or distributed from such distribution facility;

(3) “Maintains a place of business in this state” includes **directly** maintaining, occupying, or using[, permanently or temporarily, directly or indirectly, or through a subsidiary, or agent, by whatever name called,] an office, [place of distribution, sales or sample room or place,] warehouse or storage place, or other place of business **in this state**;

(4) “Person”, any individual, firm, copartnership, joint venture, association, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or agency, except the state transportation department, estate, trust, business trust, receiver or trustee appointed by the state or federal court, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number;

(5) “Purchase”, the acquisition of the ownership of, or title to, tangible personal property, through a sale, as defined herein, for the purpose of storage, use or consumption in this state;

(6) “Purchaser”, any person who is the recipient for a valuable consideration of any sale of tangible personal property acquired for use, storage or consumption in this state;

(7) “Sale”, any transfer, barter or exchange of the title or ownership of tangible personal property, or the right to use, store or consume the same, for a consideration paid or to be paid, and any transaction whether called leases, rentals, bailments, loans, conditional sales or otherwise, and notwithstanding that the title or possession of the property or both is retained for security. For the purpose of this law the place of delivery of the property to the purchaser, user, storer or consumer is deemed to be the place of sale, whether the delivery be by the vendor or by common carriers,

private contractors, mails, express, agents, salesmen, solicitors, hawkers, representatives, consignors, peddlers, canvassers or otherwise;

(8) “Sales price”, the consideration including the charges for services, except charges incident to the extension of credit, paid or given, or contracted to be paid or given, by the purchaser to the vendor for the tangible personal property, including any services that are a part of the sale, valued in money, whether paid in money or otherwise, and any amount for which credit is given to the purchaser by the vendor, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service cost, losses or any other expenses whatsoever, except that cash discounts allowed and taken on sales shall not be included and “sales price” shall not include the amount charged for property returned by customers upon rescission of the contract of sales when the entire amount charged therefor is refunded either in cash or credit or the amount charged for labor or services rendered in installing or applying the property sold, the use, storage or consumption of which is taxable pursuant to sections 144.600 to 144.745. In determining the amount of tax due pursuant to sections 144.600 to 144.745, any charge incident to the extension of credit shall be specifically exempted;

(9) “Selling agent”, every person acting as a representative of a principal, when such principal is not registered with the director of revenue of the state of Missouri for the collection of the taxes imposed pursuant to sections 144.010 to 144.525 or sections 144.600 to 144.745 and who receives compensation by reason of the sale of tangible personal property of the principal, if such property is to be stored, used, or consumed in this state;

(10) “Storage”, any keeping or retention in this state of tangible personal property purchased from a vendor, except property for sale or property that is temporarily kept or retained in this state for subsequent use outside the state;

(11) "Tangible personal property", all items subject to the Missouri sales tax as provided in subdivisions (1) and (3) of section 144.020;

(12) "Taxpayer", any person remitting the tax or who should remit the tax levied by sections 144.600 to 144.745;

(13) "Use", the exercise of any right or power over tangible personal property incident to the ownership or control of that property, except that it does not include the temporary storage of property in this state for subsequent use outside the state, or the sale of the property in the regular course of business;

(14) "Vendor", every person engaged in making sales of tangible personal property by mail order, by advertising, by agent or peddling tangible personal property, soliciting or taking orders for sales of tangible personal property, for storage, use or consumption in this state, all salesmen, solicitors, hawkers, representatives, consignees, peddlers or canvassers, as agents of the dealers, distributors, consignors, supervisors, principals or employers under whom they operate or from whom they obtain the tangible personal property sold by them, and every person who maintains a place of business in this state, maintains a stock of goods in this state, or engages in business activities within this state and every person who engages in this state in the business of acting as a selling agent for persons not otherwise vendors as defined in this subdivision. Irrespective of whether they are making sales on their own behalf or on behalf of the dealers, distributors, consignors, supervisors, principals or employers, they must be regarded as vendors and the dealers, distributors, consignors, supervisors, principals or employers must be regarded as vendors for the purposes of sections 144.600 to 144.745. A person shall not be considered a vendor for the purposes of sections 144.600 to 144.745 if all of the following apply:

(a) The person's total gross receipts did not exceed five hundred thousand dollars in this state, or twelve and one-half million dollars in the entire

United States, in the immediately preceding calendar year;

(b) The person maintains no place of business in this state; and

(c) The person has no selling agents in this state.]

[147.010. 1. For the transitional year defined in subsection 4 of this section and each taxable year beginning on or after January 1, 1980, but before January 1, 2000, every corporation organized pursuant to or subject to chapter 351, RSMo, or pursuant to any other law of this state shall, in addition to all other fees and taxes now required or paid, pay an annual franchise tax to the state of Missouri equal to one-twentieth of one percent of the par value of its outstanding shares and surplus if its outstanding shares and surplus exceed two hundred thousand dollars, or if the outstanding shares of such corporation or any part thereof consist of shares without par value, then, in that event, for the purpose contained in this section, such shares shall be considered as having a value of five dollars per share unless the actual value of such shares exceeds five dollars per share, in which case the tax shall be levied and collected on the actual value and the surplus if the actual value and the surplus exceed two hundred thousand dollars. If such corporation employs a part of its outstanding shares in business in another state or country, then such corporation shall pay an annual franchise tax equal to one-twentieth of one percent of its outstanding shares and surplus employed in this state if its outstanding shares and surplus employed in this state **exceed** two hundred thousand dollars, and for the purposes of sections 147.010 to 147.120, such corporation shall be deemed to have employed in this state that proportion of its entire outstanding shares and surplus that its property and assets employed in this state bears to all its property and assets wherever located. A foreign corporation engaged in business in this state, whether pursuant to a certificate of authority issued pursuant to chapter

351, RSMo, or not, shall be subject to this section. Any corporation whose outstanding shares and surplus as calculated in this subsection does not exceed two hundred thousand dollars shall state that fact on the annual report form prescribed by the secretary of state. For all taxable years beginning on or after January 1, 2000, the annual franchise tax shall be equal to one-thirtieth of one percent of the corporation's outstanding shares and surplus if the outstanding shares and surplus exceed one million dollars. Any corporation whose outstanding shares and surplus do not exceed one million dollars shall state that fact on the annual report form prescribed by the director of revenue.

2. Sections 147.010 to 147.120 shall not apply to corporations not organized for profit, nor to corporations organized pursuant to the provisions of chapter 349, RSMo, nor to express companies, which now pay an annual tax on their gross receipts in this state, nor to insurance companies, which pay an annual tax on their premium receipts in this state, nor to state, district, county, town and farmers' mutual companies now organized or that may be hereafter organized pursuant to any of the laws of this state, organized for the sole purpose of writing fire, lightning, windstorm, tornado, cyclone, hail and plate glass and mutual automobile insurance and for the purpose of paying any loss incurred by any member by assessment, nor to any mutual insurance corporation not having shares, nor to a company or association organized to transact business of life or accident insurance on the assessment plan for the purpose of mutual protection and benefit to its members and the payment of stipulated sums of moneys to the family, heirs, executors, administrators or assigns of the deceased member, nor to foreign life, fire, accident, surety, liability, steam boiler, tornado, health, or other kind of insurance company of whatever nature coming within the provisions of section 147.050 and doing business in this state, nor to savings and loan associations and domestic and foreign regulated investment companies as defined by Section 170 of

the Act of Congress commonly known as the "Revenue Act of 1942", nor to electric and telephone corporations organized pursuant to chapter 351, RSMo, and chapter 392, RSMo, prior to January 1, 1980, which have been declared tax exempt organizations pursuant to Section 501(c) of the Internal Revenue Code of 1986, nor for taxable years beginning after December 31, 1986, to banking institutions subject to the annual franchise tax imposed by sections 148.010 to 148.110, RSMo; but bank deposits shall be considered as funds of the individual depositor left for safekeeping and shall not be considered in computing the amount of tax collectible pursuant to the provisions of sections 147.010 to 147.120.

3. A corporation's "taxable year" for purposes of sections 147.010 to 147.120 shall be its taxable year as provided in section 143.271, RSMo.

4. A corporation's "transitional year" for the purposes of sections 147.010 to 147.120 shall be its taxable year which includes parts of each of the years 1979 and 1980.

5. The franchise tax payable for a corporation's transitional year shall be computed by multiplying the amount otherwise due for that year by a fraction, the numerator of which is the number of months between January 1, 1980, and the end of the taxable year and the denominator of which is twelve. The franchise tax payable, if a corporation's taxable year is changed as provided in section 143.271, RSMo, shall be similarly computed pursuant to regulations prescribed by the director of revenue.

6. All franchise reports and franchise taxes shall be returned to the director of revenue. All checks and drafts remitted for payment of franchise taxes shall be made payable to the director of revenue.

7. Pursuant to section 32.057, RSMo, the director of revenue shall maintain the confidentiality of all franchise tax reports returned to the director.

8. The director of the department of revenue shall honor all existing agreements between taxpayers and the director of the department of revenue.

9. Notwithstanding any other provision of this chapter to the contrary, whether a corporation has substantial nexus with this state for franchise tax purposes is determined without regard to whether the corporation:

(1) Is a related taxpayer within the meaning of the definition found in subdivision (9) of section 135.100, RSMo, in regard to either a distribution facility in this state or a data storage facility in this state;

(2) Utilizes such distribution facility;

(3) Utilizes property at such distribution facility that is used at, or distributed from, that facility; or

(4) Sells property shipped or distributed from such distribution facility.]; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 582, Page 36, Section 135.610, Line 66, by inserting after all of said Line the following:

“135.636. 1. This section shall be known and may be cited as the “Motherhood/Fatherhood Stay-at-Home Tax Credit”.

2. As used in this section, the following terms mean:

(1) “Eligible child”, any natural, adopted, or stepchild of a stay-at-home parent if such eligible child is between the ages of newborn to twenty-four months;

(2) “Stay-at-home parent”, any married parent of an eligible child if such stay-at-home parent was gainfully employed before the birth

or adoption of the eligible child or marriage to a person with an eligible child, who is no longer gainfully employed as a result of the decision to stay at home to provide care for the eligible child, and whose annual salary while the stay-at-home parent was gainfully employed was one hundred thousand dollars or less. “Stay-at-home parent” shall not include any recipient of any public assistance;

(3) “Tax credit”, a credit against the tax otherwise due under chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo;

(4) “Taxpayer”, any stay-at-home parent or such parent's spouse whose filing status is married filing combined who is subject to the tax imposed in chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo.

3. For all taxable years beginning on or after January 1, 2007, a taxpayer shall be allowed a tax credit for providing care for an eligible child. The tax credit amount shall be equal to twenty-five percent of the stay-at-home parent's annual salary in the year before the stay-at-home parent terminated gainful employment to become a stay-at-home parent. If the amount of the tax credit issued exceeds the amount of the taxpayer's state tax liability for the tax year for which the credit is claimed, the difference shall not be refundable but may be carried forward to any of the taxpayer's three subsequent taxable years. No tax credit granted under this section shall be transferred, sold, or assigned. The cumulative amount of tax credits which may be issued under this section in any one fiscal year shall not exceed two million dollars.

4. The director of the department of revenue shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative

amount of tax credits are equally apportioned among all taxpayers allowed a tax credit under this section. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

5. Each stay-at-home parent claiming a tax credit under this section shall file an affidavit verifying that such parent is a stay-at-home parent, and shall provide a copy of the most recent W-2 form received before becoming a stay-at-home parent to verify the tax credit amount claimed.

6. The department of revenue may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

7. Under section 23.253, RSMo, of the Missouri Sunset Act:

(1) The provisions of the new program authorized under this section shall automatically sunset on December thirty-first six years after the effective date of this section unless reauthorized by an act of the general

assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

Further amend said Bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 6

Amend House Amendment No. 6 to House Committee Substitute for Senate Bill No. 582, Page 4, Section 143.121.3 (j), Line 5, by inserting after “public” the following:

“or private”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 582, Section 141.640, Page 60, Line 9, by inserting after all of said section, the following:

“143.121. 1. The Missouri adjusted gross income of a resident individual shall be the taxpayer's federal adjusted gross income subject to the modifications in this section.

2. There shall be added to the taxpayer's federal adjusted gross income:

(a) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit;

(b) Interest on certain governmental

obligations excluded from federal gross income by Section 103 of the Internal Revenue Code. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (a) of subsection 3 of this section. The amount added pursuant to this paragraph shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of Section 265 of the Internal Revenue Code. The reduction shall only be made if it is at least five hundred dollars;

(c) The amount of any deduction that is included in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount deducted exceeds the amount that would have been deductible pursuant to Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002; and

(d) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by Section 172 of the Internal Revenue Code of 1986, as amended, other than the deduction allowed by Section 172(b)(1)(G) and Section 172(i) of the Internal Revenue Code of 1986, as amended, for a net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a period of more than twenty years and carries backward for more than two years. Any amount of net operating loss taken against federal taxable income but disallowed for Missouri income tax purposes pursuant to this paragraph after June 18, 2002, may be carried forward and taken against any income on the Missouri income tax return for a period of not more than twenty years from the year of the initial loss.

3. There shall be subtracted from the taxpayer's federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(a) Interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from Missouri income taxes pursuant to the laws of the United States. The amount subtracted pursuant to this paragraph shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this paragraph. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining the taxpayer's federal adjusted gross income or included in the taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(b) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to one-half of such portion of the gain;

(c) The amount necessary to prevent the taxation pursuant to this chapter of any annuity or other amount of income or gain which was properly included in income or gain and was taxed pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(d) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent

that the same are included in federal adjusted gross income;

(e) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(f) The portion of capital gain specified in section 135.357, RSMo, that would otherwise be included in federal adjusted gross income;

(g) The amount that would have been deducted in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as in effect on January 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002;

(h) For all tax years beginning on or after January 1, 2005, the amount of any income received for military service while the taxpayer serves in a combat zone which is included in federal adjusted gross income and not otherwise excluded therefrom. As used in this section, “combat zone” means any area which the President of the United States by Executive Order designates as an area in which armed forces of the United States are or have engaged in combat. Service is performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combat activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone; [and]

(i) For all tax years ending on or after July 1, 2002, with respect to qualified property that is sold or otherwise disposed of during a taxable year by a taxpayer and for which an addition modification was made under paragraph (c) of subsection 2 of this section, the amount by which addition modification made under paragraph (c) of

subsection 2 of this section on qualified property has not been recovered through the additional subtractions provided in paragraph (g) of this subsection;

(j) For all tax years beginning on or after January 1, 2007, the amount of any tuition the taxpayer pays for a student who has completed high school to attend any public institution of postsecondary education, including a university, college, vocational and technical school, and other postsecondary institutions, located within this state.

4. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the modifications provided in section 143.411.

6. In addition to the modifications to a taxpayer's federal adjusted gross income in this section, to calculate Missouri adjusted gross income there shall be subtracted from the taxpayer's federal adjusted gross income any gain recognized pursuant to Section 1033 of the Internal Revenue Code of 1986, as amended, arising from compulsory or involuntary conversion of property as a result of condemnation or the imminence thereof.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 582, Sections 135.010 and 135.030, Pages 29 to 33, by deleting all of said sections and inserting in lieu thereof the following:

“135.010. As used in sections 135.010 to 135.030 the following words and terms mean:

(1) “Claimant”, a person or persons claiming a credit under sections 135.010 to 135.030. If the

persons are eligible to file a joint federal income tax return and reside at the same address at any time during the taxable year, then the credit may only be allowed if claimed on a combined Missouri income tax return or a combined claim return reporting their combined incomes and property taxes. A claimant shall not be allowed a property tax credit unless the claimant or spouse has attained the age of sixty-five on or before the last day of the calendar year and the claimant or spouse was a resident of Missouri for the entire year, or the claimant or spouse is a veteran of any branch of the armed forces of the United States or this state who became one hundred percent disabled as a result of such service, or the claimant or spouse is disabled as defined in subdivision (2) of this section, and such claimant or spouse provides proof of such disability in such form and manner, and at such times, as the director of revenue may require, or if the claimant has reached the age of sixty on or before the last day of the calendar year and such claimant received surviving spouse Social Security benefits during the calendar year and the claimant provides proof, as required by the director of revenue, that the claimant received surviving spouse Social Security benefits during the calendar year for which the credit will be claimed. A claimant shall not be allowed a property tax credit if the claimant filed a valid claim for a credit under section 137.106, RSMo, in the year following the year for which the property tax credit is claimed. The residency requirement shall be deemed to have been fulfilled for the purpose of determining the eligibility of a surviving spouse for a property tax credit if a person of the age of sixty-five years or older who would have otherwise met the requirements for a property tax credit dies before the last day of the calendar year. The residency requirement shall also be deemed to have been fulfilled for the purpose of determining the eligibility of a claimant who would have otherwise met the requirements for a property tax credit but who dies before the last day of the calendar year;

(2) "Disabled", the inability to engage in any

substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months. A claimant shall not be required to be gainfully employed prior to such disability to qualify for a property tax credit;

(3) "Gross rent", amount paid by a claimant to a landlord for the rental, at arm's length, of a homestead during the calendar year, exclusive of charges for health and personal care services and food furnished as part of the rental agreement, whether or not expressly set out in the rental agreement. If the director of revenue determines that the landlord and tenant have not dealt at arm's length, and that the gross rent is excessive, then [he] **the director** shall determine the gross rent based upon a reasonable amount of rent. Gross rent shall be deemed to be paid only if actually paid prior to the date a return is filed. The director of revenue may prescribe regulations requiring a return of information by a landlord receiving rent, certifying for a calendar year the amount of gross rent received from a tenant claiming a property tax credit and shall, by regulation, provide a method for certification by the claimant of the amount of gross rent paid for any calendar year for which a claim is made. The regulations authorized by this subdivision may require a landlord or a tenant or both to provide data relating to health and personal care services and to food. Neither a landlord nor a tenant may be required to provide data relating to utilities, furniture, home furnishings or appliances;

(4) "Homestead", the dwelling in Missouri owned or rented by the claimant and not to exceed five acres of land surrounding it as is reasonably necessary for use of the dwelling as a home. It may consist of part of a multidwelling or multipurpose building and part of the land upon which it is built. "Owned" includes a vendee in possession under a land contract and one or more tenants by the entireties, joint tenants, or tenants in common and includes a claimant actually in possession if he was

the immediate former owner of record, if a lineal descendant is presently the owner of record, and if the claimant actually pays all taxes upon the property. It may include a mobile home;

(5) “Income”, Missouri adjusted gross income as defined in section 143.121, RSMo, less [two] **four** thousand dollars as an exemption for the claimant's spouse residing at the same address, and increased, where necessary, to reflect the following:

(a) Social Security, railroad retirement, and veterans payments and benefits unless the claimant is a one hundred percent service-connected, disabled veteran or a spouse of a one hundred percent service-connected, disabled veteran. The one hundred percent service-connected disabled veteran shall not be required to list veterans payments and benefits;

(b) The total amount of all other public and private pensions and annuities;

(c) Public relief, public assistance, and unemployment benefits received in cash, other than benefits received under this chapter;

(d) No deduction being allowed for losses not incurred in a trade or business;

(e) Interest on the obligations of the United States, any state, or any of their subdivisions and instrumentalities;

(6) “Property taxes accrued”, property taxes paid, exclusive of special assessments, penalties, interest, and charges for service levied on a claimant's homestead in any calendar year. Property taxes shall qualify for the credit only if actually paid prior to the date a return is filed. The director of revenue shall require a tax receipt or other proof of property tax payment. If a homestead is owned only partially by claimant, then “property taxes accrued” is that part of property taxes levied on the homestead which was actually paid by the claimant. For purposes of this subdivision, property taxes are “levied” when the tax roll is delivered to the director of revenue for

collection. If a claimant owns a homestead part of the preceding calendar year and rents it or a different homestead for part of the same year, “property taxes accrued” means only taxes levied on the homestead both owned and occupied by the claimant, multiplied by the percentage of twelve months that such property was owned and occupied as the homestead of the claimant during the year. When a claimant owns and occupies two or more different homesteads in the same calendar year, property taxes accrued shall be the sum of taxes allocable to those several properties occupied by the claimant as a homestead for the year. If a homestead is an integral part of a larger unit such as a farm, or multipurpose or multidwelling building, property taxes accrued shall be that percentage of the total property taxes accrued as the value of the homestead is of the total value. For purposes of this subdivision “unit” refers to the parcel of property covered by a single tax statement of which the homestead is a part;

(7) “Rent constituting property taxes accrued”, twenty percent of the gross rent paid by a claimant and spouse in the calendar year.

135.030. 1. As used in this section:

(1) [The term “maximum upper limit” shall, in the calendar year 1989, be the sum of thirteen thousand five hundred dollars. For each calendar year through December 31, 1992, the maximum upper limit shall be increased by five hundred dollars per year. For calendar years after December 31, 1992, and prior to calendar year 1998, the maximum upper limit shall be the sum used on December 31, 1992.] For each calendar year after December 31, 1997, **and before calendar year 2007, the term “maximum upper limit” shall be the sum of twenty-five thousand dollars. For the calendar year beginning on January 1, 2007, the maximum upper limit shall be the sum of thirty thousand dollars, and for all subsequent calendar years such limit shall be increased in one- hundred-dollar increments on the first day of January in each year by the same percentage**

of increase in the Consumer Price Index for All Urban Consumers, as published by the Bureau of Labor Statistics of the United States Department of Labor, or its successor index;

(2) [The term “minimum base” shall, in the calendar year 1989, be the sum of five thousand dollars. For each succeeding calendar year through December 31, 1992, the minimum base shall be increased, in one hundred-dollar increments, by the same percentage as the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor, or its successor agency, or five percent, whichever is greater. The increase in the index shall be that as first published by the Department of Labor for the calendar year immediately preceding the year in which the minimum base is calculated. For calendar years after December 31, 1992, and prior to calendar year 1998, the minimum base shall be the sum used on December 31, 1992.] For each calendar year after December 31, 1997, **and before calendar year 2007, the term “minimum base” shall be the sum of thirteen thousand dollars. For the calendar year beginning on January 1, 2007, the minimum base shall be the sum of eighteen thousand dollars, and for all subsequent calendar years such base shall be increased in one-hundred-dollar increments on the first day of January in each year by the same percentage of increase in the Consumer Price Index for All Urban Consumers, as published by the Bureau of Labor Statistics of the United States Department of Labor, or its successor index.**

2. When calculating the **maximum upper limit and the minimum base** for purposes of this section, whenever the increase in the Consumer Price Index used in the calculation would result in a figure which is greater than one one-hundred-dollar increment but less than another one-hundred-dollar increment, the director of revenue shall always round that figure off to the

next higher one-hundred-dollar increment when determining the table of credits under this section.

3. If the income on a return is equal to or less than the maximum upper limit for the calendar year for which the return is filed, the property tax credit shall be determined from a table of credits based upon the amount by which the total property tax described in section 135.025 exceeds the percent of income in the following list:

If the income on the return is:	The percent is:
Not over the minimum base	0 percent with credit not to exceed actual property tax or rent equivalent paid up to \$750
Over the minimum base but not over the maximum upper limit	[1 / 1 6] 1 / 3 2 percent accumulative per \$300 from 0 percent to 4 percent.

The director of revenue shall prescribe a table based upon the preceding sentences. The property tax shall be in increments of twenty-five dollars and the income in increments of three hundred dollars. The credit shall be the amount rounded to the nearest whole dollar computed on the basis of the property tax and income at the midpoints of each increment. As used in this subsection, the term “accumulative” means an increase by continuous or repeated application of the percent to the income increment at each three hundred dollar level.

4. Notwithstanding [the provision of] subsection 4 of section 32.057, RSMo, the department of revenue or any duly authorized employee or agent shall determine whether any taxpayer filing a report or return with the department of revenue who has not applied for the credit allowed pursuant to section 135.020 may

qualify for the credit, and shall notify any qualified claimant of [his or her] **the claimant's** potential eligibility, where the department determines such potential eligibility exists.”; and

Further amend said bill, Section 135.610, Page 36, Line 66, by inserting after all of said line, the following:

“135.634. 1. As used in this section, the following terms mean:

(1) “Tax credit”, a credit against the tax otherwise due under chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo;

(2) “Taxpayer”, any individual subject to the tax imposed in chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, and who is eligible for the federal earned income credit.

2. For all taxable years beginning on or after January 1, 2007, a taxpayer shall be allowed a tax credit for income earned by the taxpayer. The tax credit amount shall be equal to twenty percent of the amount of any federal earned income credit claimed by the taxpayer in the tax year for which the tax credit is claimed. The amount of the tax credit issued shall not exceed the amount of the taxpayer's state tax liability for the tax year for which the credit is claimed. No amount of credit that the taxpayer is prohibited by this section from claiming in a tax year shall be refundable, nor shall any tax credit granted under this section be transferred, sold, or assigned.

3. The department of revenue may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section

and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

4. Under section 23.253, RSMo, of the Missouri Sunset Act:

(1) The provisions of the new program authorized under this section shall automatically sunset on December thirty-first six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

Further amend said bill, Section 141.640, Page 60, Line 9, by inserting after all of said section, the following:

“143.126. 1. As used in this section, “taxpayer” means any resident individual who is sixty-five years of age or older and whose Missouri adjusted gross income is either:

(1) Forty thousand dollars or less if the taxpayer's filing status is single, head of household, or married filing separately; or

(2) Fifty thousand dollars or less if the taxpayer's filing status is married filing combined.

2. For all taxable years beginning on or

after January 1, 2007, any taxpayer shall be allowed to subtract from the taxpayer's Missouri adjusted gross income to determine Missouri taxable income an amount equal to the amount of any Social Security benefits or Social Security disability benefits received by the taxpayer and that are included in federal adjusted gross income under Section 86 of the Internal Revenue Code of 1986, as amended.

3. The director of the department of revenue may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

4. Under section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on December thirty-first of the calendar year immediately following the calendar year in

which the program authorized under this section is sunset.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Bill No. 582, Section 137.106, Page 43, Line 259 by inserting after all of said section and line the following:

“137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this state including the city of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor's city, county, town or district. Except as otherwise provided in subsection 3 of this section and section 137.078, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and

submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

(1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and

(2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this paragraph, the

word “comparable” means that:

(a) Such sale was closed at a date relevant to the property valuation; and

(b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and the city of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following [percents] **percentages** of their true value in money:

(1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;

(2) Livestock, twelve percent;

(3) Farm machinery, twelve percent;

(4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131, RSMo, and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than fifty hours per year or aircraft that are home built from a kit, five percent;

(5) Poultry, twelve percent; and

(6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in

subdivision (6) of section 135.200, RSMo, twenty-five percent.

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. All subclasses of real property, as such subclasses are established in section 4(b) of article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

(1) For real property in subclass (1), nineteen percent;

(2) For real property in subclass (2), twelve percent; and

(3) For real property in subclass (3), thirty-two percent.

6. Manufactured homes, as defined in section 700.010, RSMo, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. A manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. A manufactured home located

on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.

10. Before the assessor may increase the assessed valuation of any parcel of subclass (1) real property by more than fifteen percent since the last assessment, excluding increases due to new construction or improvements, the assessor shall conduct a physical inspection of such property.

11. If a physical inspection is required, pursuant to subsection 10 of this section, the assessor shall notify the property owner of that fact

in writing and shall provide the owner clear written notice of the owner's rights relating to the physical inspection. If a physical inspection is required, the property owner may request that an interior inspection be performed during the physical inspection. The owner shall have no less than thirty days to notify the assessor of a request for an interior physical inspection.

12. A physical inspection, as required by subsection 10 of this section, shall include, but not be limited to, an on-site personal observation and review of all exterior portions of the land and any buildings and improvements to which the inspector has or may reasonably and lawfully gain external access, and shall include an observation and review of the interior of any buildings or improvements on the property upon the timely request of the owner pursuant to subsection 11 of this section. Mere observation of the property via a “drive-by inspection” or the like shall not be considered sufficient to constitute a physical inspection as required by this section.

13. The provisions of subsections 11 and 12 of this section shall only apply in any county with a charter form of government with more than one million inhabitants.

14. A county or city collector may accept credit cards as proper form of payment of outstanding property tax or license due. No county or city collector may charge surcharge for payment by credit card which exceeds the fee or surcharge charged by the credit card bank, processor, or issuer for its service. A county or city collector may accept payment by electronic transfers of funds in payment of any tax or license and charge the person making such payment a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic payment.

15. [The provisions of this section and sections 137.073, 138.060 and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, shall become effective January 1, 2003, for any taxing

jurisdiction within a county with a charter form of government with greater than one million inhabitants, and the provisions of this section and sections 137.073, 138.060 and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, shall become effective October 1, 2004, for all taxing jurisdictions in this state.] Any county or city not within a county in this state may, by an affirmative vote of the governing body of such county, opt out of the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by this act, for the next year of the general reassessment, prior to January first of any year. No county or city not within a county shall exercise this opt-out provision after implementing the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by this act, in a year of general reassessment. For the purposes of applying the provisions of this subsection, a political subdivision contained within two or more counties where at least one of such counties has opted out and at least one of such counties has not opted out shall calculate a single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general assembly, second regular session. A governing body of a city not within a county or a county that has opted out under the provisions of this subsection may choose to implement the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, and section 137.073 as modified by this act, for the next year of general reassessment, by an affirmative vote of the governing body prior to December thirty-first of any year.

16. The governing body of any city of the third classification located in any county that

has exercised its authority to opt out under subsection 15 of this section may levy separate and differing tax rates for real and personal property only if such city bills and collects its own property taxes or satisfies the entire cost of the billing and collection of such separate and differing tax rates. Such separate and differing rates shall not exceed such city's tax rate ceiling.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Bill No. 582, Page 60, Section 141.640, Line 9 by inserting after all of said section the following:

“143.161. 1. For all taxable years beginning after December 31, 1997, a resident may deduct one thousand two hundred dollars for each dependent for whom such resident is entitled to a dependency exemption deduction for federal income tax purposes. In the case of a dependent who has attained sixty-five years of age on or before the last day of the taxable year, if such dependent resides in the taxpayer's home or the dependent's own home or if such dependent does not receive Medicaid or state funding while residing in a facility licensed pursuant to chapter 198, RSMo, the taxpayer may deduct an additional one thousand dollars.

2. For all taxable years beginning before January 1, 1999, a resident who qualifies as an unmarried head of household or as a surviving spouse for federal income tax purposes may deduct an additional eight hundred dollars. For all taxable years beginning on or after January 1, 1999, a resident who qualifies as an unmarried head of household or as a surviving spouse for federal income tax purposes may deduct an additional one thousand four hundred dollars.

3. For all taxable years beginning on or

after January 1, 2008, for each birth for which a certificate of birth resulting in stillbirth has been issued under section 193.165, RSMo, a taxpayer may claim the exemption under subsection 1 of this section only in the taxable year in which the stillbirth occurred, if the child otherwise would have been a member of the taxpayer's household.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Bill No. 582, 144.030, Page 71, Line 288, by inserting immediately after said line the following:

“144.051. 1. As used in this section, “machinery and equipment” means new or used farm tractors and such other new or used machinery and equipment and repair or replacement parts thereon, and supplies and lubricants used exclusively, solely, and directly for the planting, harvesting, processing, or transporting of a forestry product, and the purchase of motor fuel, as defined in section 142.800, RSMo, therefor which is:

- (1) Used exclusively for forestry purposes;
- (2) Used on land owned or leased for the purpose of planting, harvesting, processing, or transporting forestry products; and
- (3) Used directly in planting, harvesting, processing, or transporting forestry products.

2. Notwithstanding any other provision of law to the contrary, for purposes of department of revenue administrative interpretation, all machinery and equipment used solely for the planting, harvesting, processing, or transporting of a forestry product shall be considered farm machinery, and shall be exempt from state and local sales and use tax, as provided for other farm machinery in section

144.030.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Bill No. 582, Section 144.030, Page 71, Line 288, by striking all of said line and inserting in lieu thereof the following:

“(41) For all tax years beginning on or after January 1, 2008 and ending on or before December 31, 2013 all sales of steel posts and wire used for fencing for agriculture purposes.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Bill No. 582, Section 143.431, Page 63, Line 93, by inserting after all of said section, the following:

“144.020. 1. A tax is hereby levied and imposed upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state. The rate of tax shall be as follows:

(1) Upon every retail sale in this state of tangible personal property, including but not limited to motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard motors, a tax equivalent to four percent of the purchase price paid or charged, or in case such sale involves the exchange of property, a tax equivalent to four percent of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange, except as otherwise provided in section 144.025;

(2) A tax equivalent to four percent of the amount paid for admission and seating accommodations, or fees paid to, or in any place of amusement, entertainment or recreation, games and athletic events;

(3) A tax equivalent to four percent of the basic rate paid or charged on all sales of electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(4) A tax equivalent to four percent on the basic rate paid or charged on all sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto; except that, the payment made by telecommunications subscribers or others, pursuant to section 144.060, and any amounts paid for access to the Internet or interactive computer services shall not be considered as amounts paid for telecommunications services;

(5) A tax equivalent to four percent of the basic rate paid or charged for all sales of services for transmission of messages of telegraph companies;

(6) A tax equivalent to four percent on the amount of sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are regularly served to the public;

(7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in

the transportation of persons for hire;

(8) A tax equivalent to four percent of the amount paid or charged for rental or lease of tangible personal property, provided that if the lessor or renter of any tangible personal property had previously purchased the property under the conditions of "sale at retail" [as defined in subdivision (8) of section 144.010] or leased or rented the property and the tax was paid at the time of purchase, lease or rental, the lessor, sublessor, renter or subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or subrental receipts from that property. The purchase, rental or lease of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors shall be taxed and the tax paid as provided in this section and section 144.070. In no event shall the rental or lease of boats and outboard motors be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be taxed under the provisions of the sales tax laws as provided under such laws for motor vehicles and trailers. Tangible personal property which is exempt from the sales or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental thereof;

(9) A tax equivalent to four percent of the amount paid for admission and seating accommodations, or fees paid to or in any place of recreation for admission and seating or as part of a contest or competition, with the exception of dues or fees paid to any health spa as defined in section 407.325, RSMo, solely for: membership; league participation; weight, nutritional, massage, or cardiological training between one or more licensed or certified trainers and one or more persons receiving such paid services, including such services and any activity, exercise, training, or therapy referred

or prescribed by a physician or that is covered by health insurance.

2. All tickets sold which are sold under the provisions of sections 144.010 to 144.525 which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the words "This ticket is subject to a sales tax.""; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 13

Amend House Committee Substitute for Senate Bill No. 582, Page 78, Section 320.093, Line 51, by inserting after all of said line the following:

"393.715. 1. The general powers of a commission to the extent provided in section 393.710 to be exercised for the benefit of its contracting members shall include the power to:

(1) Plan, develop, acquire, construct, reconstruct, operate, manage, dispose of, participate in, maintain, repair, extend or improve one or more projects, either exclusively or jointly or by participation with electric cooperative associations, municipally owned or public utilities or acquire any interest in or any rights to capacity of a project, within or outside the state, and act as an agent, or designate one or more other persons participating in a project to act as its agent, in connection with the planning, acquisition, construction, operation, maintenance, repair, extension or improvement of such project;

(2) Acquire, sell, distribute and process fuels necessary to the production of electric power and energy; provided, however, the commission shall not have the power or authority to erect, own, use or maintain a transmission line which is parallel or generally parallel to another transmission line in place within a distance of two miles, which serves the same general area sought to be served by the commission unless the public service commission finds that it is not feasible to utilize the

transmission line which is in place;

(3) Acquire by purchase or lease, construct, install, and operate reservoirs, pipelines, wells, check dams, pumping stations, water purification plants, and other facilities for the production, wholesale distribution, and utilization of water and to own and hold such real and personal property as may be necessary to carry out the purposes of its organization; provided, however, that a commission shall not sell or distribute water, at retail or wholesale, within the certificated area of a water corporation which is subject to the jurisdiction of the public service commission unless the sale or distribution of water is within the boundaries of a public water supply district or municipality which is a contracting municipality in the commission and the commission has obtained the approval of the public service commission prior to commencing such said sale or distribution of water;

(4) Acquire by purchase or lease, construct, install, and operate lagoons, pipelines, wells, pumping stations, sewage treatment plants and other facilities for the treatment and transportation of sewage and to own and hold such real and personal property as may be necessary to carry out the purposes of its organization;

(5) Enter into operating, franchises, exchange, interchange, pooling, wheeling, transmission and other similar agreements with any person;

(6) Make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the commission;

(7) Employ agents and employees;

(8) Contract with any person, within or outside the state, for the construction of any project or for any interest therein or any right to capacity thereof, without advertising for bids, preparing final plans and specifications in advance of construction, or securing performance and payment of bonds, except to the extent and on such terms as its board of directors or executive committee shall

determine. Any contract entered into pursuant to this subdivision shall contain a provision that the requirements of sections 290.210 to 290.340, RSMo, shall apply;

(9) Purchase, sell, exchange, transmit, treat, dispose or distribute water, sewage, gas, heat or electric power and energy, or any by-product resulting therefrom, within and outside the state, in such amounts as it shall determine to be necessary and appropriate to make the most effective use of its powers and to meet its responsibilities, and to enter into agreements with any person with respect to such purchase, sale, exchange, treatment, disposal or transmission, on such terms and for such period of time as its board of directors or executive committee shall determine. A commission may not sell or distribute water, gas, heat or power and energy, or sell sewage service at retail to ultimate customers outside the boundary limits of its contracting municipalities except pursuant to subsection 2 or 3 of this section;

(10) Acquire, own, hold, use, lease, as lessor or lessee, sell or otherwise dispose of, mortgage, pledge, or grant a security interest in any real or personal property, commodity or service or interest therein;

(11) Exercise the powers of eminent domain for public use as provided in chapter 523, RSMo, except that the power of eminent domain shall not be exercised against any electric cooperative association, municipally owned or public utility;

(12) Incur debts, liabilities or obligations including the issuance of bonds pursuant to the authority granted in section 27 of article VI of the Missouri Constitution;

(13) Sue and be sued in its own name;

(14) Have and use a corporate seal;

(15) Fix, maintain and revise fees, rates, rents and charges for functions, services, facilities or commodities provided by the commission. **The powers enumerated in this subdivision shall constitute the power to tax for purposes of**

article 10, section 15 of the Missouri Constitution;

(16) Make, and from time to time, amend and repeal, bylaws, rules and regulations not inconsistent with this section to carry into effect the powers and purposes of the commission;

(17) Notwithstanding the provisions of any other law, invest any funds held in reserve or sinking funds, or any funds not required for immediate disbursement, including the proceeds from the sale of any bonds, in such obligations, securities and other investments as the commission deems proper;

(18) Join organizations, membership in which is deemed by the board of directors or its executive committee to be beneficial to accomplishment of the commission's purposes;

(19) Exercise any other powers which are deemed necessary and convenient by the commission to effectuate the purposes of the commission; and

(20) Do and perform any acts and things authorized by this section under, through or by means of an agent or by contracts with any person.

2. When a municipality purchases a privately owned water utility and a commission is created pursuant to sections 393.700 to 393.770, the commission may continue to serve those locations previously receiving water from the private utility even though the location receives such service outside the geographical area of the municipalities forming the commission. New water service may be provided in such areas if the site to receive such service is located within one-fourth of a mile from a site serviced by the privately owned water utility.

3. When a commission created by any of the contracting entities listed in subdivision (4) of section 393.705 becomes a successor to any nonprofit water corporation, nonprofit sewer corporation or other nonprofit agency or entity organized to provide water or sewer service, the commission may continue to serve, as well as

provide new service to, those locations and areas previously receiving water or sewer service from such nonprofit entity, regardless of whether or not such location receives such service outside the geographical service area of the contracting entities forming such commission; provided that such locations and areas previously receiving water and sewer service from such nonprofit entity are not located within:

(1) Any county of the first classification with a population of more than six hundred thousand and less than nine hundred thousand;

(2) The boundaries of any sewer district established pursuant to article VI, section 30(a) of the Missouri Constitution; or

(3) The certificated area of a water or sewer corporation that is subject to the jurisdiction of the public service commission.

393.720. Any commission established by joint contract under sections 393.700 to 393.770 shall constitute a body public and corporate of the state, exercising public powers for the benefit of its contracting members and in order to carry out the public purposes and the public functions of its contracting members. It shall have the duties, privileges, immunities, rights, liabilities and disabilities of its contracting members and as a public body politic and corporate, **including the power to tax**, but shall not have **any additional** taxing power separate from that of its members nor shall it have the benefit of the doctrine of sovereign immunity.

393.740. 1. All bonds issued pursuant to sections 393.700 to 393.770 and all income or interest thereon shall be exempt from all state taxes, except estate and transfer taxes.

2. All property, real and tangible personal, except for properties acquired exclusively for water supply districts **and water supply commissions**, acquired by the bonds issued pursuant to sections 393.700 and 393.770 or otherwise acquired by a commission shall be

subject to taxation for state, county, and municipal and other local purposes only to the same extent as if such property was owned directly by each contracting or participating municipality in such proportion or manner as specified by contract among all contracting or participating municipalities party to a project or if not specified in proportion to the percentage of each municipality's interest or participation in the facility or property.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Bill No. 582, Section 135.090, Page 34, Line 38, by inserting after all of said section, the following:

“135.096. 1. In order to promote personal financial responsibility for long-term health care in this state, for all taxable years beginning after December 31, 1999, **but ending on or before December 31, 2006**, a resident individual may deduct from such individual's Missouri taxable income an amount equal to fifty percent of all nonreimbursed amounts paid by such individual for qualified long-term care insurance premiums to the extent such amounts are not included in the individual's itemized deductions. **For all taxable years beginning on or after January 1, 2007, a resident individual may deduct from such individual's Missouri taxable income an amount equal to one hundred percent of all nonreimbursed amounts paid by such individual for qualified long-term care insurance premiums to the extent such amounts are not included in the individual's itemized deductions.** A married individual filing a Missouri income tax return separately from his or her spouse shall be allowed to make a deduction pursuant to this section in an amount equal to the proportion of such individual's payment of all qualified long-term care insurance premiums. The director of the department of revenue shall place a line on

all Missouri individual income tax returns for the deduction created by this section.

2. For purposes of this section, “qualified long-term care insurance” means any policy which meets or exceeds the provisions of sections 376.1100 to 376.1118, RSMo, and the rules and regulations promulgated pursuant to such sections for long-term care insurance.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 15

Amend House Committee Substitute for Senate Bill No. 582, Page 34, Section 135.090, Line 38, by inserting after all of said line the following:

“135.600. 1. As used in this section, the following terms shall mean:

(1) “Contribution”, a donation of cash, stock, bonds or other marketable securities, or real property;

(2) “Maternity home”, a residential facility located in this state established for the purpose of providing housing and assistance to pregnant women who are carrying their pregnancies to term, and which is exempt from income taxation under the United States Internal Revenue Code;

(3) “State tax liability”, in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo;

(4) “Taxpayer”, a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri

and subject to the state income tax imposed by the provisions of chapter 143, RSMo, **including any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143, RSMo**, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a maternity home.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a maternity home or homes in such taxpayer's taxable year has a value of at least one hundred dollars.

5. The director of the department of social services shall determine, at least annually, which

facilities in this state may be classified as maternity homes. The director of the department of social services may require of a facility seeking to be classified as a maternity home whatever information is reasonably necessary to make such a determination. The director of the department of social services shall classify a facility as a maternity home if such facility meets the definition set forth in subsection 1 of this section.

6. The director of the department of social services shall establish a procedure by which a taxpayer can determine if a facility has been classified as a maternity home, and by which such taxpayer can then contribute to such maternity home and claim a tax credit. Maternity homes shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to maternity homes in any one fiscal year shall not exceed [two] **three** million dollars.

7. The director of the department of social services shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director of the department of social services, the cumulative amount of tax credits are equally apportioned among all facilities classified as maternity homes. If a maternity home fails to use all, or some percentage to be determined by the director of the department of social services, of its apportioned tax credits during this predetermined period of time, the director of the department of social services may reapportion these unused tax credits to those maternity homes that have used all, or some percentage to be determined by the director of the department of social services, of their apportioned tax credits during this predetermined period of time. The director of the department of social services may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director of the department of social services shall establish the procedure described in this subsection in such a manner as to

ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. This section shall become effective January 1, 2000, and shall apply to all tax years after December 31, 1999.

9. Notwithstanding any other law to the contrary, any tax credits granted under this section may be assigned, transferred, sold, or otherwise conveyed without consent or approval.”; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 16

Amend House Committee Substitute for Senate Bill No. 582, Section 144.030, Page 63, Line 14 by inserting after the words “motor fuel or” the following: “, **biofuels**,”; and

Further amend said bill, Section 165.071, Page 76, Line 18 by inserting after all of said section and line the following:

“313.057. 1. It is unlawful for any person, either as an owner, lessee or employee, to operate, carry on, conduct or maintain any form of manufacturing, selling, leasing or distribution of any bingo equipment or supplies without having first procured and maintained a Missouri bingo equipment and supplies manufacturer or supplier license.

2. The commission shall submit two sets of fingerprints for each key person, as defined in commission rules and regulations, of an entity or organization seeking issuance or renewal of a Missouri bingo equipment and supplies manufacturer or supplier license, for the purpose of checking the person's prior criminal history when the commission determines a nationwide check is warranted. The fingerprint cards and any required fees shall be sent to the Missouri state highway patrol's criminal records division. The first set of fingerprints shall be used for searching the state

repository of criminal history information. The second set of fingerprints shall be forwarded to the Federal Bureau of Investigation, Identification Division, for the searching of the federal criminal history files. The patrol shall notify the commission of any criminal history information or lack of criminal history information discovered on the individual. Notwithstanding the provisions of section 610.120, RSMo, all records related to any criminal history information discovered shall be accessible and available to the commission.

3. The holder of a state bingo license may, within two years of cessation of conducting bingo or upon specific approval by the commission, dispose of by sale in a manner approved by the commission, any or all of his bingo equipment and supplies, without a supplier's license. In case of foreclosure of a lien by a bank or other person holding a security interest for which bingo equipment is security in whole or in part for the lien, the commission may authorize the disposition of the bingo equipment without requiring a supplier's license.

4. Any person whom the commission determines to be a suitable person to receive a license pursuant to the provisions of this section may be issued a manufacturer's or supplier's license. The commission may require suppliers to post a bond with the commission in an amount and in the manner prescribed by the commission. The burden of proving his qualification to receive or hold a license pursuant to this section is at all times on the applicant or licensee.

5. The commission shall charge and collect from each applicant for a supplier's license a one-time application fee set by the commission, not to exceed five thousand dollars. The commission shall charge and collect an annual renewal fee for each supplier licensee not to exceed one thousand dollars.

6. The commission shall charge and collect from each applicant for a manufacturer's license a one-time application fee set by the commission,

not to exceed one thousand dollars. The commission shall charge and collect an annual renewal fee for each manufacturer licensee not to exceed five hundred dollars.

7. The commission shall charge and collect from each applicant for a hall provider's license a one-time application fee set by the commission, not to exceed seven hundred fifty dollars. The commission shall charge and collect an annual renewal fee for each hall provider licensee not to exceed five hundred dollars.

8. All licenses issued pursuant to this section shall be issued for the calendar year and shall expire on December thirty-first of each year. Regardless of the date of application or issuance of the license, the fee to be charged and collected pursuant to this section shall be the full annual fee.

9. All license fees collected pursuant to this section shall be paid over immediately to the state treasurer to be deposited to the credit of the gaming commission bingo fund.

10. All licensees pursuant to this section shall maintain for a period of not less than three years full and complete records of all business carried on in this state and shall make same available for inspection to any duly authorized representative of the commission. If a supplier does not receive payment in full from an organization within thirty days of the delivery of bingo supplies, the supplier shall notify the commission in writing, or in a manner specified by the commission in its rules and regulations, of the delinquency. Upon receipt of the notice of delinquency, the commission shall notify all suppliers that until further notice from the commission, all sales of bingo supplies to the delinquent organizations shall be on a cash-only basis. Upon receipt of the notice from the commission, no supplier may extend credit to the delinquent organization until such time as the commission approves credit sales. If a manufacturer does not receive payment in full from a supplier within ninety days of the delivery of bingo supplies, the manufacturer shall notify the

commission in writing, or in a manner specified by the commission in its rules and regulations, of the delinquency. Upon receipt of the notice of delinquency, the commission shall notify all manufacturers that until further notice from the commission, all sales of bingo supplies to the delinquent supplier shall be on a cash-only basis. Upon receipt of the notice from the commission, no manufacturer may extend credit to the delinquent supplier until such time as the commission approves credit sales.

11. [Until January 1, 1995, all suppliers shall pay a tax on all pull-tab cards distributed by them in the amount of ten dollars per box when sold by any organization licensed to conduct bingo pursuant to the provisions of sections 313.005 to 313.080. No box sold shall contain more than twenty-four hundred pull-tab cards. Beginning January 1, 1995, a tax is hereby imposed in the amount of two percent of the gross receipts of the retail sales value charged for each pull-tab card sold in Missouri to be paid by the supplier. The taxes, less two percent of the total amount paid which may be retained by the supplier, if timely filed and paid, shall be paid on a monthly basis to the commission by each supplier of pull-tabs and shall be due on the last day of each month following the month in which the pull-tabs were sold. The taxes shall be deposited in the state treasury, credited to the bingo proceeds for education fund.] All pull-tab cards sold by suppliers in this state shall bear on the face thereof the amount for which such pull-tab cards will be sold, and the license number of the supplier shall be printed on the inventory statement commonly called the flare, enclosed in each unit container. Each unit container shall contain cards printed in such a manner as to ensure that at least sixty percent of the gross revenues generated by the ultimate sale of such cards shall be returned to the final purchasers of such cards. [Any supplier who fails to pay the tax imposed pursuant to this subsection shall have his license issued pursuant to this section revoked and shall be guilty of a class A

misdemeanor.]”]; and

Further amend said bill, Section 144.517, Page 78, Line 13 by inserting after all of said line and section the following:

“[313.055. 1. Until January 1, 1995, a tax is hereby imposed on each organization conducting the game of bingo which awards to winners of bingo games prizes or merchandise having an aggregate retail value of more than five thousand dollars annually and more than one hundred dollars in any single day. The tax shall be in an amount equal to two and one-half percent of the total gross receipts realized from each game of bingo conducted, shall be paid on a monthly basis to the commission, by each person or licensee conducting a game or games of bingo and shall be due on the fifteenth day of the month following the month in which each bingo game was conducted. Beginning January 1, 1995, the tax shall be in the amount of two-tenths of one cent upon each bingo card and progressive bingo game card sold in Missouri to be paid by the supplier. The taxes, less two percent of the total amount paid which may be retained by the supplier, shall be paid on a monthly basis to the commission, by each supplier of bingo supplies and shall be due on the last day of the month following the month in which the bingo card was sold, with the date of sale being the date on the invoice evidencing the sale, along with such reports as may be required by the commission. The taxes shall be deposited in the state treasury, credited to the bingo proceeds for education fund.

2. All taxes not paid to the commission by the person or licensee required to remit the same on the date when the same becomes due and payable to the commission under the provisions of sections 313.005 to 313.085 shall bear interest at the rate to be set by the commission not to exceed two percent per calendar month, or fraction thereof, from and after such date until paid. In addition, the commission may impose a penalty not to exceed three times the amount of taxes due for failure to submit the reports required by this section and pay

the taxes due.]”]; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

CONFERENCE COMMITTEE REPORTS

Senator Engler, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 156**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 156

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 156, with House Amendment No. 1 to House Amendment No. 1, House Amendment No. 1, as amended, House Amendment Nos. 2, 3, and 6, House Amendment No. 1 to House Amendment No. 7, House Amendment No. 7, as amended, and House Amendment No. 9, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 156, as amended;

2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 156;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 156, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Kevin Engler /s/ John Quinn

/s/ Chuck Purgason /s/ Michael Dethrow

/s/ Robert Mayer /s/ Steve Hobbs

/s/ Frank A. Barnitz /s/ Rebecca McClanahan

/s/ Wes Shoemyer /s/ Terry L. Witte

Senator Goodman assumed the Chair.

Senator Engler moved that the above conference committee report be adopted.

At the request of Senator Engler, the above motion was withdrawn.

PRIVILEGED MOTIONS

Senator Scott moved that **SCS** for **SB 497**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 497**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 497

An Act to repeal sections 50.327, 52.290, 52.312, 52.315, 52.317, 58.500, 58.510, 94.660, 110.130, 110.140, 110.150, 141.150, 141.640, and 473.743, RSMo, and to enact in lieu thereof thirteen new sections relating to county officials, with penalty provisions.

Was taken up.

Senator Scott moved that **HCS** for **SCS** for **SB 497** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Scott, **HCS** for **SCS** for **SB 497** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Shoemyer moved that the Senate refuse to concur in **HCS** for **SB 582**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference

thereon, which motion prevailed.

Senator Scott assumed the Chair.

HOUSE BILLS ON THIRD READING

HCS for **HB 431**, with **SCS**, entitled:

An Act to repeal sections 347.137, 351.015, and 351.459, RSMo, and to enact in lieu thereof four new sections relating to business organizations.

Was called from the Informal Calendar and taken up by Senator Goodman.

SCS for **HCS** for **HB 431**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 431

An Act to repeal sections 347.137, 351.015, and 351.459, RSMo, and to enact in lieu thereof three new sections relating to business organizations.

Was taken up.

Senator Goodman moved that **SCS** for **HCS** for **HB 431** be adopted, which motion prevailed.

On motion of Senator Goodman, **SCS** for **HCS** for **HB 431** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Crowell assumed the Chair.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2** for **SCS** for **SB 313**, entitled:

An Act to repeal sections 700.010, 700.045, 700.056, 700.065, 700.070, 700.090, 700.100, 700.115, 700.450, 700.455, 700.460, 700.465, 700.470 and 700.650, RSMo, and to enact in lieu thereof fourteen new sections relating to consumer protection, with penalty provisions.

With House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2 and House Amendment No. 2, as amended.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 313, Page 1, In the Title, Line 3, by inserting after “RSMo,” the following: “and sections 388.700, 388.703, 388.706, 388.709, 388.712, 388.715, 388.718, 388.721, 388.724, 388.727, 388.730, 388.733, 388.736, 388.739, 388.742, and 388.745 as truly agreed and finally passed in Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 327, Ninety-fourth General Assembly, First Regular Session,”; and

Further amend said bill, Page 1, Section A,

Line 2, by inserting after “RSMo,” the following: “and sections 388.700, 388.703, 388.706, 388.709, 388.712, 388.715, 388.718, 388.721, 388.724, 388.727, 388.730, 388.733, 388.736, 388.739, 388.742, and 388.745 as truly agreed and finally passed in Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 327, Ninety-fourth General Assembly, First Regular Session,”; and

Further amend said bill, Page 9, Section 1, Line 15, by inserting after all of said line the following:

“[388.700. Sections 388.700 to 388.745 shall be known as “The Regional Railroad Authorities Act.” As used in sections 388.700 to 388.745, unless the context clearly requires otherwise, the following words and terms shall mean:

(1) “Authority”, “railroad authority”, or “regional railroad authority”, a regional railroad authority organized and operated as a political subdivision under sections 388.700 to 388.745;

(2) “Common carrier”, a railroad engaged in transportation for hire;

(3) “Commissioners”, the commissioners of the regional railroad authority;

(4) “Project”, any railroad facilities proposed to be acquired, constructed, improved, or refinanced by an authority, including any real or personal property, structures, machinery, equipment, and appurtenances determined by the authority to be useful or convenient for railroad operations and handling passengers or freight;

(5) “Railroad”, any form of nonhighway ground transportation

that runs on rails or electromagnetic guideways. The term “railroad” shall also have the meaning associated to it in 49 U.S.C. Section 20102, as amended;

(6) “Railroad properties and facilities”, any real or personal property or interest in such property which is owned, leased or otherwise controlled by a railroad or other person, including an authority, and which are used or are useful in rail transportation service, including:

(a) Track, roadbed and related structures, including rail, ties, ballast, other track materials, grading, tunnels, bridges, tressels, culverts, elevated structures, stations, office buildings used for operating purposes only, repair shops, engine houses and public improvements used or usable for rail service operation;

(b) Communication and power transmission systems for use by railroads;

(c) Signals, including signals and interlockers;

(d) Terminal or yard facilities and services to express company and railroads and their shippers, including ferries, tugs, car floats and related shoreside facilities designed for the transportation of equipment by water;

(e) Shop or repair facilities or any other property used or capable of being used in rail freight transportation services or in connection with such services or for originating, terminating, improving and expediting the movement of equipment or goods;

(6) “Real property”, lands,

structures, improvements thereof, and water and riparian rights, and any and all interests and estates therein, legal or equitable, including but not limited to easements, rights-of-way, uses, leases, and licenses.]

[388.703. The purpose of an authority established and operated under sections 388.700 to 388.745 is to provide for the preservation, improvement, and the continuation of rail service for agriculture, industry, or passenger traffic and to provide for the preservation of railroad right-of-way for transportation uses, when determined to be practicable and necessary for the public welfare. The acquisition of real property under sections 388.700 to 388.745; the planning, acquisition, establishment, construction, improvement, maintenance, equipment, operation, regulation, and protection of authority facilities; and the exercise of powers granted to authorities and other public agencies to be severally or jointly exercised are public and governmental functions, exercised for public purpose, and matters of public necessity. All real property and other property acquired and used by or on behalf of an authority or other public agency, as provided in sections 388.700 to 388.745, shall be used for public and governmental purposes and as a matter of public necessity.]

[388.706. 1. Every municipality or county within this state is authorized to form a regional railroad authority under the provisions of this section.

2. A regional railroad authority may be organized by resolution or joint resolution adopted by the

governing body or bodies of one or more counties. The governing body or bodies of a municipality or municipalities within a county or counties may request by resolution that the county or counties organize a railroad authority. If the county or counties do not organize an authority within ninety days of receipt of the request, the municipality or municipalities may organize an authority by resolution or joint resolution. A resolution organizing an authority shall state:

(1) That the authority is organized under the provisions of sections 388.700 to 388.745 as a political subdivision of Missouri;

(2) The proposed name of the authority, including the words “regional railroad authority”;

(3) The county, counties, municipality or municipalities adopting the organization resolution;

(4) The number of commissioners of the authority, not less than five; the number to be appointed by the governing body of each county or municipality; and the names and addresses of the board of commissioners;

(5) The city and county in which the registered office of the authority is to be situated;

(6) That neither the state of Missouri, the municipality or municipalities, nor any other political subdivision is liable for obligations of the authority; and

(7) Any other provision for regulating the business of the authority determined by the governing body or

bodies adopting the resolution.]

[388.709. Before final adoption of an organization resolution, the governing body of each county or municipality named in it shall provide for a public hearing upon notice published in a newspaper of general circulation in the county or municipality. The notice of a hearing by the governing body of a county shall be mailed to the governing body of each municipality in the county, except municipalities participating in the organization, at least thirty days before the hearing. The hearing may be adjourned from time to time, to a time and place publicly announced at the hearing, or to a time and place fixed by notice published in a newspaper of general circulation in the county or municipality at least ten days before the adjourned session. Joint hearing sessions may be held by the governing bodies of all counties or municipalities named, at any convenient public place within any of the counties or municipalities. The resolution may be amended by the governing body or bodies at or after any hearing session at which the amended resolution is proposed and made available to interested citizens. It shall not become effective until adopted in identical form by the governing bodies of all counties or municipalities named in the resolution.]

[388.712. Upon the appointment and qualification of the commissioners first appointed to a regional railroad authority under section 388.715, the commissioners shall submit to the secretary of state a certified copy of each resolution adopted pursuant to

section 388.706. A copy of the organization resolution, certified by the recording officer of each municipality or county adopting it, shall be filed with the secretary of state, who shall issue a certificate of incorporation if the resolution conforms to the requirements of this section, stating in the certificate the name of the authority and the date of its incorporation, which shall be the date of acceptance for filing. The certificate of incorporation shall be conclusive evidence of the valid organization and existence of the authority.]

[388.715. 1. All powers granted to an authority shall be exercised by its board of commissioners. Commissioners shall be appointed and vacancies in their office shall be filled by the governing body of each county or municipality named in the organization resolution, in accordance with the provisions of that resolution. The term of each commissioner shall be one year, or the remainder of the one year term for which a vacancy is filled, and until a successor is appointed. Commissioners shall receive no compensation for services but shall be reimbursed for necessary expenses incurred in the performance of their duties.

2. The board of commissioners shall by resolution establish the time and place or places of its regular meetings and the method and notice required for calling special meetings, all of which shall be open to the public. A majority of the commissioners being present at a meeting, any action may be taken by resolution or motion adopted by recorded vote of a majority

of those present, unless a larger majority is required by bylaws adopted by the board.

3. The board of commissioners shall appoint a chair, vice-chair, secretary, and treasurer from its members, each to serve for a term of one year and until a successor is appointed. The offices of secretary and treasurer may be combined, and deputies or assistants may be appointed for either office or the combined office, from members of the board or otherwise. The powers and duties of each office shall be determined by the board, which shall require and pay for a surety bond for each officer handling funds. The board shall provide for the keeping of a full and accurate record of all proceedings and of resolutions, regulations, and orders issued or adopted. The state auditor shall annually audit the books of said regional railroad authority.]

[388.718. An authority may exercise all the powers necessary or desirable to implement the powers specifically granted in sections 388.700 to 388.745, and in exercising the powers is deemed to be performing an essential governmental as a political subdivision of the state. Without limiting the generality of the foregoing, the authority may:

(1) Sue and be sued, have a seal, and have perpetual succession;

(2) Execute contracts and other instruments and take other action as may be necessary to carry out the purposes of sections 388.700 to 388.745;

(3) Receive and disburse federal,

state, and other funds, public or private, made available by grant, loan, contribution, tax levy, or other source to accomplish the purposes of sections 388.700 to 388.745. Federal money accepted under this section shall be accepted and spent by the authority upon terms and conditions prescribed by the United States and consistent with state law. All state money accepted under this section shall be accepted and spent by the authority upon terms and conditions prescribed by the state.

(4) Sell, lease, or otherwise dispose of real or personal property acquired under sections 388.700 to 388.745. The disposal must be in accordance with the laws of this state governing the disposition of other public property.]

[388.721. 1. The authority may plan, establish, acquire, develop, construct, purchase, enlarge, extend, improve, maintain, equip, operate, regulate, and protect railroads, railroad properties and railroad facilities within its boundaries, including but not limited to terminal buildings, roadways, crossings, bridges, causeways, tunnels, equipment, and rolling stock.

2. The authority may apply to any public agency for permits, consents, authorizations, and approvals required for any project and take all actions necessary to comply with their conditions.]

[388.724. The authority may exercise the power of eminent domain under chapter 523, RSMo, except that it shall have no power of eminent domain with respect to property owned by another authority or

political subdivision of Missouri or any other state, or with respect to property owned or used by a railroad corporation unless the federal Surface Transportation Board or a successor agency, if any, or another authority with power to make the finding, has found that the public convenience and necessity permit discontinuance of rail service on the property. All property taken for the exercise of the powers granted herein is declared to be taken for a public governmental purpose and as a matter of public necessity.]

[388.727. The state of Missouri and any political subdivision or municipal corporation thereof may in its discretion, with or without consideration, transfer or cause to be transferred to any regional railroad authority or may place in its possession or control, by lease or other contract or agreement, either for a limited period or in fee, any property within a regional railroad authority district or any property wherever situated. Nothing in this section, however, shall in any way impair, alter or change any obligations, contractual or otherwise, heretofore entered into by said entities.]

[388.730. The authority may establish charges and rentals for the use, sale, and availability of its property and service and may hold, use, dispose of, invest, and reinvest the income, revenues, and funds derived therefrom. Subject to any agreement with bondholders, it may invest money not required for immediate use, including bond proceeds, in the securities it shall deem prudent, notwithstanding the provisions of any other law relating to the investment of

public funds.]

[388.733. The authority shall be subject to tort liability to the extent provided in chapter 537, RSMo, and may procure insurance against the liability, and may indemnify and purchase and maintain insurance on behalf of any of its commissioners, officers, employees, or agents. It may also procure insurance against loss of or damage to property in the amounts, by reason of the risks, and from the insurers as it deems prudent.]

[388.736. The state may make grants to a regional railroad authority, as appropriated by the general assembly, to be allocated by the department of transportation to regional railroad authorities. The authority may accept, contract for, and receive and disburse federal, state, and other funds or property, public or private, made available by grant, loan, or lease, to be used in the exercise of any of its powers, and may comply with the terms and conditions of the grant or loan.]

[388.739. 1. Every regional railroad authority, organized under the provisions of sections 388.700 to 388.745, may from time to time issue its negotiable revenue bonds or notes in such principal amounts as, in its opinion, shall be necessary to provide sufficient funds for achieving its purposes, including the construction, establishment, acquisition, improvement, maintenance, protection and regulation of railroads and railroad facilities, that may be necessary to carry out the provisions of sections 388.700 to 388.745.

2. The state shall not be liable on

any notes or bonds of any regional railroad authority. Any such notes or bonds shall not be a debt of the state and shall contain on the faces thereof a statement to such effect.

3. No commissioner of any regional railroad authority or any authorized person executing authority notes or bonds shall be liable personally on said notes or bonds or shall be subject to any personal liability or accountability by reason of the issuance thereof.

4. No authority shall be required to pay any taxes or any assessments whatsoever to this state or to any political subdivisions, municipality or other governmental agency of this state. The notes and bonds of every authority and the income therefrom shall, at all times, be exempt from any taxes and any assessments, except for death and gift taxes and taxes on transfers.

5. Every authority shall have the powers and be governed by the procedures now or hereafter conferred upon or applicable to the environmental improvement authority, chapter 260, RSMo, relating to the manner of issuance of revenue bonds and notes, and the port authority shall exercise all such powers and adhere to all such procedures insofar as they are consistent with the necessary and proper undertaking of its purposes.]

[388.742. The authority may enter into contracts including leases with any person, firm, or corporation, for terms the authority may determine:

(1) Providing for the operation of any facilities on behalf of the authority, at the rate of compensation

as may be determined;

(2) Leasing a rail line for operation by the lessee or any facility or space therein for other commercial purposes, at rentals as may be determined, but no person may be authorized to operate a rail line other than as a common carrier;

(3) Granting the privilege, for compensation as the authority shall determine, of supplying goods, commodities, services, or facilities along rail lines or in or upon other property; and

(4) Making available services furnished by the authority or its agents, at charges, rentals, or fees which shall be reasonable and uniform for the same class of privilege or service.]

[388.745. If, at any time, the governing body of any city or county that organized a regional railroad authority, votes, by majority, to dissolve a regional railroad authority, it shall be dissolved effective the date of the approval of dissolution by the highways and transportation commission of the state. In the event of dissolution of a regional railroad authority, all funds and other assets shall be distributed among the cities and counties, who were members, on a pro rata basis.]” and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 313, Page 1, Line 15, by inserting after the word, “office.]” the

following:

“Section B. The repeal of section 1 of section A of this act shall not become effective unless the truly agreed and finally passed Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill 327, Ninety-fourth General Assembly, First Regular Session is approved by the Governor and delivered to the Secretary of State.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 313, Line 3 of the Title by inserting after “RSMO,” the following: “and section 1 as truly agreed and finally passed in Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 327, Ninety-fourth General Assembly, First Regular Session,”; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after “RSMO,” the following: “and section 1 as truly agreed and finally passed in Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 327, Ninety-fourth General Assembly, First Regular Session,”; and

Further amend said bill, Page 12, Section 700.470, Line 11 by inserting after said line the following:

[Section 1. “No person, firm, limited liability company, or corporation shall purchase more than twenty tickets at one time, except that any ticket issuer may allow the purchaser of any amount of tickets through a group sales office.]; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Scott moved that the Senate refuse to concur in **HCS No. 2** for **SCS** for **SB 313**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 583**, with **SCS**, entitled:

An Act to amend chapter 455, RSMo, by adding thereto one new section relating to orders of protection.

Was called from the Informal Calendar and taken up by Senator Gibbons.

SCS for **HCS** for **HB 583**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 583

An Act to amend chapter 455, RSMo, by adding thereto one new section relating to orders of protection.

Was taken up.

Senator Gibbons moved that **SCS** for **HCS** for **HB 583** be adopted.

Senator Gibbons offered **SS** for **SCS** for **HCS** for **HB 583**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 583

An Act to repeal sections 191.225, 431.056, 565.072, 595.030, 595.036, 595.209, RSMo, and to enact in lieu thereof twenty new sections relating to crime victims, with penalty provisions.

Senator Gibbons moved that **SS** for **SCS** for **HCS** for **HB 583** be adopted.

Senator Loudon offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate

Committee Substitute for House Committee Substitute for House Bill No. 583, Page 9, Section 455.038, Line 25, by inserting immediately after said line the following:

“537.047. 1. Any person who, while a child or minor as defined by section 573.010, RSMo, was a victim of a violation of sections 573.023, 573.025, 573.035, or 573.037, RSMo, and who suffers physical or psychological injury or illness as a result of such violation, shall be entitled to bring a civil action to recover the actual damages sustained as a result of the violation, and shall also be entitled to recover the costs of the civil action and reasonable fees for attorneys and expert witnesses. A psychological injury or illness as described under this section need not be accompanied by physical injury or illness.

2. Any action described under this section shall be commenced within ten years of the plaintiff attaining the age of twenty-one, or within three years of the date the plaintiff discovers that the injury or illness was caused by the violation of an offense enumerated in subsection one of this section, whichever later occurs.

3. A cause of action under this section may arise only if the violation that caused the injury occurs on or after August 28, 2007.; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Gibbons moved that **SS** for **SCS** for **HCS** for **HB 583**, as amended, be adopted, which motion prevailed.

Senator Gibbons moved that **SS** for **SCS** for **HCS** for **HB 583**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Gibbons referred **SS** for **SCS** for **HCS** for **HB 583**, as amended, to the

Committee on Governmental Accountability and Fiscal Oversight.

Senator Engler moved that **HCS** for **HB 820**, with **SA 2** and **SSA 1** for **SA 2** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SSA 1 for **SA 2** was again taken up.

At the request of Senator Justus, the above substitute amendment was withdrawn.

SA 2 was again taken up.

At the request of Senator Bray, the above amendment was withdrawn.

Senator Engler offered **SS** for **HCS** for **HB 820**, entitled:

SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 820

An Act to repeal section 546.720, RSMo, and to enact in lieu thereof one new section relating to administration of the death penalty, with penalty provisions.

Senator Engler moved that **SS** for **HCS** for **HB 820** be adopted, which motion prevailed.

On motion of Senator Engler, **SS** for **HCS** for **HB 820** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Graham	Green	Griesheimer
Gross	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Stouffer	Vogel—27	

NAYS—Senators

Bray	Coleman	Days	Justus
Kennedy	Smith	Wilson—7	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HB 574**, as amended and has taken up and passed **CCS** for **HB 574**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SCS** for **SB 82**, as amended and has taken up and passed **CCS** for **HCS** for **SCS** for **SB 82**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 30**, as amended and has taken up and passed **CCS** for **HCS** for **SB 30**.

Emergency clause defeated.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 81**, as amended and has taken up and passed **CCS** for **HCS** for **SB 81**.

Emergency clause defeated.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 25**, as amended and has taken up and passed **CCS** for **HCS** for **SB 25**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 84**, as amended and has taken up and passed **CCS** for **HCS** for **SB 84**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS No. 2** for **SCS** for **SB 313**, as amended and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 582**, as amended and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the

House refuses to recede from its position on **HCS** for **SS** for **SCS** for **SB 22**, as amended and grants the Senate a conference thereon.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 22**, as amended: Senators Griesheimer, Engler, Goodman, Callahan and McKenna.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS No. 2** for **SCS** for **SB 313**, as amended: Senators Scott, Lager, Engler, Green and Callahan.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 582**, as amended: Senators Shoemyer, Griesheimer, Nodler, Vogel and Callahan.

President Pro Tem Gibbons appointed the following revised conference committee to act with a like committee from the House on **HCS No. 2** for **SCS** for **SB 313**, as amended: Senators Scott, Lager, Engler, Kennedy and McKenna.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS No. 2** for **SCS** for **SB 313**, as amended. Representatives: Sutherland, Wasson and Cooper (120).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the

Senate on **HCS** for **SS** for **SCS** for **SB 22**, as amended. Representatives: Schneider, Denison, Pratt, Villa and Young.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SB 582**, as amended. Representatives: Sutherland, Stevenson, Cooper (120), Storch and Zweifel.

RESOLUTIONS

Senator Mayer offered Senate Resolution No. 1375, regarding Samuel Oesterreicher, Doniphan, which was adopted.

Senator Mayer offered Senate Resolution No. 1376, regarding Kevin Rigby, Poplar Bluff, which was adopted.

Senator Bartle offered Senate Resolution No. 1377, regarding Travis Wyatt McCluskey, Grain Valley, which was adopted.

Senator Engler offered Senate Resolution No. 1378, regarding KTJJ Radio, Farmington, which was adopted.

Senator Engler offered Senate Resolution No. 1379, regarding KREI Radio, Farmington, which was adopted.

Senator Scott offered Senate Resolution No. 1380, regarding the Fiftieth Wedding Anniversary of Dr. and Mrs. Noel Wayne Scott, which was adopted.

Senator Crowell offered Senate Resolution No. 1381, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Arthur H. Bender, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1382, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Lory Stahly, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution

No. 1383, regarding Mandi Wood, Oran, which was adopted.

Senator Crowell offered Senate Resolution No. 1384, regarding Chase Seyer, Oran, which was adopted.

Senator Crowell offered Senate Resolution No. 1385, regarding Lauren Akins, Cape Girardeau, which was adopted.

Senator Goodman offered Senate Resolution No. 1386, regarding Andrew Roberts, Columbia, which was adopted.

Senator Stouffer offered Senate Resolution No. 1387, regarding Erin T. Mauk, North Liberty, Indiana, which was adopted.

Senator Crowell offered Senate Resolution No. 1388, regarding Rebecca Burchett, which was adopted.

Senator Crowell offered Senate Resolution No. 1389, regarding Emily Rogers, which was adopted.

Senator Scott offered Senate Resolution No. 1390, regarding the One Hundred Fortieth Anniversary of Barren Creek Cemetery, Polk County, which was adopted.

Senator Stouffer offered Senate Resolution No. 1391, regarding Scott Summers, which was adopted.

Senator Stouffer offered Senate Resolution No. 1392, regarding Kimberly Busch, which was adopted.

Senator Stouffer offered Senate Resolution No. 1393, regarding Vickie Brown, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Stouffer introduced to the Senate, Janet Wunderlich and her daughter, Alex, Jefferson City.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SEVENTY-THIRD DAY—THURSDAY, MAY 17, 2007

FORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| 1. SB 571-Mayer, with SCS | 8. SBs 348, 626 & 461-Koster, et al, with SCS |
| 2. SB 652-Coleman and Gibbons, with SCS | 9. SJR 15-Green |
| 3. SB 699-Lager, with SCS | 10. SB 629-Smith, with SCS |
| 4. SB 11-Coleman, with SCS | 11. SB 122-Bray and Days, with SCS |
| 5. SB 536-Lager, with SCS | 12. SB 491-Ridgeway |
| 6. SB 552-Bartle | |
| 7. SB 484-Stouffer, with SCS | |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SB 303-Loudon

SS for SB 570-Clemens

SS#4 for SCS for SB 430-Shields

SENATE BILLS FOR PERFECTION

SB 2-Gibbons, with SCS

SB 17-Shields, with SCS

SB 20-Griesheimer, with SCS

SB 27-Bartle and Koster

SB 53-Koster and Engler, with SCS

SB 101-Mayer

SB 131-Rupp

SB 153-Engler, et al, with SCS

SB 155-Engler, with SCS & SS for SCS
(pending)

SB 160-Rupp, with SCS

SB 168-Mayer and Crowell, with SCS, SS
for SCS & SA 1 (pending)SB 169-Rupp, with SCS, SS for SCS & SA 3
(pending)

SB 205-Stouffer and Gibbons, with SCS

SB 212-Goodman

SB 213-McKenna

SB 242-Nodler, with SCS

SB 250-Ridgeway and Vogel

SB 252-Ridgeway and McKenna

SB 254-Nodler, et al, with SCS

SBs 260 & 71-Koster, et al, with SCS

SB 274-Shields

SB 282-Griesheimer, with SCS & SS for
SCS (pending)SB 287-Crowell and Vogel, with SS
(pending)

SB 292-Mayer

SB 297-Loudon, with SCS

SB 300-Bartle

SB 341-Goodman, with SCS

SB 363-Bartle

SB 364-Koster, with SCS, SS for SCS,
SA 1 & SSA 1 for SA 1 (pending)SBs 370, 375 & 432-Scott and Koster,
with SCS & SA 5 (pending)

SBs 372 & 366-Justus and Koster, with SCS

SB 385-Gibbons, with SCS

SB 388-Mayer, with SCS

SB 400-Crowell, et al

SB 444-Goodman

SB 453-Scott, with SCS

SB 458-Gibbons

SB 476-Crowell

SB 480-Ridgeway, et al, with SCS

SB 492-Crowell

SB 499-Engler and Clemens, with SCS

SB 511-Scott, with SCS

SB 521-Lager, et al, with SCS

SB 523-Scott, with SCS

SB 531-Gibbons, with SCS

SB 534-Nodler

SB 537-Lager

SB 542-Scott, with SCS

SBs 555 & 38-Gibbons, with SCS

SB 563-Lager, with SCS & SS for SCS
(pending)

SB 572-Vogel

SB 586-Crowell, with SCS

SB 592-Scott, with SCS

SB 599-Engler, with SCS

SB 627-Ridgeway

SB 635-Loudon, with SCS

SB 644-Griesheimer

SBs 660, 553, 557, 167, 258, 114 &
378-Mayer, with SCS

SB 698-Ridgeway, et al, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 39, with SCS (Koster)	HB 526-Pratt (Loudon)
HB 42-Portwood, with SCS (Koster)	HB 527-Cooper (120) (Scott)
HB 46-Viebrock and Stevenson (Stouffer)	HCS for HB 551, with SCS & SS for SCS
HB 69-Day, with SCS (Barnitz)	(pending) (Koster)
HB 70-Day, et al (Rupp)	SS for SCS for HCS for HB 583 (Gibbons)
HCS for HB 74 (Scott)	(In Fiscal Oversight)
HCS for HB 98 (Scott)	HB 596-St. Onge, with SCS (Stouffer)
HB 125-Franz, with SCS (Shoemyer)	HCS for HBs 619 & 118, with SCS
HCS for HB 135, with SCS (Koster)	(Griesheimer)
HB 155-Dusenberger, et al (Ridgeway)	HCS for HB 620, with SCS (Ridgeway)
HCS for HB 165, with SCS (Griesheimer)	HB 647-Young, et al (Clemens)
HCS for HB 184 (Rupp)	HCS for HBs 654 & 938 (Crowell)
HB 213-Cunningham (86), et al, with SCS (Rupp)	HB 686-Smith (150) and Tilley (Stouffer)
HCS for HB 227 (Mayer)	HCS for HB 741 (Koster)
HCS for HB 245 (Stouffer)	HCS for HB 774 (Crowell)
SS for HB 265-Cunningham (86) (Rupp)	HCS for HB 827, with SCS (Justus)
HB 267-Jones (117) and Cunningham (86),	HCS for HB 845 (Crowell)
with SA 5 (pending) (Rupp)	HB 875-Franz, with SCS (Crowell)
HB 269-Nolte, et al (Ridgeway)	HCS for HB 894, with SCS & SS for SCS
HCS for HB 329, with SCS (Scott)	(pending) (Days)
HCS for HB 338, with SCS (Engler)	HCS for HB 914 (Scott), with SS & SA 5
HCS for HB 346 (Clemens)	(pending)
SS for HCS for HB 364 (Purgason)	HB 1014-Wright, et al, with SCS (Mayer)
(In Fiscal Oversight)	HCS for HB 1055, with SCA 1 (Scott)
HB 454-Jetton, et al (Mayer)	HCS for HJR 1, with SCS (Rupp)
HCS for HB 457, with SCS (Griesheimer)	HJR 7-Nieves, et al, with SCS (pending)
HB 462-Munzlinger, et al (Purgason)	(Engler)
HCS for HB 469, with SCS (Crowell)	HJR 19-Bearden, et al (Ridgeway)
HB 482-Walton, et al (Goodman)	
HB 489-Baker (123), et al, with SCS	
(Shields)	

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Reported 2/15

SB 8-Kennedy

Reported 3/8

SB 185-Green

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 384-Coleman and Gibbons, with
HCS, as amended

SB 666-Scott, with HCS, as amended

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 22-Griesheimer, with
HCS, as amended

SCS for SB 64-Goodman and Koster, with
HCS, as amended (Senate adopted CCR#3
and passed CCS#3)

SCS for SB 86-Champion, with HCS, as
amended

SCS for SB 156-Engler, with HCS, as
amended

SCS for SB 308-Crowell, et al, with HCS,
as amended (Further conference
granted)

SCS for SB 313-Scott, with HCS#2, as
amended

SB 406-Crowell, with HCS#2, as amended
(Senate adopted CCR#2 and passed
CCS#2)

SB 416-Goodman, with HCS (Senate adopted
CCR and passed CCS)

SS for SCS for SB 429-Gibbons, with HCS,
as amended

SS for SCS for SB 577-Shields, with HCS,
as amended

SB 582-Shoemyer, with HCS, as amended
HCS for HB 159, with SCS (Engler)

HB 255-Bruns, with SS for SCS, as
amended (Vogel)

HB 488-Wasson, with SA 1 (Stouffer)
(House adopted CCR and passed CCS)

HB 574-St. Onge, with SA 1 & SA 3
(Stouffer) (House adopted CCR and
passed CCS)

HB 665-Ervin, et al, with SS, as amended
(Ridgeway)

HB 744-St. Onge, with SS, as amended
(Stouffer)

HCS for HB 780, with SS for SCS, as
amended (Scott)

RESOLUTIONS

Reported from Committee

HCR 15-Threlkeld, et al, with SCS (Shields)
SCR 10-Koster and Shields
HCR 25-Yates, et al (Bartle)
HCR 8-Loehner, et al (Barnitz)
SCR 9-Crowell

SCR 20-Crowell
HCR 24-Wilson (130), et al (Mayer)
HCR 17-Fisher, et al
SR 1360-Justus

Journal of the Senate

FIRST REGULAR SESSION

SEVENTY-THIRD DAY—THURSDAY, MAY 17, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“It takes daily courage to expose oneself to God’s word and to allow oneself to be judged by it...to stand in the presence of eternity and let it speak, to inquire from it about our condition, and to gaze deep into himself and far out, beyond and above...to know the eternal quiet which rest in God’s love.” (Dietrich Bonhoeffer)

Gracious God, we feel the pressure, we know we are tired and at times irritable so help us to take moments each hour to rest and be quiet in You and to let You judge our actions and guide us to do more good with our time here and to trust that You will sustain us. May we have the courage to be with You that You will lift us up to go on and do what You require of us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell

Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Days offered Senate Resolution No. 1394, regarding Tyler Kuehn, Bridgeton, which was adopted.

Senator Days offered Senate Resolution No. 1395, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert F. McAdams, Ferguson, which was adopted.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 516**, entitled:

An Act to repeal sections 1.020, 28.160, 41.950, 49.292, 50.333, 66.010, 70.320, 105.711, 105.955, 191.227, 191.656, 195.202, 211.322, 302.341, 347.137, 347.179, 351.015, 351.047, 351.120, 351.125, 351.127, 351.145, 351.155, 351.459, 351.484, 351.592, 351.594, 351.598, 351.602, 351.690, 355.016, 355.021, 355.066, 355.071, 355.151, 355.176, 355.688, 355.706, 355.796, 355.806, 355.811, 355.821, 355.856, 356.211, 407.300, 417.011, 417.016, 417.046, 427.225, 429.010, 429.080, 429.603, 452.440, 452.445, 452.450, 452.455, 452.460, 452.465, 452.470, 452.475, 452.480, 452.485, 452.490, 452.495, 452.500, 452.505, 452.510, 452.515, 452.520, 452.525, 452.530, 452.535, 452.540, 452.545, 452.550, 455.010, 456.5-501, 477.005, 477.600, 478.463, 478.466, 478.513, 479.010, 479.011, 483.015, 483.260, 484.020, 486.215, 486.225, 486.230, 486.280, 486.385, 487.020, 488.014, 488.2253, 494.425, 494.430, 510.120, 516.140, 517.041, 527.270, 535.030, 535.040, 548.260, 559.600, and 568.045, RSMo, and to enact in lieu thereof one hundred forty-two new sections relating to judicial procedures and personnel, with penalty provisions.

With House Amendment Nos. 1, 2, 5, House Amendment No. 1 to House Amendment No. 8, House Amendment No. 8, as amended, House Amendment Nos. 9, 11 and 14.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 516, Page 111, Section 488.2253, Line 15, by inserting after all of said line the following:

“488.2300. 1. A “Family Services and Justice Fund” is hereby established in each county or circuit with a family court, for the purpose of aiding with the operation of the family court divisions and services provided by those divisions.

In **any** circuits or counties having a family court **other than St. Louis County and Jackson County**, the circuit clerk shall charge and collect a surcharge of thirty dollars in all proceedings falling within the jurisdiction of the family court. **The circuit clerk of St. Louis County and Jackson County shall charge and collect a surcharge as established by its circuit court not to exceed forty-five dollars in all proceedings falling within the jurisdiction of the family court.** The surcharge shall not be charged when no court costs are otherwise required, shall not be charged against the petitioner for actions filed pursuant to the provisions of chapter 455, RSMo, but may be charged to the respondent in such actions, shall not be charged to a government agency and shall not be charged in any proceeding when costs are waived or are to be paid by the state, county or municipality.

2. In juvenile proceedings under chapter 211, RSMo, a judgment [of up to thirty dollars] **in an amount authorized in subsection 1 of this section** may be assessed against the child, parent or custodian of the child, in addition to other amounts authorized by law, in informal adjustments made under the provisions of sections 211.081 and 211.083, RSMo, and in an order of disposition or treatment under the provisions of section 211.181, RSMo. The judgment may be ordered paid to the clerk of the circuit where the assessment is imposed.

3. All sums collected pursuant to this section and section 487.140, RSMo, shall be payable to the various county family services and justice funds.

4. Any moneys in the family services and justice fund not expended for salaries of commissioners, family court administrators and family court staff shall be used toward funding the enhanced services provided as a result of the establishment of a family court; however, it shall not replace or reduce the current and ongoing responsibilities of the counties to provide funding for the courts as required by law. Moneys collected

for the family services and justice fund shall be expended for the benefit of litigants and recipients of services in the family court, with priority given to services such as mediation, counseling, home studies, psychological evaluation and other forms of alternative dispute-resolution services. Expenditures shall be made at the discretion of the presiding judge or family court administrative judge, as designated by the circuit and associate circuit judges en banc, for the implementation of the family court system as set forth in this section. No moneys from the family services and justice fund may be used to pay for mediation in any cause of action in which domestic violence is alleged.

5. From the funds collected pursuant to this section and retained in the family services and justice fund, each circuit or county in which a family court commissioner in addition to those commissioners existing as juvenile court commissioners on August 28, 1993, have been appointed pursuant to sections 487.020 to 487.040, RSMo, shall pay to and reimburse the state for the actual costs of that portion of the salaries of family court commissioners appointed pursuant to the provisions of sections 487.020 to 487.040, RSMo.

6. No moneys deposited in the family services and justice fund may be expended for capital improvements.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 516, Page 30, Section 195.202, Line 7, by inserting after the word “**violates**” the words “**subsection 2 of**”; and

Further amend House Committee Substitute for Senate Bill No. 516, Page 30, Section 195.202, Line 9, by inserting after all of said Line the following:

“210.854. 1. In the event of the entry of a judgment of paternity and support, a person against whom such a judgment has been entered may file a petition requesting a circuit court with jurisdiction over the subject child or children to set aside said judgment in the interests of justice and upon the grounds set forth in this section. Any such petition shall be served upon the biological mother and any other legal guardian or custodian.

2. The petition shall include an affidavit executed by the petitioner alleging that evidence exists which was not considered before entry of judgment and either:

(1) An allegation that genetic testing was conducted within ninety days prior to the filing of such petition using DNA methodology to determine the probability or improbability of paternity, and performed by an expert as defined in section 210.834. The affidavit shall also allege that the test results indicate a ninety-nine percent or greater probability that the person subject to the child support payment order is not the child's father; or

(2) A request to the court for an order of genetic paternity testing using DNA methodology.

3. The court, after a hearing wherein all interested parties have been given an opportunity to present evidence and be heard, may order the relevant parties to submit to genetic paternity testing upon a finding of probable cause to believe said testing may result in a determination of non-paternity. The genetic paternity testing costs shall be paid by the petitioner.

4. The court shall grant relief on the petition and enter judgment setting aside the previous judgment of paternity and support, or acknowledgment of paternity under section 210.823, extinguish any existing child support

arrearage, and order the department of health and senior services to modify the child's birth certificate accordingly upon a finding that the genetic test referred to herein was properly conducted, accurate and indicates a ninety-nine percent or greater probability that the person subject to the child support payment order is not the child's father.

5. The provisions of this section shall not apply to grant relief to the parent of any adopted child.

6. A finding under subsection 4 of this section shall constitute a material mistake of fact under section 210.823.

7. Notwithstanding any other provision of law to the contrary, an action under this section may be brought at any time.

8. The provisions of this section shall not be construed to create a cause of action to recover child support or state debt, under subdivision (2) of subsection 1 of section 454.465, RSMo, and subsection 10 of section 425.340, RSMo, that was previously paid pursuant to the order. The petitioner shall have no right for reimbursement for any moneys previously paid pursuant to said order.”; and

Further Amend said Bill, Page 66, Section 407.300, Line 29, by deleting from said line the word “**business.**” and inserting in lieu thereof the following:

“**business; or**

(4) Any transaction for which the type of metal subject to subsection 1 of this section is a minor part of a larger item, except for equipment used in the generation and transmission of electric power.”; and

Further Amend said Bill, Page 77, Section 429.010, Line 40, by deleting the word “**this**” and inserting after the word “**subsection**” the number “**2**”; and

Further Amend House Committee Substitute for Senate Bill No. 516, Page 100, Section 455.038, Line 10, by inserting after all of said Line the following:

“**The provisions of this section shall only apply to those circuit clerks able to access a statewide victim notification system designed to provide notification of service of orders of protection.**”; and

Further Amend House Committee Substitute for Senate Bill No. 516, Page 103, Section 478.463, Line 8, by inserting after the word “**twenty**” the word “**shall**”; and

Further Amend House Committee Substitute for Senate Bill No. 516, Page 107, Section 484.280, Line 6, by inserting after the word “**compensation**”, the following:

“**; however, no state court judge serving pursuant to article V, Constitution of Missouri, shall be permitted to engage in the practice of law during his or her term in office, except for such limited purpose as authorized by supreme court rule**”; and

Further Amend House Committee Substitute for Senate Bill No. 516, Page 110, Section 488.2253, Line 1, by deleting the phrase “**1.**”; and

Further Amend said Section, Page 111, Lines 6-15, by deleting all of said Lines; and

Further Amend House Committee Substitute for Senate Bill No. 516, Page 113, Section 510.120, Line 9, by inserting an open bracket “[“ immediately preceding the word “**more**”; and

Further Amend said Section, Page 113, Line 10, by inserting a closed bracket “**]**” after the word “**subsection**”; and

Further Amend House Committee Substitute for Senate Bill No. 516, Page 117, Section 548.260, Line 27, by inserting after all of said Line the following:

“556.036. 1. A prosecution for murder, forcible rape, attempted forcible rape, forcible sodomy, attempted forcible sodomy, or any class A felony may be commenced at any time.

2. Except as otherwise provided in this section, prosecutions for other offenses must be commenced within the following periods of limitation:

- (1) For any felony, three years;
- (2) For any misdemeanor, one year;
- (3) For any infraction, six months.

3. If the period prescribed in subsection 2 of this section has expired, a prosecution may nevertheless be commenced for:

(1) Any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself or herself not a party to the offense, but in no case shall this provision extend the period of limitation by more than three years. As used in this subdivision, the term “person who has a legal duty to represent an aggrieved party” shall mean the attorney general or the prosecuting or circuit attorney having jurisdiction pursuant to section 407.553, RSMo, for purposes of offenses committed pursuant to sections 407.511 to 407.556, RSMo; and

(2) Any offense based upon misconduct in office by a public officer or employee at any time when the defendant is in public office or employment or within two years thereafter, but in no case shall this provision extend the period of limitation by more than three years; [and]

(3) Any offense based upon an intentional and willful fraudulent claim of child support arrearage to a public servant in the performance of his or her duties within one year after discovery of the offense, but in no case shall this provision extend

the period of limitation by more than three years; and

(4) Any violation of sections 569.040 to 569.055, RSMo, within five years.

4. An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated. Time starts to run on the day after the offense is committed.

5. A prosecution is commenced for a misdemeanor or infraction when the information is filed and for a felony when the complaint or indictment is filed.

6. The period of limitation does not run:

(1) During any time when the accused is absent from the state, but in no case shall this provision extend the period of limitation otherwise applicable by more than three years; or

(2) During any time when the accused is concealing himself from justice either within or without this state; or

(3) During any time when a prosecution against the accused for the offense is pending in this state; or

(4) During any time when the accused is found to lack mental fitness to proceed pursuant to section 552.020, RSMo.”; and

Further Amend said Bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 516, Page 117, Section 548.260, Lines 1-27, by removing all of said Lines from the Bill; and

Further Amend said Bill by amending the title,

enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 8

Amend House Amendment No. 8 to House Committee Substitute for Senate Bill No. 516, Page 3, Line 14, by inserting after all of said Line the following:

“Further Amend said Bill, Page 121, Section 2, Line 65, by inserting after all of said Line the following:

“9. Any person may file a complaint alleging violations of this section with the chief disciplinary counsel appointed by the Missouri supreme court. The chief disciplinary counsel shall investigate all complaints filed under this section and assess penalties as provided in subsection 10 of this section;

10. Anyone who knowingly violates any provision of this section, in addition to any other penalty imposed by law, may be held liable for civil penalties in an amount not to exceed the total cost of the advertisement, or ten-thousand dollars, whichever is greater. Any person may file a civil suit to recover the penalties in this section. The penalties may also be determined by the chief disciplinary counsel, and such penalties shall be deposited in the tort victims' compensation fund. For purposes of this section, “total cost of the advertisement” shall include the cost of production of the advertisement, reproduction of the advertisement and the amount paid to broadcast the advertisement.”; and”

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Bill No. 516, Section 479.011, Page 105, Line 40 by inserting immediately after said Line the following:

“479.260. 1. Municipalities by ordinance may

provide for fees in an amount per case to be set pursuant to sections 488.010 to 488.020, RSMo, for each municipal ordinance violation case filed before a municipal judge, and in the event a defendant pleads guilty or is found guilty, the judge may assess costs against the defendant except in those cases where the defendant is found by the judge to be indigent and unable to pay the costs. **In the event the case is dismissed before the defendant pleads guilty or is found guilty, the municipal judge may assess municipal court costs as determined by section 488.012, RSMo, against the defendant if the defendant consents to paying the costs except in those cases where the defendant is found by the judge to be unable to pay the costs.** The fees authorized in this subsection are in addition to service charges, witness fees and jail costs that may otherwise be authorized to be assessed, but are in lieu of other court costs. The fees provided by this subsection shall be collected by the municipal division clerk in municipalities electing or required to have violations of municipal ordinances tried before a municipal judge pursuant to section 479.020, or to employ judicial personnel pursuant to section 479.060, and disbursed as provided in subsection 1 of section 479.080. Any other court costs required in connection with such cases shall be collected and disbursed as provided in sections 488.010 to 488.020, RSMo; provided that, each municipal court may establish a judicial education fund in an account under the control of the municipal court to retain one dollar of the fees collected on each case and to use the fund only to pay for:

(1) The continuing education and certification required of the municipal judges by law or supreme court rule; and

(2) Judicial education and training for the court administrator and clerks of the municipal court.

Provided further, that no municipal court shall

retain more than one thousand five hundred dollars in the fund for each judge, administrator or clerk of the municipal court. Any excess funds shall be transmitted quarterly to the general revenue fund of the county or municipal treasury.

2. In municipal ordinance violation cases which are filed in the associate circuit division of the circuit court, fees shall be assessed in each case in an amount to be set pursuant to sections 488.010 to 488.020, RSMo. In the event a defendant pleads guilty or is found guilty, the judge shall assess costs against the defendant except in those cases where the defendant is found by the judge to be indigent and unable to pay the costs. In the event a defendant is acquitted or the case is dismissed, the judge shall not assess costs against the municipality. The costs authorized in this subsection are in addition to service charges, witness fees and jail costs that may otherwise be authorized to be assessed, but are in lieu of other court costs. The costs provided by this subsection shall be collected by the municipal division clerk in municipalities electing or required to have violations of municipal ordinances tried before a municipal judge pursuant to section 479.020, or to employ judicial personnel pursuant to section 479.060, and disbursed as provided in subsection 2 of section 479.080. Any other court costs required in connection with such cases shall be collected and disbursed as provided in sections 488.010 to 488.020, RSMo.

3. A municipality, when filing cases before an associate circuit judge, shall not be required to pay fees.

4. No fees for a judge, city attorney or prosecutor shall be assessed as costs in a municipal ordinance violation case.

5. In municipal ordinance violation cases, when there is an application for a trial de novo, there shall be an additional fee in an amount to be set pursuant to sections 488.010 to 488.020,

RSMo, which shall be assessed in the same manner as provided in subsection 2 of this section.

6. Municipalities by ordinance may provide for a schedule of costs to be paid in connection with pleas of guilty which are processed in a traffic violations bureau. If a municipality files its municipal ordinance violation cases before a municipal judge, such costs shall not exceed the court costs authorized by subsection 1 of this section. If a municipality files its municipal ordinance violations cases in the associate circuit division of the circuit court, such costs shall not exceed the court costs authorized by subsection 2 of this section.”; and

Further amend said Substitute, Section 488.2253, Page 111, Line 15 by inserting immediately after said Line the following:

“488.5032. In the event a criminal case is dismissed in a circuit court in this state before the defendant pleads guilty or is found guilty, the circuit judge may assess costs as determined by section 488.012, RSMo, against any defendant if the defendant consents to paying the costs except in those cases where the defendant is found by the judge to be indigent and unable to pay the costs.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Bill No. 516, Section 105.711, Page 15, Line 84, by inserting after the word, “school” the following words, **“or camp”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for

Senate Bill No. 516, Section 356.211, Page 65, Line 18 by inserting immediately after said Line the following:

“402.205. 1. [The families, friends and guardians of] Persons who have a disability [or] , **as defined in section 402.200, or persons who** are eligible for services provided by the department of mental health, or both, may participate in a trust which may supplement the care, support, and treatment of such persons pursuant to the provisions of sections 402.199 to 402.220. Neither the contribution to the trust for the benefit of a life beneficiary nor the use of trust income to provide benefits shall in any way reduce, impair or diminish the benefits to which such person is otherwise entitled by law; and the administration of the trust shall not be taken into consideration in appropriations for the department of mental health to render services required by law.

2. Unless otherwise prohibited by federal statutes or regulations, all state agencies shall disregard the trust as a resource when determining eligibility of Missouri residents for assistance under chapter 208, RSMo.

3. The assets of the board of trustees and assets held in trust pursuant to the provisions of sections 402.199 to 402.220 shall not be considered state money, assets of the state or revenue for any purposes of the state constitution or statutes. The property of the board of trustees and its income and operations shall be exempt from all taxation by the state or any of its political subdivisions.

402.210. 1. There is hereby created the “Missouri Family Trust Board of Trustees”, which shall be a body corporate and an instrumentality of the state. The board of trustees shall consist of nine persons appointed by the governor with the advice and consent of the senate. The members' terms of office shall be three years and until their successors are appointed and qualified. The

trustees shall be persons who are not prohibited from serving by sections 105.450 to 105.482, RSMo, and who are not otherwise employed by the department of mental health. The board of trustees shall be composed of the following:

(1) Three members of the immediate family of persons who have a disability [or are the recipients of services provided by the department in the treatment of mental illness] **of mental illness**. The advisory council for comprehensive psychiatric services, created pursuant to section 632.020, RSMo, shall submit a panel of nine names to the governor, from which he shall appoint three. One shall be appointed for a term of one year, one for two years, and one for three years. Thereafter, as the term of a trustee expires each year, the Missouri advisory council for comprehensive psychiatric services shall submit to the governor a panel of not less than three nor more than five proposed trustees, and the governor shall appoint one trustee from such panel for a term of three years;

(2) Three members of the immediate family of persons who [are recipients of services provided by the department in the habilitation of the mentally retarded or developmentally disabled] **have a developmental disability**. The Missouri advisory council on mental retardation and developmental disabilities, created pursuant to section 633.020, RSMo, shall submit a panel of nine names to the governor, from which he shall appoint three. One shall be appointed for one year, one for two years and one for three years. Thereafter, as the term of a trustee expires each year, the Missouri advisory council on mental retardation and developmental disabilities shall submit to the governor a panel of not less than three nor more than five proposed trustees, and the governor shall appoint one trustee from such panel for a term of three years;

(3) Three persons who are recognized for their expertise in general business matters and procedures. Of the three business people to be

appointed by the governor, one shall be appointed for one year, one for two years and one for three years. Thereafter, as the term of a trustee expires each year, the governor shall appoint one business person as trustee for a term of three years.

2. The trustees shall receive no compensation for their services. The trust shall reimburse the trustees for necessary expenses actually incurred in the performance of their duties.

3. As used in this section, the term “immediate family” includes spouse, parents, parents of spouse, children, spouses of children and siblings.

4. The board of trustees shall be subject to the provisions of sections 610.010 to 610.120, RSMo.

5. The board of trustees shall annually prepare or cause to be prepared an accounting of the trust funds and shall transmit a copy of the accounting to the governor, the president pro tempore of the senate and the speaker of the house of representatives.

6. The board of trustees shall establish policies, procedures and other rules and regulations necessary to implement the provisions of sections 402.199 to 402.220.

402.215. 1. The board of trustees is authorized and directed to establish and administer the Missouri family trust and to advise, consult with, and render services to departments and agencies of the state of Missouri and to other nonprofit organizations which qualify as organizations pursuant to Section 501(c)(3) of the United States Internal Revenue Code of 1986, as amended, and which provide services to Missouri residents with a disability. The board shall be authorized to execute all documents necessary to establish and administer the trust including the formation of a not-for-profit corporation created pursuant to chapter 355, RSMo, and to qualify as an organization pursuant to Section 501(c)(3) of the United States Internal Revenue Code of 1986,

as amended.

2. The trust documents shall include and be limited by the following provisions:

(1) The Missouri family trust shall be authorized to accept contributions from any source including trustees, personal representatives, personal custodians pursuant to chapter 404, RSMo, and other fiduciaries, and, subject to the provisions of subdivision [(11)] **(10)** of this subsection, from the life beneficiaries and their respective spouses, to be held, administered, managed, invested and distributed in order to facilitate the coordination and integration of private financing for individuals who have a disability or are eligible for services provided by the Missouri department of mental health, or both, while maintaining the eligibility of such individuals for government entitlement funding. All contributions, and the earnings thereon, shall be administered as one trust fund; however, separate accounts shall be established for each designated beneficiary. The income earned[, after deducting administrative expenses,] shall be credited to the accounts of the respective life beneficiaries in proportion to the principal balance in the account for each such life beneficiary, to the total principal balances in the accounts for all life beneficiaries;

(2) Every donor may designate a specific person as the life beneficiary of the contribution made by such donor. In addition, each donor may name a cotrustee, including the donor, and a successor or successors to the cotrustee, to act with the trustees of the trust on behalf of the designated life beneficiary; provided, however, a life beneficiary shall not be eligible to be a cotrustee or a successor cotrustee[; provided, however, that] . Court approval of the specific [person] **persons** designated as life beneficiary and as cotrustee or successor trustee shall be required [in connection with] **at the time** any trust **is** created pursuant to section 473.657, RSMo, or section 475.093,

RSMo;

(3) The cotrustee, with the consent of the trust, shall from time to time [but not less frequently than annually] determine the amount of income or principal or income and principal to be used to provide noncash benefits and the nature and type of benefits to be provided for the life beneficiary. Any net income which is not used shall be added to principal annually. In the event that the trust and the cotrustee shall be unable to agree either on the amount of income or principal or income and principal to be used or the benefits to be provided, then either the trust or the cotrustee shall have the right to request that the matter be resolved by arbitration which shall be conducted in accordance with the Commercial Arbitration Rules of the American Arbitration Association. The requesting party shall send a written request for arbitration to the responding party and shall in such request set forth the name, address and telephone number of such requesting party's arbitrator. The responding party shall, within ten days after receipt of the request for arbitration, set forth in writing to the requesting party the name, address and telephone number of the responding party's arbitrator. Copies of the request for arbitration and response shall be sent to the director of the department. If the two designated arbitrators shall be unable to agree upon a third arbitrator within ten days after the responding party shall have identified such party's arbitrator, then the director of the department shall designate the third arbitrator by written notice to the requesting and responding parties' arbitrators. The three arbitrators shall meet, conduct a hearing, and render a decision within thirty days after the appointment of the third arbitrator. A decision of a majority of the arbitrators shall be binding upon the requesting and responding parties. Each party shall pay the fees and expenses of such party's arbitrator and the fees and expenses of the third arbitrator shall be borne equally by the parties. Judgment on the arbitrators' award may be entered

in any court of competent jurisdiction;

(4) Any donor, during his or her lifetime, except for a trust created pursuant to section 473.657, RSMo, or section 475.093, RSMo, may revoke any gift made to the trust; provided, however, any donor may, at any time, voluntarily waive the right to revoke. In the event that at the time the donor shall have revoked his or her gift to the trust the life beneficiary shall not have received any benefits provided by use of trust income or principal, then an amount equal to one hundred percent of the principal balance shall be returned to the donor. Any undistributed net income shall be distributed to the charitable trust. In the event that at the time the donor shall have revoked his or her gift to the trust the life beneficiary shall have received any benefits provided by the use of trust income or principal, then an amount equal to ninety percent of the principal balance shall be returned to the donor. The balance of the principal balance together with all undistributed net income shall be distributed to the charitable trust;

(5) Any acting cotrustee, except a cotrustee of a trust created pursuant to section 473.657, RSMo, or section 475.093, RSMo, other than the original donor of a life beneficiary's account, shall have the right, for good and sufficient reason upon written notice to the trust and the department stating such reason, to withdraw all or a portion of the principal balance. In such event, the applicable portion, as set forth in subdivision (7) of this subsection, of the principal balance shall then be distributed to the successor trust and the balance of the principal balance together with any undistributed net income shall be distributed to the charitable trust;

(6) In the event that a life beneficiary for whose benefit a contribution or contributions shall have been made to the family trust shall cease to [be eligible for services provided by the department of mental health] **have a disability as defined in section 402.200** and neither the donor nor the then acting cotrustee, except a cotrustee of

a trust created pursuant to section 473.657, RSMo, or section 475.093, RSMo, shall revoke or withdraw the applicable portion, as set for in subdivision (7) of this subsection, of the principal balance, then the board of trustees may, by written notice to such donor or acting cotrustee, terminate the trust as to such beneficiary and thereupon shall distribute the applicable portion, as set forth in subdivision (7) of this subsection, of the principal balance, to the trustee of the successor trust to be held, administered and distributed by such trustee in accordance with the provisions of the successor trust described in subdivision (12) of this subsection;

(7) If at the time of withdrawal or termination as provided in subdivision (6) of this subsection of a life beneficiary's account from the trust either the life beneficiary shall not have received any benefits provided by the use of the trust income or principal or the life beneficiary shall have received benefits provided by the use of trust income or principal for a period of not more than five years from the date a contribution shall have first been made to the trust for such life beneficiary, then an amount equal to ninety percent of the principal balance shall be distributed to the successor trust, and the balance of the principal balance together with all undistributed net income shall be distributed to the charitable trust; provided, however, if the life beneficiary at the time of such withdrawal by the cotrustee or termination as provided above shall have received any benefits provided by the use of trust income or principal for a period of more than five years from the date a contribution shall have first been made to the trust for such life beneficiary, then an amount equal to seventy-five percent of the principal balance shall be distributed to the successor trust, and the balance of the principal balance together with all undistributed net income shall be distributed to the charitable trust;

(8) Subject to the provisions of subdivision (9)

of this subsection, if the life beneficiary dies before receiving any benefits provided by the use of trust income or principal, then an amount equal to one hundred percent of the principal balance shall be distributed to such person or persons as the donor shall have designated. Any undistributed net income shall be distributed to the charitable trust. If at the time of death of the life beneficiary, the life beneficiary shall have been receiving benefits provided by the use of trust income or principal or income and principal, then, in such event, an amount equal to seventy-five percent of the principal balance shall be distributed to such person or persons as the donor designated, and the balance of the principal balance, together with all undistributed net income, shall be distributed to the charitable trust;

(9) In the event the trust is created as a result of a distribution from a personal representative of an estate of which the life beneficiary is a distributee, then if the life beneficiary dies before receiving any benefits provided by the use of trust income or principal, an amount equal to one hundred percent of the principal balance shall be distributed to such person or persons who are the life beneficiary's heirs at law. Any undistributed income shall be distributed to the charitable trust. If at the time of death of the life beneficiary the life beneficiary shall have been receiving benefits provided by the use of trust income or principal or income and principal, then, an amount equal to seventy-five percent of the principal balance shall be distributed to such person or persons who are the life beneficiary's heirs at law. The balance of the principal balance together with all undistributed income shall be distributed to the charitable trust. If there are no heirs at the time of either such distribution, the then-principal balance together with all undistributed income shall be distributed to the charitable trust;

(10) In the event the trust is created [as a result of the recovery of damages by reason of a

personal injury to the life beneficiary, then if the life beneficiary dies before receiving any benefits provided by the use of trust income or principal, the state of Missouri shall receive all amounts remaining in the life beneficiary's account up to an amount equal to the total medical assistance paid on behalf of such life beneficiary under a state plan under Title 42 of the United States Code, and then to the extent there is any amount remaining in the life beneficiary's account, an amount equal to one hundred percent of the principal balance shall be distributed to such person or persons who are the life beneficiary's heirs at law. If there are no heirs, the balance, if any, of the principal balance together with all undistributed income shall be distributed to the charitable trust. If at the time of death of the life beneficiary the life beneficiary should have been receiving benefits provided by the use of trust income or principal or income and principal then the state of Missouri shall receive all amounts remaining in the life beneficiary's account up to an amount equal to the total medical assistance paid on behalf of such life beneficiary under a state plan under Title 42 of the United States Code, and then to the extent there is any amount remaining in the life beneficiary's account, an amount equal to seventy-five percent of the principal balance shall be distributed to such person or persons who are the life beneficiary's heirs at law and the balance of the principal balance together with all undistributed income shall be distributed to the charitable trust. If there are no heirs, the balance of the principal balance, together with all undistributed income, shall be distributed to the charitable trust;

(11) In the event an account is established] **with the proceeds from the recovery of damages by reason of a personal injury to the life beneficiary or** with the assets of the beneficiary by the beneficiary, a family member, the beneficiary's guardian, or pursuant to a court order, all in accordance with Title 42 of the United States Code

Section 1396p(d)(4)(A) or Section 1396p(d)(4)(C), then upon the death of the life beneficiary the state of [Missouri] **residence of the beneficiary** shall receive all amounts remaining in the life beneficiary's account up to an amount equal to the total medical assistance paid on behalf of such life beneficiary under a state plan under Title 42 of the United States Code[, and then] **(“State Plan”); except that twenty-five percent of the principal balance shall first be distributed to the charitable trust.** To the extent there is any amount remaining in the life beneficiary's account, [an amount equal to seventy-five percent of] the principal balance shall be distributed to such person or persons who are the life beneficiary's heirs at law [and the balance of the principal balance together with all undistributed income shall be distributed to the charitable trust]. If there are no heirs, the balance of the principal balance together with all undistributed income shall be distributed to the charitable trust. **In the event that two or more states are entitled to receive reimbursement for medical assistance paid on behalf of a beneficiary and the total of such medical assistance is in excess of the balance in the beneficiary account, then each such state shall be paid an amount equal to that portion of the beneficiary's account as is equal to the portion of the total medical assistance paid by each such state;**

[(12)] (11) Notwithstanding the provisions of subdivisions (4) to (8) of this subsection to the contrary, the donor may voluntarily agree to a smaller percentage of the principal balance in any account established by such donor than is provided in this subsection to be returned to the donor or distributed to the successor trust, as the case may be; and a corresponding larger percentage of the principal balance in such account to be distributed either to the charitable trust or to a designated restricted account within the charitable trust;

[(13)] (12) Upon receipt of a notice of

withdrawal from a designated cotrustee, other than the original donor, and a determination by the board of trustees that the reason for such withdrawal is good and sufficient, or upon the issuance of notice of termination by the board of trustees, the board of trustees shall distribute and pay over to the designated trustee of the successor trust the applicable portion of the principal balance as set forth in subdivision (7) of this subsection; provided, however, that court approval of distribution to a successor trustee shall be required in connection with any trust created pursuant to section 473.657, RSMo, or section 475.093, RSMo.

The designated trustee of the successor trust shall hold, administer and distribute the principal and income of the successor trust, in the discretion of such trustee, for the maintenance, support, health, education and general well-being of the beneficiary, recognizing that it is the purpose of the successor trust to supplement, not replace, any government benefits for the beneficiary's basic support to which such beneficiary may be entitled and to increase the quality of such beneficiary's life by providing the beneficiary with those amenities which cannot otherwise be provided by public assistance or entitlements or other available sources. Permissible expenditures include, but are not limited to, more sophisticated dental, medical and diagnostic work or treatment than is otherwise available from public assistance, private rehabilitative training, supplementary education aid, entertainment, periodic vacations and outings, expenditures to foster the interests, talents and hobbies of the beneficiary, and expenditures to purchase personal property and services which will make life more comfortable and enjoyable for the beneficiary but which will not defeat his or her eligibility for public assistance. Expenditures may include payment of the funeral and burial costs of the beneficiary. The designated trustee, in his or her discretion, may make payments from time to

time for a person to accompany the beneficiary on vacations and outings and for the transportation of the beneficiary or of friends and relatives of the beneficiary to visit the beneficiary. Any undistributed income shall be added to the principal from time to time. Expenditures shall not be made for the primary support or maintenance of the beneficiary, including basic food, shelter and clothing, if, as a result, the beneficiary would no longer be eligible to receive public benefits or assistance to which the beneficiary is then entitled. After the death and burial of the beneficiary, the remaining balance of the successor trust shall be distributed to such person or persons as the donor shall have designated;

[(14)] **(13)** The charitable trust shall be administered as part of the family trust, but as a separate account. The income attributable to the charitable trust shall be used to provide benefits for individuals who have a disability [or who are eligible for services provided by or through the department and who either have no immediate family or whose immediate family, in the reasonable opinion of the trustees, is financially unable to make a contribution to the trust sufficient to provide benefits for such individuals, while maintaining such individuals' eligibility for government entitlement funding] **and who have no income or very limited income other than benefits.** The trustees may from time to time determine to use part of the principal of the charitable trust to provide such benefits. [As used in this section, the term "immediate family" includes parents, children and siblings. The individuals to be beneficiaries of the charitable trust shall be recommended to the trustees by the department and others from time to time.] The trustees shall annually determine the amount of charitable trust income or principal to be used to provide benefits and the nature and type of benefits to be provided for each identified beneficiary of the charitable trust. Any income not used shall be

added to principal annually;

[(15)] **(14)** Any person, with the consent of the board of trustees, may establish a restricted account within the charitable trust and shall be permitted to determine, with the consent of the board of trustees, the beneficiaries of such restricted account provided such beneficiaries qualify as participants of the trust as set forth in subsection 1 of section 402.205.

402.217. 1. No beneficiary shall have any vested or property rights or interests in [the family] **any trust established for the benefit of such beneficiary**, nor shall any beneficiary have the power to anticipate, assign, convey, alienate, or otherwise encumber any interest in the income or principal of the [family] trust, nor shall such income or the principal or any interest of any beneficiary thereunder be liable for any debt incurred by such beneficiary, nor shall the principal or income of the [family] trust be subject to seizure by any creditor or any beneficiary under any writ or proceeding in law or in equity.

2. Except for the right of a donor to revoke any gift made to the trust, pursuant to subdivision (4) of subsection 2 of section 402.215, and the right of any acting cotrustee, other than the original donor, to withdraw all or a portion of the principal balance, pursuant to subdivision (5) of subsection 2 of section 402.215, neither the donor nor any acting cotrustee shall have the right to sell, assign, convey, alienate or otherwise encumber, for consideration or otherwise, any interest in the income or principal of the family trust, nor shall such income or the principal or any interest of any beneficiary thereunder be liable for any debt incurred by the donor or any acting cotrustee, nor shall the principal or income of the family trust be subject to seizure by any creditor of any donor or any acting cotrustee under any writ or proceeding in law or in equity.”; and

Further amend said bill by amending the title,

enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Bill No. 516, Page 26, Section 191.227, Line 1, by inserting before all of said Line the following:

“191.225. 1. The department of health and senior services shall make payments to [hospitals and physicians] **appropriate medical providers**, out of appropriations made for that purpose, to cover the [cost] **charges** of the [medical] **forensic** examination [not covered by insurance, Medicare or Medicaid] of persons who may be a victim of [the crime of rape as defined in section 566.030, RSMo, or a victim of a crime as defined in chapter 566, RSMo, or sections 568.020, 568.050, 568.060, 568.080, 568.090, 568.110, and 568.175, RSMo,] **a sexual offense** if:

(1) The victim or the victim's guardian consents in writing to the examination;

(2) The report of the examination is made on a form approved by the attorney general with the advice of the department of health and senior services; and

(3) The report of the examination is filed [by the victim] with the prosecuting attorney of the county in which the alleged incident occurred.

The appropriate medical provider shall file the report of the examination within three business days of completion of the forensic exam.

2. A minor may consent to examination under this section. Such consent is not subject to disaffirmance because of minority, and consent of parent or guardian of the minor is not required for such examination. The [hospital or physician] **appropriate medical provider** making the examination shall give written notice to the parent or guardian of a minor that such an examination has taken place.

3. The attorney general, with the advice of the department of health and senior services, shall develop the forms and procedures for gathering evidence **during the forensic examination** under the provisions of this section [and shall furnish every hospital and physician in this state with copies of such forms and procedures.

4. Reasonable hospital and physicians]. **The department of health and senior services shall develop a checklist for appropriate medical providers to refer to while providing medical treatment to victims of a sexual offense.**

4. Evidentiary collection kits shall be developed and made available, subject to appropriation, to appropriate medical providers by the highway patrol or its designees and eligible crime laboratories. Such kits shall be distributed with the forms and procedures for gathering evidence during forensic examinations of victims of a sexual offense to appropriate medical providers upon request of the provider, in the amount requested, and at no charge to the medical provider. All appropriate medical providers shall, with the written consent of the victim, perform a forensic examination using the evidentiary collection kit and forms and procedures for gathering evidence following the checklist for any person presenting as a victim of a sexual offense.

5. All appropriate medical provider charges for eligible **forensic** examinations shall be billed to and paid by the department of health and senior services. **No appropriate medical provider conducting forensic examinations and providing medical treatment to victims of sexual offenses shall charge the victim for the forensic examination. For appropriate medical provider charges related to the medical treatment of victims of sexual offenses, if the victim is an eligible claimant under the crime victims' compensation fund, the appropriate medical provider shall seek compensation under sections**

595.010 to 595.075, RSMo.

6. For purposes of this section, the following terms mean:

(1) **“Appropriate medical provider”, any licensed nurse, physician, or physician assistant, and any institution employing licensed nurses, physicians, or physician assistants; provided that such licensed professionals are the only persons at such institution to perform tasks under the provisions of this section;**

(2) **“Evidentiary collection kit”, a kit used during a forensic examination that includes materials necessary for appropriate medical providers to gather evidence in accordance with the forms and procedures developed by the attorney general for forensic examinations;**

(3) **“Forensic examination”, an examination performed by an appropriate medical provider on a victim of an alleged sexual offense to gather evidence for the evidentiary collection kit;**

(4) **“Medical treatment”, the treatment of all injuries and health concerns resulting directly from a patient's sexual assault or victimization.”; and**

Further Amend said Bill, Page 78, Section 429.603, Line 16, by inserting after all of said Line the following:

“431.056. A minor shall be qualified and competent to contract for housing, employment, purchase of an automobile, receipt of a student loan, admission to high school or postsecondary school, obtaining medical care, establishing a bank account [and], admission to a shelter for victims of domestic violence, as defined in section 455.200, RSMo, or a homeless shelter, **and receipt of services as a victim of domestic and sexual violence, including but not limited to counseling, court advocacy, financial assistance, and other advocacy services, if:**

(1) The minor is sixteen or seventeen years of age; and

(2) The minor is homeless, as defined in subsection 1 of section 167.020, RSMo, or a victim of domestic violence, as defined in section 455.200, RSMo, unless the child is under the supervision of the children's division or the jurisdiction of the juvenile court; and

(3) The minor is self-supporting, such that the minor is without the physical or financial support of a parent or legal guardian; and

(4) The minor's parent or legal guardian has consented to the minor living independent of the parents' or guardians' control. Consent may be expressed or implied, such that:

(a) Expressed consent is any verbal or written statement made by the parents or guardian of the minor displaying approval or agreement that the minor may live independently of the parent's or guardian's control;

(b) Implied consent is any action made by the parent or guardian of the minor that indicates the parent or guardian is unwilling or unable to adequately care for the minor. Such actions may include, but are not limited to:

a. Barring the minor from the home or otherwise indicating that the minor is not welcome to stay;

b. Refusing to provide any or all financial support for the minor; or

c. Abusing or neglecting the minor, as defined in section 210.110, RSMo.”; and

Further Amend said Bill, Page 98, Section 452.930, Line 3, by inserting after all of said Line the following:

“455.003. 1. A rape crisis center shall:

(1) Require persons employed by or volunteering services to the rape crisis center to

maintain confidentiality of any information that would identify individuals served by the center and any information or records that are directly related to the advocacy services provided to such individuals; and

(2) Prior to providing any advocacy services, inform individuals served by the rape crisis center of the nature and scope of the confidentiality requirements of subdivision (1) of this subsection.

2. Any person employed by or volunteering services to a rape crisis center for victims of sexual assault shall be incompetent to testify concerning any confidential information in subsection 1 of this section, unless the confidentiality requirements is waived in writing by the individual served by the center.

3. As used in this section, the term “rape crisis center” shall mean any public or private agency that offers assistance to victims of sexual assault, as the term “sexual assault” is defined in section 455.010, who are adults, as defined by section 455.010, or qualified minors, as defined by section 431.056, RSMo.”; and

Further Amend said Bill, Page 118, Section 559.600, Line 19, by inserting after all of said Line the following:

“565.072. 1. A person commits the crime of domestic assault in the first degree if he or she attempts to kill or knowingly causes or attempts to cause serious physical injury to a family or household member or an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the actor, as defined in section 455.010, RSMo.

2. Domestic assault in the first degree is a class B felony unless in the course thereof the actor inflicts serious physical injury on the victim or has previously pleaded guilty to or been found guilty of committing this crime, in which case it

is a class A felony.”; and

Further Amend said Bill, Page 118, Section 566.150, Line 11, by inserting after all of said Line the following:

“566.224. No prosecuting or circuit attorney, peace officer, governmental official, or employee of a law enforcement agency shall request or require a victim of sexual assault under section 566.040 or forcible rape under section 566.030 to submit to any polygraph test or psychological stress evaluator exam as a condition for proceeding with a criminal investigation of such crime.

566.226. 1. After August 28, 2007, any information contained in any court record, whether written or published on the Internet, that could be used to identify or locate any victim of sexual assault, domestic assault, stalking, or forcible rape shall be closed and redacted from such record prior to disclosure to the public. Identifying information shall include the name, home or temporary address, telephone number, social security number or physical characteristics.

2. If the court determines that a person or entity who is requesting identifying information of a victim has a legitimate interest in obtaining such information, the court may allow access to the information, but only if the court determines that disclosure to the person or entity would not compromise the welfare or safety of such victim.”; and

Further Amend said Bill, Page 119, Section 570.055, Line 3, by inserting after all of said Line the following:

“589.660. As used in sections 589.660 to 589.681, the following terms mean:

(1) “Address”, a residential street address, school address, or work address of a person, as specified on the person's application to be a

program participant;

(2) “Application assistant”, an employee of a state or local agency, or of a nonprofit program that provides counseling, referral, shelter, or other specialized service to victims of domestic violence, rape, sexual assault, or stalking, who has been designated by the respective agency or program, and who has been trained and registered by the secretary of state to assist individuals in the completion of program participation applications;

(3) “Designated address”, the address assigned to a program participant by the secretary;

(4) “Mailing address”, an address that is recognized for delivery by the United States Postal Service;

(5) “Program”, the address confidentiality program established in section 589.663;

(6) “Program participant”, a person certified by the secretary of state as eligible to participate in the address confidentiality program;

(7) “Secretary”, the secretary of state.

589.663. There is created in the office of the secretary of state a program to be known as the “Address Confidentiality Program” to protect victims of domestic violence, rape, sexual assault, or stalking by authorizing the use of designated addresses for such victims and their minor children. The program shall be administered by the secretary under the following application and certification procedures:

(1) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person may apply to the secretary to have a designated address assigned by the secretary to serve as the person's address or the address of the minor or

incapacitated person;

(2) The secretary may approve an application only if it is filed with the office of the secretary in the manner established by rule and on a form prescribed by the secretary. A completed application shall contain:

(a) The application preparation date, the applicant's signature, and the signature and registration number of the application assistant who assisted the applicant in applying to be a program participant;

(b) A designation of the secretary as agent for purposes of service of process and for receipt of first-class mail, legal documents, and certified mail;

(c) A sworn statement by the applicant that the applicant has good reason to believe that he or she:

a. Is a victim of domestic violence, rape, sexual assault, or stalking; and

b. Fears further violent acts from his or her assailant;

(d) The mailing address where the applicant may be contacted by the secretary or a designee and the telephone number or numbers where the applicant may be called by the secretary or the secretary's designee; and

(e) One or more addresses that the applicant requests not be disclosed for the reason that disclosure will jeopardize the applicant's safety or increase the risk of violence to the applicant or members of the applicant's household;

(3) Upon receipt of a properly completed application, the secretary may certify the applicant as a program participant. A program participant is certified for four years following the date of initial certification unless the certification is withdrawn or cancelled before

that date. The secretary shall send notification of lapsing certification and a reapplication form to a program participant at least four weeks prior to the expiration of the program participant's certification;

(4) The secretary shall forward first-class mail, legal documents, and certified mail to the appropriate program participants.

589.666. Certification of a program participant may be cancelled by the secretary if one or more of the following conditions apply:

(1) If the program participant obtains a name change, unless the program participant provides the secretary with documentation of a legal name change within ten business days of the name change;

(2) If there is a change in the mailing address from the person listed on the application, unless the program participant provides the secretary with notice of the change in such manner as the secretary provides by rule; or

(3) The applicant or program participant violates subsection 2 of section 589.663.

589.669. Upon demonstration of a program participant's certification in the program, state and local agencies and the courts shall accept the designated address as a program participant's address when creating a new public record unless the secretary has determined that:

(1) The agency has a bona fide statutory or administrative requirement for the use of the program participant's address or mailing address, such that it is unable to fulfill its statutory duties and obligations without the address; and

(2) The program participant's address or mailing address shall be used only for those statutory and administrative purposes.

589.672. If the secretary deems it appropriate, the secretary may make a program participant's address or mailing address available for inspection or copying, under the following circumstances:

(1) If requested of the secretary by a law enforcement agency in the manner provided for by rule; or

(2) Upon request to the secretary by a director of a state agency or the director's designee in the manner provided for by rule and upon a showing of a bona fide statutory or administrative requirement for the use of the program participant's address or mailing address, such that the director or the director's designee is unable to fulfill statutory duties and obligations without the address or mailing address.

589.675. If the secretary deems it appropriate, the secretary shall make a program participant's address and mailing address available for inspection or copying under the following circumstances:

(1) To a person identified in a court order, upon the secretary's receipt of such court order that specifically orders the disclosure of a particular program participant's address and mailing address and the reasons stated for the disclosure; or

(2) If the certification has been cancelled because the applicant or program participant violated subsection 2 of section 589.663.

589.678. A program participant's application and supporting materials are not a public record and shall be kept confidential by the secretary.

589.681. The secretary shall promulgate rules to establish and administer the address confidentiality program. Any rule or portion of a rule, as that term is defined in section 536.010,

RSMo, that is created under the authority delegated in sections 589.660 to 589.681 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

589.683. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:

(1) Any new program authorized under sections 589.660 to 589.681 shall automatically sunset six years after the effective date of sections 589.660 to 589.681 unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under sections 589.660 to 589.681 shall automatically sunset twelve years after the effective date of the reauthorization of sections 589.660 to 589.681; and

(3) Sections 589.660 to 589.681 shall terminate on September first of the calendar year immediately following the calendar year in which a program authorized under sections 589.660 to 589.681 is sunset.

595.030. 1. No compensation shall be paid unless the claimant has incurred an out-of-pocket loss of at least fifty dollars or has lost two continuous weeks of earnings or support from gainful employment. "Out-of-pocket loss" shall mean unreimbursed or unreimbursable expenses or indebtedness reasonably incurred:

(1) For medical care or other services, including psychiatric, psychological or counseling

expenses, necessary as a result of the crime upon which the claim is based, except that the amount paid for psychiatric, psychological or counseling expenses per eligible claim shall not exceed two thousand five hundred dollars; **or**

(2) As a result of personal property being seized in an investigation by law enforcement. Compensation paid for an “out-of-pocket loss” under this subdivision shall be in an amount equal to the loss sustained, but shall not exceed two hundred fifty dollars.

2. No compensation shall be paid unless the division of workers' compensation finds that a crime was committed, that such crime directly resulted in personal physical injury to, or the death of, the victim, and that police records show that such crime was promptly reported to the proper authorities. In no case may compensation be paid if the police records show that such report was made more than forty-eight hours after the occurrence of such crime, unless the division of workers' compensation finds that the report to the police was delayed for good cause. If the victim is under eighteen years of age such report may be made by the victim's parent, guardian or custodian; by a physician, a nurse, or hospital emergency room personnel; by the division of family services personnel; or by any other member of the victim's family. **In the case of a sexual offense, filing a report of the offense to the proper authorities may include, but not be limited to, the filing of the report of the forensic examination by the appropriate medical provider, as defined in section 191.225, RSMo, with the prosecuting attorney of the county in which the alleged incident occurred.**

3. No compensation shall be paid for medical care if the service provider is not a medical provider as that term is defined in section 595.027, and the individual providing the medical care is not licensed by the state of Missouri or the state in which the medical care is provided.

4. No compensation shall be paid for psychiatric treatment or other counseling services, including psychotherapy, unless the service provider is a:

(1) Physician licensed pursuant to chapter 334, RSMo, or licensed to practice medicine in the state in which the service is provided;

(2) Psychologist licensed pursuant to chapter 337, RSMo, or licensed to practice psychology in the state in which the service is provided;

(3) Clinical social worker licensed pursuant to chapter 337, RSMo; or

(4) Professional counselor licensed pursuant to chapter 337, RSMo.

5. Any compensation paid pursuant to sections 595.010 to 595.075 for death or personal injury shall be in an amount not exceeding out-of-pocket loss, together with loss of earnings or support from gainful employment, not to exceed two hundred dollars per week, resulting from such injury or death. In the event of death of the victim, an award may be made for reasonable and necessary expenses actually incurred for preparation and burial not to exceed five thousand dollars.

6. Any compensation for loss of earnings or support from gainful employment shall be in an amount equal to the actual loss sustained not to exceed two hundred dollars per week; provided, however, that no award pursuant to sections 595.010 to 595.075 shall exceed twenty-five thousand dollars. If two or more persons are entitled to compensation as a result of the death of a person which is the direct result of a crime or in the case of a sexual assault, the compensation shall be apportioned by the division of workers' compensation among the claimants in proportion to their loss.

7. The method and timing of the payment of any compensation pursuant to sections 595.010 to 595.075 shall be determined by the division.

595.036. 1. **Any party aggrieved by a**

decision of the department on a claim under the provisions of sections 595.010 to 595.070 may, within thirty days following the date of notification of mailing of such decision, file a petition with the division of workers' compensation of the department of labor and industrial relations to have such decision heard de novo by an administrative law judge. The administrative law judge may affirm, reverse, or set aside the decision of the department of public safety on the basis of the evidence previously submitted in such case or may take additional evidence or may remand the matter to the department of public safety with directions. The division of workers' compensation shall promptly notify the parties of its decision and the reasons therefor.

2. Any of the parties to a decision of an administrative law judge of the division of workers' compensation, as provided by subsection 1 of this section, on a claim heard under the provisions of sections 595.010 to 595.070 may, within thirty days following the date of notification or mailing of such decision, file a petition with the labor and industrial relations commission to have such decision reviewed by the commission. The commission may allow or deny a petition for review. If a petition is allowed, the commission may affirm, reverse, or set aside the decision of the division of workers' compensation on the basis of the evidence previously submitted in such case or may take additional evidence or may remand the matter to the division of workers' compensation with directions. The commission shall promptly notify the parties of its decision and the reasons therefor.

[2.] 3. Any petition for review filed pursuant to subsection 1 of this section shall be deemed to be filed as of the date endorsed by the United States Postal Service on the envelope or container in which such petition is received.

[3.] 4. Any party who is aggrieved by a final

decision of the labor and industrial relations commission pursuant to the provisions of subsections [1 and] 2 and 3 of this section [may seek judicial review thereof, as provided in sections 536.100 to 536.140, RSMo] shall within thirty days from the date of the final decision, appeal the decision to the court of appeals. Such appeal may be taken by filing notice of appeal with commission, whereupon the commission shall, under its certificate, return to the court all documents and papers on file in the matter, together with a transcript of the evidence, the findings and award, which shall thereupon become the record of the cause. Upon appeal no additional evidence shall be heard and, in the absence of fraud, the findings of fact made by the commission within its powers shall be conclusive and binding. The court, on appeal, shall review only questions of law and may modify, reverse, remand for rehearing, or set aside the award upon any of the following grounds and no other:

(1) That the commission acted without or in excess of its powers;

(2) That the award was procured by fraud;

(3) That the facts found by the commission do not support the award;

(4) That there was not sufficient competent evidence in the record to warrant the making of the award.

595.209. 1. The following rights shall automatically be afforded to victims of dangerous felonies, as defined in section 556.061, RSMo, victims of murder in the first degree, as defined in section 565.020, RSMo, victims of voluntary manslaughter, as defined in section 565.023, RSMo, and victims of an attempt to commit one of the preceding crimes, as defined in section 564.011, RSMo; and, upon written request, the following rights shall be afforded to victims of all other crimes and witnesses of crimes:

(1) For victims, the right to be present at all criminal justice proceedings at which the defendant has such right, including juvenile proceedings where the offense would have been a felony if committed by an adult, even if the victim is called to testify or may be called to testify as a witness in the case;

(2) For victims, the right to information about the crime, as provided for in subdivision (5) of this subsection;

(3) For victims and witnesses, to be informed, in a timely manner, by the prosecutor's office of the filing of charges, preliminary hearing dates, trial dates, continuances and the final disposition of the case. Final disposition information shall be provided within five days;

(4) For victims, the right to confer with and to be informed by the prosecutor regarding bail hearings, guilty pleas, pleas under chapter 552, RSMo, or its successors, hearings, sentencing and probation revocation hearings and the right to be heard at such hearings, including juvenile proceedings, unless in the determination of the court the interests of justice require otherwise;

(5) The right to be informed by local law enforcement agencies, the appropriate juvenile authorities or the custodial authority of the following:

(a) The status of any case concerning a crime against the victim, including juvenile offenses;

(b) The right to be informed by local law enforcement agencies or the appropriate juvenile authorities of the availability of victim compensation assistance, assistance in obtaining documentation of the victim's losses, including, but not limited to and subject to existing law concerning protected information or closed records, access to copies of complete, unaltered, unedited investigation reports of motor vehicle, pedestrian, and other similar accidents upon

request to the appropriate law enforcement agency by the victim or the victim's representative, and emergency crisis intervention services available in the community;

(c) Any release of such person on bond or for any other reason;

(d) Within twenty-four hours, any escape by such person from a municipal detention facility, county jail, a correctional facility operated by the department of corrections, mental health facility, or the division of youth services or any agency thereof, and any subsequent recapture of such person;

(6) For victims, the right to be informed by appropriate juvenile authorities of probation revocation hearings initiated by the juvenile authority and the right to be heard at such hearings or to offer a written statement, video or audio tape, **or a statement by counsel or a representative designated by the victim on behalf of the victim** in lieu of a personal appearance, the right to be informed by the board of probation and parole of probation revocation hearings initiated by the board and of parole hearings, the right to be present at each and every phase of parole hearings [and], the right to be heard at probation revocation and parole hearings or to offer a written statement, video or audio tape in lieu of a personal appearance, **and the right to have, upon written request of the victim, a partition set up in the probation or parole hearing room in such a way that the victim is shielded from the view of the probationer or parolee**, and the right to be informed by the custodial mental health facility or agency thereof of any hearings for the release of a person committed pursuant to the provisions of chapter 552, RSMo, the right to be present at such hearings, the right to be heard at such hearings or to offer a written statement, video or audio tape, **or a statement by counsel or a representative designated by the victim** in lieu of personal appearance;

(7) For victims and witnesses, upon their written request, the right to be informed by the appropriate custodial authority, including any municipal detention facility, juvenile detention facility, county jail, correctional facility operated by the department of corrections, mental health facility, division of youth services or agency thereof if the offense would have been a felony if committed by an adult, postconviction or commitment pursuant to the provisions of chapter 552, RSMo, of the following:

(a) The projected date of such person's release from confinement;

(b) Any release of such person on bond;

(c) Any release of such person on furlough, work release, trial release, electronic monitoring program, or to a community correctional facility or program or release for any other reason, in advance of such release;

(d) Any scheduled parole or release hearings, including hearings under section 217.362, RSMo, regarding such person and any changes in the scheduling of such hearings. No such hearing shall be conducted without thirty days' advance notice;

(e) Within twenty-four hours, any escape by such person from a municipal detention facility, county jail, a correctional facility operated by the department of corrections, mental health facility, or the division of youth services or any agency thereof, and any subsequent recapture of such person;

(f) Any decision by a parole board, by a juvenile releasing authority or by a circuit court presiding over releases pursuant to the provisions of chapter 552, RSMo, or by a circuit court presiding over releases under section 217.362, RSMo, to release such person or any decision by the governor to commute the sentence of such person or pardon such person;

(g) Notification within thirty days of the death

of such person;

(8) For witnesses who have been summoned by the prosecuting attorney and for victims, to be notified by the prosecuting attorney in a timely manner when a court proceeding will not go on as scheduled;

(9) For victims and witnesses, the right to reasonable protection from the defendant or any person acting on behalf of the defendant from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts;

(10) For victims and witnesses, on charged cases or submitted cases where no charge decision has yet been made, to be informed by the prosecuting attorney of the status of the case and of the availability of victim compensation assistance and of financial assistance and emergency and crisis intervention services available within the community and information relative to applying for such assistance or services, and of any final decision by the prosecuting attorney not to file charges;

(11) For victims, to be informed by the prosecuting attorney of the right to restitution which shall be enforceable in the same manner as any other cause of action as otherwise provided by law;

(12) For victims and witnesses, to be informed by the court and the prosecuting attorney of procedures to be followed in order to apply for and receive any witness fee to which they are entitled;

(13) When a victim's property is no longer needed for evidentiary reasons or needs to be retained pending an appeal, the prosecuting attorney or any law enforcement agency having possession of the property shall, upon request of the victim, return such property to the victim within five working days unless the property is contraband or subject to forfeiture proceedings, or provide written explanation of the reason why such

property shall not be returned;

(14) An employer may not discharge or discipline any witness, victim or member of a victim's immediate family for honoring a subpoena to testify in a criminal proceeding, **attending a criminal proceeding**, or for participating in the preparation of a criminal proceeding, **or require any witness, victim, or member of a victim's immediate family to use vacation time, personal time, or sick leave for honoring a subpoena to testify in a criminal proceeding, attending a criminal proceeding, or participating in the preparation of a criminal proceeding**;

(15) For victims, to be provided with creditor intercession services by the prosecuting attorney if the victim is unable, as a result of the crime, temporarily to meet financial obligations;

(16) For victims and witnesses, the right to speedy disposition of their cases, and for victims, the right to speedy appellate review of their cases, provided that nothing in this subdivision shall prevent the defendant from having sufficient time to prepare such defendant's defense. The attorney general shall provide victims, upon their written request, case status information throughout the appellate process of their cases. The provisions of this subdivision shall apply only to proceedings involving the particular case to which the person is a victim or witness;

(17) For victims and witnesses, to be provided by the court, a secure waiting area during court proceedings and to receive notification of the date, time and location of any hearing conducted by the court for reconsideration of any sentence imposed, modification of such sentence or recall and release of any defendant from incarceration.

2. The provisions of subsection 1 of this section shall not be construed to imply any victim who is incarcerated by the department of corrections or any local law enforcement agency

has a right to be released to attend any hearing or that the department of corrections or the local law enforcement agency has any duty to transport such incarcerated victim to any hearing.

3. Those persons entitled to notice of events pursuant to the provisions of subsection 1 of this section shall provide the appropriate person or agency with their current addresses and telephone numbers or the addresses or telephone numbers at which they wish notification to be given.

4. Notification by the appropriate person or agency utilizing the statewide automated crime victim notification system as established in section 650.310, RSMo, shall constitute compliance with the victim notification requirement of this section. If notification utilizing the statewide automated crime victim notification system cannot be used, then written notification shall be sent by certified mail to the most current address provided by the victim.

5. Victims' rights as established in section 32 of article I of the Missouri Constitution or the laws of this state pertaining to the rights of victims of crime shall be granted and enforced regardless of the desires of a defendant and no privileges of confidentiality shall exist in favor of the defendant to exclude victims or prevent their full participation in each and every phase of parole hearings or probation revocation hearings. The rights of the victims granted in this section are absolute and the policy of this state is that the victim's rights are paramount to the defendant's rights. The victim has an absolute right to be present at any hearing in which the defendant is present before a probation and parole hearing officer.”; and

Further Amend said Bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS for SB 4** and **SS No. 6 for SCS for SB 389**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SS for SCS for HCS for HB 583** and **SS for HCS for HB 364**, begs leave to report that it has considered the same and recommends that the bills do pass.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
May 14, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office submitted to you on March 22, 2007, for your advice and consent:

Robert C. Kramer, Democrat, 9545 Dana Avenue, Saint Louis, Saint Louis County, Missouri 63123, as a member of the Environmental Improvement and Energy Resources Authority, for a term ending December 29, 2008, and until his successor is duly appointed and qualified; vice, William Worley, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
May 14, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office submitted to you on April 26, 2007 for your advice and consent:

Michael D. Geske, 4694 State Highway E, Matthews, New Madrid County, Missouri 63867, as a member of the Missouri Ethanol and Other Renewable Fuels Commission, for a term ending March 25, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
May 16, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office submitted to you on January 23, 2007, for your advice and consent:

Schuyler J. Mariea, 1826 Chelle Court, Jefferson City, Cole County, Missouri 65101, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees, for a term ending February 6, 2010, and until his successor is duly appointed and qualified; vice, Gary O'Neal, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
May 16, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office submitted to you on February 19, 2007, for your advice and consent:

Daniel K. Carr, Republican, 1932 High Drive, Liberty, Clay, Missouri 64068, as a member of the Missouri State Penitentiary Redevelopment Commission, for a term ending March

3, 2008, and until his successor is duly appointed and qualified; vice, William Carr, resigned.

Respectfully submitted,

MATT BLUNT

President Pro Tem Gibbons requested unanimous consent to make one motion to return the above appointments to the Governor, which request was granted.

President Pro Tem Gibbons moved that the appointments of Robert C. Kramer, Michael D. Geske, Schuyler J. Mariea and Daniel K. Carr, be returned to the Governor per his request, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SCS for SB 4**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

OBJECTIONS

Senator Graham submitted the following:

May 7, 2007

RE: SS/SCS/SB 389

Dear Madam Secretary:

Pursuant to Senate Rule 68, this letter is to notify you and others that I am filing a constitutional objection to the SS/SCS/SB 389. Please print this letter in the Senate Journal. I object to this legislation for the following reasons:

1. Article IX, Section 9(a) of the Missouri Constitution states that "The government of the state university shall be vested in a board of curators."

2. The SS/SCS/SB 389 clearly violates this aforementioned provision with the inclusion of a provision that dictates the rate at which the State University may increase its tuition.

3. Article IX, Section 9(a) was constructed specifically to grant the University independence from such political meddling. It is both sad and ironic that the same legislature that has been slashing appropriations for the State University is now using threats of withholding such support to enforce its unconstitutional meddling.

4. In addition, Article IX, Section 9(b) of the Missouri Constitution states that "The general assembly shall adequately maintain the state university."

5. The SS/SCS/SB 389 originally contained changes in law that would ultimately authorize an \$85 million health sciences center on the University of Missouri-Columbia campus. This life sciences building was removed from the bill, temporarily replaced with funding for a \$31 million cancer hospital on the campus.

6. Both the \$31 million cancer hospital and a \$15 million pharmacy and nursing building on the University of Missouri-Kansas City campus were punitively removed from the project list, followed by a motion to move the previous question, thereby stifling debate on this issue. The removal of said projects displays an unqualified lack of "adequate support" for the only constitutionally authorized State University in Missouri.

7. This slow motion disaster that is commonly referred to as "MOHELA" is not only bad public policy that will irrevocably damage the State University and the future economic development of this state, but it violates two constitutional provisions in order to accomplish this dubious end.

I ask that the aforementioned objections be attached to the bill.

Thank you,

Senator Chuck Graham.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SS No. 6 for SCS for SB 389**, having passed both branches of the General Assembly, would be read at length by the Secretary, and signed by the President Pro Tem to the end that it may become law. The bill was so read by the Secretary and signed by the President Pro Tem.

President Kinder assumed the Chair.

HOUSE BILLS ON THIRD READING

HCS for HB 329, with **SCS**, entitled:

An Act to repeal sections 425.010 and 425.020, RSMo, and to enact in lieu thereof four new sections relating to debt adjusters, with a

penalty provision.

Was called from the Informal Calendar and taken up by Senator Scott.

Senator Rupp assumed the Chair.

Senator Gross assumed the Chair.

SCS for **HCS** for **HB 329**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 329

An Act to repeal sections 425.010 and 425.020, RSMo, and to enact in lieu thereof four new sections relating to debt adjusters, with a penalty provision.

Was taken up.

Senator Rupp assumed the Chair.

Senator Scott moved that **SCS** for **HCS** for **HB 329** be adopted, which motion prevailed.

Senator Shields announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

On motion of Senator Scott, **SCS** for **HCS** for **HB 329** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Crowell	Days	Engler
Gibbons	Goodman	Green	Griesheimer
Gross	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Stouffer	Vogel—28

NAYS—Senators

Bray	Coleman	Justus	Smith
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Wilson—5

Absent—Senator Graham—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Gibbons moved that **SS** for **SCS** for **HCS** for **HB 583**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Gibbons, **SS** for **SCS** for **HCS** for **HB 583**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Days
Engler	Gibbons	Goodman	Green
Griesheimer	Gross	Justus	Kennedy
Loudon	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel

Wilson—29

NAYS—Senators

Crowell	Koster	Lager	Mayer—4
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Absent—Senator Graham—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 69, with **SCS**, introduced by Representative Day, entitled:

An Act to repeal section 67.1000, as enacted by senate committee substitute for senate bill no. 820, eighty-ninth general assembly, second regular session, and section 67.1000, as enacted by house bill no. 1587, eighty-ninth general assembly, second regular session, and to enact in lieu thereof one new section relating to transient guest taxes.

Was called from the Informal Calendar and taken up by Senator Barnitz.

SCS for **HB 69**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 69

An Act to repeal sections 67.1360, 67.2500, 67.2510, 89.010, 89.400, 94.837, RSMo, section 67.1000, as enacted by senate committee substitute for senate bill no. 820, eighty-ninth general assembly, second regular session, section 67.1000, as enacted by house bill no. 1587, eighty-ninth general assembly, second regular session, section 67.2505 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill nos. 795, 972, 1128 & 1161 merged with house substitute for senate committee substitute for senate bill no. 1155, ninety-second general assembly, second regular session, and section 67.2505 as enacted by senate substitute for senate committee substitute for house committee substitute for house bill no. 833 merged with house committee substitute for senate substitute for senate bill no. 732, ninety-second general assembly, second regular session, and to enact in lieu thereof eight new sections relating to political subdivisions.

Was taken up.

Senator Barnitz moved that **SCS** for **HB 69** be adopted.

Senator Barnitz offered **SS** for **SCS** for **HB 69**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 69

An Act to repeal sections 21.750, 41.655, 50.327, 50.333, 50.565, 50.1250, 52.290, 52.312, 52.315, 52.317, 57.113, 58.451, 58.500, 58.510, 58.720, 64.620, 64.890, 64.940, 65.677, 66.010, 67.320, 67.797, 67.1360, 67.1451, 67.1545, 67.2500, 67.2510, 70.220, 70.515, 70.545, 72.080, 79.050, 79.370, 84.120, 84.170, 86.590, 87.006, 89.010, 89.400, 94.660, 94.837, 99.805, 100.050, 100.059, 105.483, 108.170, 110.130, 110.140, 110.150, 141.150, 141.640, 144.030, 144.062, 144.757, 144.759, 162.431, 190.305, 210.861, 238.202, 238.207, 238.208, 238.225, 238.230, 238.275, 246.005, 304.015, 311.174, 313.055, 313.057, 320.200, 320.271, 320.310, 392.410, 393.705, 393.710, 393.715, 393.720, 393.829, 409.107, 432.070, 451.040, 473.743, 479.010, 479.011, 650.396, and 650.399, RSMo, section 67.1000 as enacted by senate committee substitute for senate bill no. 820, eighty-ninth general assembly, second regular session, section 67.1000 as enacted by house bill no. 1587, eighty-ninth general assembly, second regular session, section 67.2505 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill nos. 795, 972, 1128 & 1161 merged with house substitute for senate committee substitute for senate bill no. 1155, ninety-second general assembly, second regular session, and section 67.2505 as enacted by senate substitute for senate committee substitute for house committee substitute for house bill no. 833 merged with house committee substitute for senate substitute for senate bill no. 732, ninety-second general assembly, second regular session, and sections 21.750, 99.812, and 144.054, as Truly Agreed To and Finally Passed by the first regular session of the ninety-fourth general assembly in Senate Committee Substitute for House Committee Substitute for House Bill No. 327, and to enact in lieu thereof one hundred thirty-nine new sections

relating to political subdivisions, with penalty provisions and emergency clauses for certain sections.

Senator Barnitz moved that **SS** for **SCS** for **HB 69** be adopted.

Senator Koster assumed the Chair.

Senator Barnitz offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 69, Page 190, Section 190.305, Lines 5-10 of said page, by striking said lines and inserting in lieu thereof the following: "to sections 190.327 and 190.328. **The board of any county of the first classification with more than one hundred four thousand six hundred but fewer than one hundred four thousand seven hundred inhabitants shall provide services to a city located in more than one county only after making an agreement or contracting with the city for such services, provided that any agreement or contract in effect, as of January 1, 2006, shall continue until such time as a successor agreement or contract is entered into by the board and city and such agreement or contract is to provide services for a period of three or more years.**".

Senator Barnitz moved that the above amendment be adopted, which motion prevailed.

Senator Rupp assumed the Chair.

Senator Shields announced that photographers from KMIZ-TV were given permission to take pictures in the Senate Chamber today.

Senator Barnitz moved that **SS** for **SCS** for **HB 69**, as amended, be adopted, which motion prevailed.

Senator Barnitz moved that **SS** for **SCS** for **HB 69**, as amended, be read the 3rd time and passed and was recognized to close.

Under the provisions of Senate Rule 91, Senator Wilson was excused from voting on the 3rd reading and emergency clause.

President Pro Tem Gibbons referred **SS** for **SCS** for **HB 69**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

HB 596, with **SCS**, introduced by Representative St. Onge, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to annual bid bonds for state highways and transportation commission construction and maintenance projects.

Was called from the Informal Calendar and taken up by Senator Stouffer.

SCS for **HB 596**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 596

An Act to repeal sections 227.107, 390.071, 390.136, and 622.095, RSMo, and to enact in lieu thereof five new sections relating to transportation, with penalty provisions.

Was taken up.

Senator Stouffer moved that **SCS** for **HB 596** be adopted.

Senator Stouffer offered **SS** for **SCS** for **HB 596**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 596

An Act to repeal sections 94.660, 226.527, 226.530, 226.580, 227.107, 238.202, 238.207, 238.208, 238.210, 238.225, 238.230, 238.275, 301.010, 301.030, 301.040, 301.131, 301.150, 301.301, 301.310, 301.420, 301.440, 301.640, 301.716, 302.010, 302.272, 302.275, 302.321, 302.545, 302.700, 302.720, 302.755, 302.775, 303.415, 304.015, 304.022, 304.070, 304.170, 304.180, 304.230, 304.281, 307.010, 307.015, 307.090, 307.100, 307.120, 307.125, 307.155, 307.172, 307.173, 307.179, 307.195, 307.198, 307.365, 307.375, 307.390, 307.400, 311.326, 390.030, 390.071, 390.136, 407.730, 407.732,

407.815, 556.021, 577.029, 577.039, and 622.095, RSMo, and to enact in lieu thereof ninety-one new sections relating to transportation, with penalty provisions, an effective date for certain sections, and an emergency clause for certain sections.

Senator Stouffer moved that **SS** for **SCS** for **HB 596** be adopted.

Senator Stouffer offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 596, Page 114, Section 304.230, Line 11 of said page, by striking the following: “If the”; and further amend lines 12-28 of said page, by striking all of said lines; and

Further amend said bill and section, page 115, lines 1-12 of said page, by striking all of said lines.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Graham offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 596, Page 54, Section 301.040, Line 14, by inserting after all of said line, the following:

“301.130. 1. The director of revenue, upon receipt of a proper application for registration, required fees and any other information which may be required by law, shall issue to the applicant a certificate of registration in such manner and form as the director of revenue may prescribe and a set of license plates, or other evidence of registration, as provided by this section. Each set of license plates shall bear the name or abbreviated name of this state, the words “SHOW-ME STATE”, the month and year in which the registration shall expire, and an arrangement of numbers or letters, or both, as shall be assigned from year to year by the director of revenue. The plates shall also

contain fully reflective material with a common color scheme and design for each type of license plate issued pursuant to this chapter. The plates shall be clearly visible at night, and shall be aesthetically attractive. Special plates for qualified disabled veterans will have the “DISABLED VETERAN” wording on the license plates in preference to the words “SHOW-ME STATE” and special plates for members of the national guard will have the “NATIONAL GUARD” wording in preference to the words “SHOW-ME STATE”.

2. The arrangement of letters and numbers of license plates shall be uniform throughout each classification of registration. The director may provide for the arrangement of the numbers in groups or otherwise, and for other distinguishing marks on the plates.

3. All property-carrying commercial motor vehicles to be registered at a gross weight in excess of twelve thousand pounds, all passenger-carrying commercial motor vehicles, local transit buses, school buses, trailers, semitrailers, motorcycles, motortricycles, motorscooters and driveaway vehicles shall be registered with the director of revenue as provided for in subsection 3 of section 301.030, or with the state highways and transportation commission as otherwise provided in this chapter, but only one license plate shall be issued for each such vehicle except as provided in this subsection. The applicant for registration of any property-carrying commercial motor vehicle may request and be issued two license plates for such vehicle, and if such plates are issued the director of revenue may assess and collect an additional charge from the applicant in an amount not to exceed the fee prescribed for personalized license plates in subsection 1 of section 301.144.

4. The plates issued to manufacturers and dealers shall bear the letter “D” preceding the number, and the director may place upon the plates other letters or marks to distinguish commercial motor vehicles and trailers and other types of motor vehicles.

5. No motor vehicle or trailer shall be operated on any highway of this state unless it shall have displayed thereon the license plate or set of license plates issued by the director of revenue or the state highways and transportation commission and authorized by section 301.140. Each such plate shall be securely fastened to the motor vehicle in a manner so that all parts thereof shall be plainly visible and reasonably clean so that the reflective qualities thereof are not impaired. **Each such plate may be encased in a transparent cover so long as the plate is plainly visible and its reflective qualities are not impaired.** License plates shall be fastened to all motor vehicles except trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand pounds on the front and rear of such vehicles not less than eight nor more than forty-eight inches above the ground, with the letters and numbers thereon right side up. The license plates on trailers, motorcycles, motortricycles and motorscooters shall be displayed on the rear of such vehicles, with the letters and numbers thereon right side up. The license plate on buses, other than school buses, and on trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand pounds shall be displayed on the front of such vehicles not less than eight nor more than forty-eight inches above the ground, with the letters and numbers thereon right side up or if two plates are issued for the vehicle pursuant to subsection 3 of this section, displayed in the same manner on the front and rear of such vehicles. The license plate or plates authorized by section 301.140, when properly attached, shall be prima facie evidence that the required fees have been paid.

6. (1) The director of revenue shall issue annually or biennially a tab or set of tabs as provided by law as evidence of the annual payment of registration fees and the current registration of a vehicle in lieu of the set of plates. Beginning January 1, 2010, the director may prescribe any additional information recorded on the tab or tabs to ensure that the tab or tabs positively correlate

with the license plate or plates issued by the department of revenue for such vehicle. Such tabs shall be produced in each license bureau office.

(2) The vehicle owner to whom a tab or set of tabs is issued shall affix and display such tab or tabs in the designated area of the license plate, no more than one per plate.

(3) A tab or set of tabs issued by the director of revenue when attached to a vehicle in the prescribed manner shall be prima facie evidence that the registration fee for such vehicle has been paid.

(4) Except as otherwise provided in this section, the director of revenue shall issue plates for a period of at least six years.

(5) For those commercial motor vehicles and trailers registered pursuant to section 301.041, the plate issued by the highways and transportation commission shall be a permanent nonexpiring license plate for which no tabs shall be issued. Nothing in this section shall relieve the owner of any vehicle permanently registered pursuant to this section from the obligation to pay the annual registration fee due for the vehicle. The permanent nonexpiring license plate shall be returned to the highways and transportation commission upon the sale or disposal of the vehicle by the owner to whom the permanent nonexpiring license plate is issued, or the plate may be transferred to a replacement commercial motor vehicle when the owner files a supplemental application with the Missouri highways and transportation commission for the registration of such replacement commercial motor vehicle. Upon payment of the annual registration fee, the highways and transportation commission shall issue a certificate of registration or other suitable evidence of payment of the annual fee, and such evidence of payment shall be carried at all times in the vehicle for which it is issued.

(6) Upon the sale or disposal of any vehicle permanently registered under this section, or upon

the termination of a lease of any such vehicle, the permanent nonexpiring plate issued for such vehicle shall be returned to the highways and transportation commission and shall not be valid for operation of such vehicle, or the plate may be transferred to a replacement vehicle when the owner files a supplemental application with the Missouri highways and transportation commission for the registration of such replacement vehicle. If a vehicle which is permanently registered under this section is sold, wrecked or otherwise disposed of, or the lease terminated, the registrant shall be given credit for any unused portion of the annual registration fee when the vehicle is replaced by the purchase or lease of another vehicle during the registration year.

7. The director of revenue and the highways and transportation commission may prescribe rules and regulations for the effective administration of this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

8. Notwithstanding the provisions of any other law to the contrary, owners of motor vehicles other than apportioned motor vehicles or commercial motor vehicles licensed in excess of eighteen thousand pounds gross weight may apply for special personalized license plates. Vehicles licensed for eighteen thousand pounds that display special personalized license plates shall be subject to the provisions of subsections 1 and 2 of section 301.030.

9. Commencing January 1, 2009, the director of revenue shall cause to be reissued new license plates of such design as directed by the director consistent with the terms, conditions, and provisions of this section and this chapter. Except as otherwise provided in this section, in addition to all other fees required by law, applicants for registration of vehicles with license plates that expire between January 1, 2009, and December 31,

2011, applicants for registration of trailers or semitrailers with license plates that expire between January 1, 2009, and December 31, 2011, and applicants for registration of vehicles that are to be issued new license plates shall pay an additional fee, based on the actual cost of the reissuance, to cover the cost of the newly reissued plates required by this subsection. The additional fee prescribed in this subsection shall not be charged to persons receiving special license plates issued under section 301.073 or 301.443. Historic motor vehicle license plates registered pursuant to section 301.131 and specialized license plates are exempt from the provisions of this subsection.”; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer moved that **SS** for **SCS** for **HB 596**, as amended, be adopted, which motion prevailed.

Senator Stouffer moved that **SS** for **SCS** for **HB 596**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Gibbons referred **SS** for **SCS** for **HB 596**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HB 780**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 780**.

CONFERENCE COMMITTEE REPORTS

Senator Scott, on behalf of the conference

committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 780**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 780

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 780, with Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 6, Senate Amendment No. 8, and Senate Amendment No. 9, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 780, as amended;

2. That the House recede from its position on House Committee Substitute for House Bill No. 780;

3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 780, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Jay Wasson

/s/ Carl Bearden

/s/ Michael L. Parson

/s/ Sam Page

/s/ Paul Quinn

FOR THE SENATE:

/s/ Delbert Scott

/s/ Gary Nodler

/s/ Kevin Engler

/s/ Timothy P. Green

/s/ Harry Kennedy

Senator Scott moved that the above

conference committee report be adopted.

At the request of Senator Scott, the above motion was withdrawn.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 320**, entitled:

An Act to repeal sections 340.335, 340.337, 340.339, 340.341, 340.343, 340.345, and 340.347, RSMo, and to enact in lieu thereof seventeen new sections relating to large animal veterinary student loan assistance.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 320, Page 1, Section A, Line 5, by inserting immediately after said line the following:

“261.020. The state director of the department of agriculture is hereby constituted the official who has supervision of all the legalized departments of the state which are of a regulatory nature for the advancement of horticulture and agriculture, except after January 1, 1996, he **or she** shall not have direct supervision of the state fair. He **or she** shall cooperate with the college of agriculture of the University of Missouri in all ways beneficial to the horticultural and agricultural interests of the state, without duplicating research, extension or educational work conducted by said college, but nothing herein shall be construed as to subordinate the state department of agriculture to the said college of agriculture. The director has charge of the veterinary service of the state, the appointment of the state veterinarian, and, with the

advice of the veterinarian, of deputy veterinarians, and other assistants. The director has the power of reasonable quarantine in relation to the regulatory laws of the state department of agriculture, and the power of quarantine in relation to livestock diseases includes poultry. It is the duty of the director to gather and compile helpful statistics and information, singly or in cooperation with the federal government, relating to horticulture and agriculture, and he **or she** may publish bulletins not duplicating available educational bulletins of the college of agriculture and the United States Department of Agriculture. He **or she** may charge a reasonable amount for any publication distributed by the department of agriculture. Any funds received from the amounts so charged shall be deposited to the credit of the general revenue fund. The director shall make a biennial report to the governor and the general assembly, including the essential information relating to horticulture and agriculture, especially crops and livestock, also data concerning the agricultural organizations of the state, accompanied by recommendations relating to the state department of agriculture and the advancement of agricultural education.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 299** and **SS** for **SCS** for **SB 616**, entitled:

An Act to repeal sections 311.070, 311.178, 311.190, 311.240, 311.420, and 311.462, RSMo, and to enact in lieu thereof eleven new sections relating to liquor control, with penalty provisions.

With House Amendments Nos. 1, 2 and 3.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 299 and Senate Substitute for Senate Committee Substitute for Senate Bill No. 616, Section 311.178, Page 12, Line 56, by inserting the following after all of said line:

“311.180. 1. No person, partnership, association of persons or corporation shall manufacture, distill, blend, sell or offer for sale intoxicating liquor within this state at wholesale or retail, or solicit orders for the sale of intoxicating liquor within this state without procuring a license from the supervisor of [liquor] **alcohol and tobacco** control authorizing them so to do. For such license there shall be paid to and collected by the director of revenue annual charges as follows:

(1) For the privilege of manufacturing and brewing in this state malt liquor containing not in excess of five percent of alcohol by weight and the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of malt liquors containing not in excess of five percent of alcohol by weight, to, by or through a duly licensed wholesaler within this state, the sum of two hundred fifty dollars;

(2) For the privilege of manufacturing in this state intoxicating liquor containing not in excess of twenty-two percent of alcohol by weight and the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor containing not in excess of twenty-two percent of alcohol by weight, to, by or through a duly licensed wholesaler within this state, the sum of two hundred dollars;

(3) For the privilege of manufacturing, distilling or blending intoxicating liquor of all kinds within this state and the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds, to, by or through a duly licensed wholesaler within this state, the sum of four hundred and fifty dollars;

(4) For the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of malt liquor containing not in excess of five percent of alcohol by weight, to, by or through a duly licensed wholesaler within this state, the sum of fifty dollars;

(5) For the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor containing not in excess of twenty-two percent of alcohol by weight, to, by or through a duly licensed wholesaler within this state, the sum of one hundred dollars;

(6) For the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds, to, by or through a duly licensed wholesaler within this state, the sum of two hundred and fifty dollars;

(7) For the privilege of selling intoxicating liquor containing not in excess of five percent of alcohol by weight by a wholesaler to a person duly licensed to sell such malt liquor at retail and the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of malt liquor containing not in excess of five percent of alcohol by weight, to, by or through a duly licensed wholesaler within this state, the sum of one hundred dollars;

(8) For the privilege of selling intoxicating liquor containing not in excess of twenty-two percent of alcohol by weight by a wholesaler to a person duly licensed to sell such intoxicating liquor at retail and the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor containing not in excess of twenty-two percent of alcohol by weight, to, by or through a duly licensed wholesaler within this state, the sum of two hundred dollars;

(9) For the privilege of selling intoxicating liquor of all kinds by a wholesaler to a person duly licensed to sell such intoxicating liquor at retail and the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of

intoxicating liquor of all kinds, to, by or through a duly licensed wholesaler within this state, the sum of five hundred dollars, except that a license authorizing the holder to sell to duly licensed wholesalers and to solicit orders for sale of intoxicating liquor, to, by or through a duly licensed wholesaler, shall not entitle the holder thereof to sell within the state of Missouri, direct to retailers;

(10) For the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of vintage wine as defined in section 311.191, to, by, or through a duly licensed wholesaler within this state, the sum of five hundred dollars.

2. Solicitors, manufacturers and blenders of intoxicating liquor shall not be required to take out a merchant's license for the sale of their products at the place of manufacture or in quantities of not less than one gallon.

3. The provisions of this section relating to the privilege of selling malt liquor are subject to and limited by the provisions of sections 311.181 and 311.182.

4. The licenses prescribed in this section for the privilege of selling intoxicating liquor by a wholesaler to a person duly licensed to sell such intoxicating liquor at retail shall allow such wholesaler to sell intoxicating liquor to licensees licensed by the gaming commission to sell beer or alcoholic beverages pursuant to section 313.840, RSMo.”; and

Further amend said Substitute, Section 311.240, Page 16, Line 28, by inserting the following after all of said line:

“311.275. 1. For purposes of tax revenue control, beginning January 1, 1980, no holder of a license to solicit orders for the sale of intoxicating liquor, as defined in this chapter, within this state, other than a wholesale-solicitor, shall solicit, accept, or fill any order for any intoxicating liquor from a holder of a wholesaler's license issued

under this chapter, unless the holder of such solicitor's license has registered with the division of [liquor] **alcohol and tobacco** control as the primary American source of supply for the brand of intoxicating liquor sold or sought to be sold. The supervisor of [liquor] **alcohol and tobacco** control shall provide forms for annual registration as the primary American source of supply, and shall prescribe the procedures for such registration.

2. Beginning January 1, 1980, no holder of a wholesaler's license issued under this chapter shall order, purchase or receive any intoxicating liquor from any solicitor, other than a wholesale-solicitor, unless the solicitor has registered with the division of [liquor] **alcohol and tobacco** control as the primary American source of supply for the brand of intoxicating liquor ordered, purchased or received.

3. The term "primary American source of supply" as used herein shall mean the distiller, producer, the owner of the commodity at the time it became a marketable product, the bottler, or the exclusive agent of any such distiller, producer, bottler or owner, the basic requirement being that the nonresident seller be the first source closest to the manufacturer in the channel of commerce from whom the product can be secured by American wholesalers.

4. Any vintage wine solicitor licensed under section 311.180 may register as the primary American source of supply for vintage wine with the division of alcohol and tobacco control, provided that another solicitor is not registered as the primary American source of supply for the vintage wine and the vintage wine has been approved for sale by the federal Alcohol and Tobacco Tax and Trade Bureau.”; and,

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for

Senate Committee Substitute for Senate Bill No. 299 and Senate Substitute for Senate Committee Substitute for Senate Bill No. 616, Section 311.071, Page 11, Line 15, by inserting the following after all of said line:

“311.174. 1. Any person possessing the qualifications and meeting the requirements of this chapter who is licensed to sell intoxicating liquor by the drink at retail for consumption on the premises in a city with a population of at least four thousand inhabitants which borders the Missouri River and also borders a city with a population of over three hundred thousand inhabitants located in at least three counties, in a city with a population of over three hundred thousand which is located in whole or in part within a first class county having a charter form of government or in a first class county having a charter form of government which contains all or part of a city with a population of over three hundred thousand inhabitants, may apply to the supervisor of liquor control for a special permit to remain open on each day of the week until 3:00 a.m. of the morning of the following day; **except that, an entity exempt from federal income taxes under Section 501(c)(7) of the Internal Revenue Code of 1986, as amended, and located in a building designated as an National Historic Landmark by the United States Department of the Interior may apply for a license to remain open until 6:00 a.m. of the following day.** The time of opening on Sunday may be 11:00 a.m. The provisions of this section and not those of section 311.097 regarding the time of closing shall apply to the sale of intoxicating liquor by the drink at retail for consumption on the premises on Sunday. When the premises of such an applicant is located in a city as defined in this section, then the premises must be located in an area which has been designated as a convention trade area by the governing body of the city. When the premises of such an applicant is located in a county as defined in this section, then the premises must be located in an area which has been designated as a

convention trade area by the governing body of the county.

2. An applicant granted a special permit under this section shall, in addition to all other fees required by this chapter pay an additional fee of three hundred dollars a year payable at the time and in the same manner as its other license fees.

3. The provisions of this section allowing for extended hours of business shall not apply in any incorporated area wholly located in any first class county having a charter form of government which contains all or part of a city with a population of over three hundred thousand inhabitants until the governing body of such incorporated area shall have by ordinance or order adopted the extended hours authorized by this section.”; and,

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 299 and Senate Substitute for Senate Committee Substitute for Senate Bill No. 616, Page 19, Section 311.489, Line 60, by inserting immediately after said line the following:

“311.685. 1. Any retail licensee selling intoxicating liquor or nonintoxicating beer under this chapter or chapter 312, RSMo, and aggrieved by official action of the supervisor affecting the licensee, may bring a civil action against any person who is the proximate cause of such official action by the supervisor, if the violation occurred on or about the premises of the retail licensee. If a judgment is entered in favor of the licensee, the court shall award the retail licensee civil damages up to an amount of five thousand dollars and shall award reasonable court costs and attorney fees.

2. No civil action shall be brought under this section against any employee of the supervisor of alcohol and tobacco control or any

law enforcement officer.”; and

Further amend said Bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 225**.

Bill ordered enrolled.

PRIVILEGED MOTIONS

Senator Goodman moved that the Senate refuse to concur in **HCS** for **SB 516**, as amended, and requests the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

On motion of Senator Shields, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Rupp.

RESOLUTIONS

Senator Barnitz offered Senate Resolution No. 1396, regarding Eric Schrantz, Rolla, which was adopted.

Senator Graham offered Senate Resolution No. 1397, regarding the One Hundredth Anniversary of A.B. Chance Company, Centralia, which was adopted.

Senator Loudon offered Senate Resolution No. 1398, regarding Nicholas Michael May, Hazelwood, which was adopted.

Senators Lager and Ridgeway offered Senate Resolution No. 1399, regarding Mr. and Mrs. Michael Deggendorf, Liberty, which was adopted.

Senator Engler offered Senate Resolution No. 1400, regarding William Keith Alexander, III, Festus, which was adopted.

Senator Engler offered Senate Resolution No. 1401, regarding Judith A. Knell, Saint Louis, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 516**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SB 516**, as amended. Representatives: Pratt, Flook, Smith (150), Burnett and Johnson.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 86**, as amended. Representatives: Sutherland, Cooper (120), Stevenson, Chappelle-Nadal and Zweifel.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2** for **SS** for **SCS** for **SB 3**, entitled:

An Act to repeal sections 565.184, 630.005, 630.140, 630.165, 630.167, 630.725, and 630.755, RSMo, and to enact in lieu thereof nineteen new sections relating to mental health, with penalty

provisions.

With House Amendment Nos. 2 and 3.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute No. 2 for Senate Substitute for Senate Committee Substitute for Senate Bill No. 3, Page 3, Section 565.214, Line 27, by inserting after all of said line the following:

“4. Nothing in this section shall be construed to mean that a vulnerable person is abused solely because such person chooses to rely on spiritual means through prayer, in lieu of medical care, for his or her health care, as evidenced by the vulnerable person’s explicit consent, advance directive for health care, or practice.”; and

Further amend said bill, Page 4, Section 565.218, Line 20, by inserting immediately following the period “.” the following

“Notwithstanding any other provision of this section, a duly ordained minister, clergy, religious worker, or Christian Science practitioner while functioning in his or her ministerial capacity shall not be required to report concerning a privileged communication made to him or her in his or her professional capacity.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute No. 2 for Senate Substitute for Senate Committee Substitute for Senate Bill No. 3, Page 1, Section A, Line 5, by inserting after all of said section the following:

“208.225. 1. To implement fully the provisions of section 208.152, the division of medical services shall calculate the Medicaid per diem reimbursement rates of each nursing home participating in the Medicaid program as a

provider of nursing home services based on its costs reported in the Title XIX cost report filed with the division of medical services for its fiscal year as provided in subsection 2 of this section.

2. The recalculation of Medicaid rates to all Missouri facilities will be performed as follows: effective July 1, 2004, the department of social services shall use the Medicaid cost report containing adjusted costs for the facility fiscal year ending in 2001 and redetermine the allowable per-patient day costs for each facility. The department shall recalculate the class ceilings in the patient care, one hundred twenty percent of the median; ancillary, one hundred twenty percent of the median; and administration, one hundred ten percent of the median cost centers. Each facility shall receive as a rate increase one-third of the amount that is unpaid based on the recalculated cost determination.

3. For a facility new to the Medicaid program that did not have a Medicaid cost report for the year ending 2001, its Medicaid per diem reimbursement rate shall be calculated from its fiscal year cost report which covers the second twelve-month fiscal year following the facility's initial date of Medicaid certification using the class ceilings of this section. This prospective rate shall be retroactive to the beginning of the first day of the facility's second full twelve-month fiscal year.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS for SB 516**, as amended: Senators Goodman, Bartle, Crowell,

Barnitz and Justus.

CONFERENCE COMMITTEE REPORTS

Senator Scott moved that the conference committee report on **SS for SCS for HCS for HB 780**, as amended, be again taken up for adoption, which motion prevailed.

Senator Scott moved the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators

Griesheimer Shoemyer—2

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Scott, **CCS for SS for SCS for HCS for HB 780**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 780

An Act to repeal sections 41.950, 256.465, 317.001, 317.006, 317.011, 317.013, 317.015, 317.018, 324.520, 324.522, 327.011, 327.111, 327.181, 327.201, 327.291, 327.441, 327.633, 331.010, 334.120, 335.016, 335.036, 335.066, 335.068, 335.076, 335.096, 335.097, 335.212, 336.010, 336.020, 336.030, 336.040, 336.050, 336.060, 336.070, 336.080, 336.090, 336.140, 336.160, 336.200, 336.220, 336.225, 337.600, 337.603, 337.604, 337.606, 337.609, 337.612, 337.615, 337.618, 337.622, 337.624, 337.627,

337.630, 337.636, 337.639, 337.650, 337.653, 337.659, 337.665, 337.668, 337.674, 337.677, 337.680, 337.686, 337.689, 337.700, 337.715, 337.718, 338.220, 339.100, 339.513, 344.020, 344.030, 344.040, 344.050, 344.060, 344.070, 344.080, 344.105, 345.015, 345.030, 345.045, 345.055, 346.015, 346.030, 346.035, 346.055, 346.060, 346.110, 383.130, 383.133, 620.010, and 621.045, RSMo, and to enact in lieu thereof one hundred sixteen new sections relating to the division of professional registration, with penalty provisions and an effective date for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senator Shoemyer—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SS** for **SCS** for **HB 596** and **SS** for **SCS** for **HB 69**, begs leave to report that it has considered the same and recommends that the bills do pass.

PRIVILEGED MOTIONS

Senator Purgason moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 299** and **SS** for **SCS** for **SB 616**, as amended and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Stouffer moved that **SS** for **SCS** for **HB 596**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Stouffer, **SS** for **SCS** for **HB 596**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Barnitz moved that **SS** for **SCS** for **HB 69**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Barnitz, **SS** for **SCS** for **HB 69**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager

Loudon	Mayer	McKenna	Nodler
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel—32

NAYS—Senator Purgason—1

Absent—Senators—None

Absent with leave—Senators—None

Excused from voting—Senator Wilson—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel—32

NAYS—Senator Purgason—1

Absent—Senators—None

Absent with leave—Senators—None

Excused from voting—Senator Wilson—1

Vacancies—None

On motion of Senator Barnitz, title to the bill was agreed to.

Senator Barnitz moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

President Kinder assumed the Chair.

CONFERENCE COMMITTEE REPORTS

Senator Stouffer, on behalf of the conference committee appointed to act with a like committee from the House on **HB 574**, with **SA 1** and **SA 3** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 574

The Conference Committee appointed on House Bill No. 574, with Senate Amendment No. 1 and Senate Amendment No. 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on House Bill No. 574, as amended;
2. That the House recede from its position on House Bill No. 574;
3. That the attached Conference Committee Substitute for House Bill No. 574, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Neal St. Onge
/s/ Charles Schlottach
/s/ Walter R. Bivins
/s/ Michael Daus
/s/ J. C. Kuessner

FOR THE SENATE:

/s/ Bill Stouffer
/s/ Scott Rupp
/s/ Matt Bartle
/s/ Harry Kennedy
/s/ Ryan McKenna

Senator Stouffer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senator Griesheimer—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Stouffer, **CCS** for **HB 574**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 574

An Act to repeal sections 84.120, 84.170, 577.029 and 577.051, RSMo, and to enact in lieu thereof four new sections relating to Missouri uniform law enforcement system records, with a penalty provision and an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senator Griesheimer—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the

following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Clemens moved that **SS** for **SCS** for **SB 320**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SCS** for **SB 320**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 320

An Act to repeal sections 340.335, 340.337, 340.339, 340.341, 340.343, 340.345, and 340.347, RSMo, and to enact in lieu thereof seventeen new sections relating to large animal veterinary student

loan assistance.

Was taken up.

Senator Clemens moved that **HCS** for **SS** for **SCS** for **SB 320**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator Smith—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Clemens, **HCS** for **SS** for **SCS** for **SB 320**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator Smith—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Gibbons moved that the Senate refuse to concur in **HCS No. 2** for **SS** for **SCS** for **SB 3**, as amended and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HBs 654** and **938**, entitled:

An Act to repeal section 313.835, RSMo, and to enact in lieu thereof two new sections relating to veterans, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Crowell.

Senator Ridgeway offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bills Nos. 654 and 938, Page 1, Section A, Line 2, by inserting after all of said line the following:

“137.100. The following subjects are exempt from taxation for state, county or local purposes:

(1) Lands and other property belonging to this state;

(2) Lands and other property belonging to any city, county or other political subdivision in this state, including market houses, town halls and other public structures, with their furniture and equipments, and on public squares and lots kept open for health, use or ornament;

(3) Nonprofit cemeteries;

(4) The real estate and tangible personal property which is used exclusively for agricultural or horticultural societies organized in this state, including not-for-profit agribusiness associations;

(5) All property, real and personal, actually and regularly used exclusively for religious worship, for schools and colleges, or for purposes purely charitable and not held for private or corporate profit, except that the exemption herein granted does not include real property not actually used or occupied for the purpose of the organization but held or used as investment even though the income or rentals received therefrom is used wholly for religious, educational or charitable purposes;

(6) Household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place;

(7) Motor vehicles leased for a period of at least one year to this state or to any city, county, or political subdivision or to any religious, educational, or charitable organization which has obtained an exemption from the payment of federal income taxes, provided the motor vehicles are used exclusively for religious, educational, or charitable purposes; [and]

(8) Real or personal property leased or otherwise transferred by an interstate compact agency created pursuant to sections 70.370 to 70.430, RSMo, or sections 238.010 to 238.100, RSMo, to another for which or whom such property is not exempt when immediately after the lease or transfer, the interstate compact agency enters into a leaseback or other agreement that directly or indirectly gives such interstate compact agency a right to use, control, and possess the property; provided, however, that in the event of a conveyance of such property, the interstate compact agency must retain an option to purchase the property at a future date or, within the limitations period for reversioners, the property must revert back to the interstate compact agency.

Property will no longer be exempt under this subdivision in the event of a conveyance as of the date, if any, when:

(a) The right of the interstate compact agency to use, control, and possess the property is terminated;

(b) The interstate compact agency no longer has an option to purchase or otherwise acquire the property; and

(c) There are no provisions for reverter of the property within the limitation period for reverters;

(9) All property, real and personal, belonging to veterans' organizations. As used in this section, "veterans' organization" means any organization of veterans with a congressional charter, that is incorporated in this state, and that is exempt from taxation under section 501(c)(19) of the Internal Revenue Code of 1986, as amended.

137.101. 1. The activities of nationally affiliated fraternal, benevolent, [veteran,] or service organizations which promote good citizenship, humanitarian activities, or improve the physical, mental, and moral condition of an indefinite number of people [or] are purposes purely charitable within the meaning of subsection 1 of section 6 of article X of the constitution and local assessing authorities may exempt such portion of the real and personal property of such organizations as the assessing authority may determine is utilized in purposes purely charitable from the assessment, levy, and collection of taxes.

2. If, at any time, an assessor finally determines, after any and all hearings or rightful appeals, that personal property, upon which an organization would otherwise owe taxes but for the provisions of subsection 1 of this section or subdivision (5) of section 137.100, is not used for purposes purely charitable, or for purposes described in subdivision (5) of section 137.100, then the assessor shall notify the department of revenue of such final determination within thirty

days."; and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Gross assumed the Chair.

On motion of Senator Crowell, **HCS** for **HBs 654** and **938**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator Smith—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for **HBs 619** and **118**, with **SCS**, entitled:

An Act to amend chapter 41, RSMo, by adding thereto one new section relating to the civil air patrol.

Was called from the Informal Calendar and

taken up by Senator Griesheimer.

SCS for HCS for HBs 619 and 118, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 619 and 118**

An Act to amend chapter 41, RSMo, by adding thereto one new section relating to the civil air patrol.

Was taken up.

Senator Griesheimer moved that **SCS for HCS for HBs 619 and 118** be adopted.

Senator Griesheimer offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 619 and 118, Page 2, Section 41.970, Line 38, by inserting immediately after “supporting” the following: **“the department of public safety or”**.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer moved that **SCS for HCS for HBs 619 and 118**, as amended, be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SCS for HCS for HBs 619 and 118**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Champion, on behalf of the conference committee appointed to act with a like committee from the House on **HCS for SCS for SB 86**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 86**

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 86, with House Amendment No. 1 to House Amendment No. 1 and House Amendment No. 1, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 86, as amended;

2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 86;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 86, be Third Read and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Norma Champion	/s/ Michael Sutherland
/s/ Brad Lager	/s/ Shannon Cooper
/s/ John E. Griesheimer	/s/ Bryan P. Stevenson
/s/ Joan Bray	/s/ Maria Chappelle-Nadal
/s/ Harry Kennedy	Charles Zweifel

Senator Champion moved that the above conference committee report be adopted.

At the request of Senator Champion, the above motion was withdrawn.

HOUSE BILLS ON THIRD READING

HCS for **HB 98**, entitled:

An Act to amend chapter 660, RSMo, by adding thereto one new section relating to transportation services for the elderly.

Was called from the Informal Calendar and taken up by Senator Scott.

On motion of Senator Scott, **HCS** for **HB 98** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 125, with **SCS**, introduced by Representative Franz, entitled:

An Act to repeal sections 52.361, 52.370, 55.140, 55.190, 139.031, 139.140, 139.150, 139.210, 139.220, 140.050, 140.070, 140.080, 140.160, 140.730, and 165.071, RSMo, and to enact in lieu thereof fifteen new sections relating to collection of taxes.

Was called from the Informal Calendar and taken up by Senator Shoemyer.

SCS for **HB 125**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 125

An Act to repeal sections 52.290, 52.312, 52.315, 52.317, 52.361, 52.370, 55.140, 55.190, 139.031, 139.140, 139.150, 139.210, 139.220, 140.050, 140.070, 140.080, 140.160, 140.230, 140.250, 140.260, 140.290, 140.310, 140.340, 140.405, 140.420, 140.730, 141.150, 141.440, 141.500, 141.540, 141.640, and 165.071, RSMo, and to enact in lieu thereof thirty-two new sections relating to collection of taxes.

Was taken up.

Senator Shoemyer moved that **SCS** for **HB 125** be adopted.

Senator Shoemyer offered **SS** for **SCS** for **HB 125**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 125

An Act to repeal sections 50.327, 52.290, 52.312, 52.315, 52.317, 52.361, 52.370, 55.140, 55.190, 139.031, 139.140, 139.150, 139.210, 139.220, 140.050, 140.070, 140.080, 140.160, 140.230, 140.250, 140.260, 140.290, 140.310, 140.340, 140.405, 140.420, 140.730, 141.150,

141.440, 141.500, 141.540, 141.640, 165.071, and 301.025, RSMo, and to enact in lieu thereof thirty-nine new sections relating to county collectors, with penalty provisions.

Senator Shoemyer moved that **SS** for **SCS** for **HB 125** be adopted.

Senator Shoemyer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 125, Pages 7-9, Section(s) 52.450, 52.455, 52.460, 52.465 and 52.470 by deleting all of said sections; and

Further amend said Bill, Page 21, Section 140.250, Lines 12-13 by deleting the following:

“Any surplus shall be paid to county treasury.”; and

Further amend the title and enacting clause accordingly.

Senator Shoemyer moved that the above amendment be adopted, which motion prevailed.

Senator Shoemyer offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 125, Page 2, Section 50.327, Line 6, by placing an opening bracket [in front of the “, unless”; and

Further amend said Bill, Page 2, Section 50.327, Line 8, by placing a closing bracket] after the “2005,” and

Further amend said Bill, Page 2, Section 50.327, Line 8, by deleting the last two words of the line “the salary” and insert in lieu thereof the following: “. Except when it is necessary to increase newly elected or reelected county officials’ salaries, in accordance with Section 13, Article VII, Constitution of Missouri, to comply with the requirements of this section, the salary”

Senator Shoemyer moved that the above amendment be adopted.

Senator Crowell offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 125, Pages 1-2, Section 50-327, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above substitute amendment be adopted, which motion prevailed.

Senator Shoemyer offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 125, Page 2, Section 50.327, Line 26, by inserting after all of said line the following:

“52.240. **1.** The statement and receipt required by section 52.230 shall be mailed to the address of the taxpayer as shown by the county assessor on the current tax books, and postage for the mailing of the statements and receipts shall be furnished by the county commission. The failure of the taxpayer to receive the notice provided for in section 52.230 in no case relieves the taxpayer of any tax liability **and penalties and interest** imposed on him by law. **However, no penalty and interest, including that imposed under this chapter and chapters 139 and 140, RSMo, shall be charged on real property tax when there is clear and convincing evidence that an error or omission was made by the county in determining taxes owed by a taxpayer.**

2. The county commission shall have the authority to refund penalties, interest, and taxes if the county made an error or omission. If a taxpayer believes that an error or omission has occurred and discovers the error or omission after December thirty-first and the taxpayer has not paid current year taxes owing, the taxpayer

shall pay the taxes along with any penalties or interest due and owing. The taxpayer may then submit a request for a refund of penalties, interest, or taxes, in writing, to the county commission. If the county commission approves the refund of penalties, interest, or taxes, then such refunds approved by the county commission shall be handled under subsection 5 of section 139.031, RSMo.”; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Shoemyer moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 125, Page 7, Section 52.370, Lines 8-11 of said page, by striking the following: “, except any county of the first classification with more than one hundred eight-four thousand but fewer than one hundred eighty-eight thousand inhabitants,”; and further line 15 of said page, by inserting at the end of said line the following: **“The collector shall provide a report to the county auditor each time electronic transfers are completed.”**.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 125, Page 9, Section 55.140, Lines 8-18 of said page, by striking all of said section from the bill; and

Further amend said bill, pages 9-10, section 55.190, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Shoemyer moved that **SS** for **SCS** for **HB 125**, as amended, be adopted, which motion prevailed.

On motion of Senator Shoemyer, **SS** for **SCS** for **HB 125**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator Engler—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Shoemyer, title to the bill was agreed to.

Senator Shoemyer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Stouffer moved that the conference committee on **SS** for **HB 744**, as amended, be dissolved, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 686, introduced by Representative Smith (150) and Tilley, entitled:

An Act to repeal section 344.070, RSMo, and to enact in lieu thereof one new section relating to

nursing home administrators.

Was called from the Informal Calendar and taken up by Senator Stouffer.

On motion of Senator Stouffer, **HB 686** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

CONCURRENT RESOLUTIONS

Senator Mayer moved that **HCR 24** be taken up for adoption, which motion prevailed.

On motion of Senator Mayer, **HCR 24** was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
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Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

HOUSE BILLS ON THIRD READING

HCS for HB 184, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to sales tax affecting certain taxing districts.

Was called from the Informal Calendar and taken up by Senator Rupp.

On motion of Senator Rupp, **HCS for HB 184** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Engler moved that the Senate refuse to adopt the **CCR** on **HCS** for **SCS** for **SB 156**, as amended, and request the House to grant further conference, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Engler moved that **HJR 7**, with **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HJR 7** was again taken up.

Senator Engler moved that **SCS** for **HJR 7** be adopted.

At the request of Senator Engler, **HJR 7**, with **SCS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 299** and **SS** for **SCS** for **SB 616**, as amended, and grants the Senate a conference thereon. The Speaker has appointed the following

conference committee to act with a like committee from the Senate. Representatives: Cooper (120), Tilley, Pratt, Talboy and Villa.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS No. 2** for **SS** for **SCS** for **SB 3**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS No. 2** for **SS** for **SCS** for **SB 3**, as amended. Representatives: Stevenson, Icet, Portwood, Walsh and Corcoran.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS**, as amended, for **SCS** for **HCS** for **HB 952** and **674** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 952** and **674**, as amended.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS No. 2** for **SS** for **SCS** for **SB 3**, as amended: Senators Gibbons, Shields, Purgason, Justus and Green.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 299** and **SS** for **SCS** for **SB 616**, as amended: Senators Purgason, Griesheimer, Engler, McKenna and Wilson.

REPORTS OF STANDING COMMITTEES

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HCS** for **HB 891**, begs leave to report that it has considered the same and recommends that the bill do pass.

RESOLUTIONS

Senator Mayer offered Senate Resolution No. 1402, regarding the Fraternal Order of Eagles, Aerie #4062, Dexter, which was adopted.

Senator Mayer offered Senate Resolution No. 1403, regarding Dottie Phelps, which was adopted.

Senator Mayer offered Senate Resolution No. 1404, regarding Connie Hampton, which was adopted.

On motion of Senator Nodler, the Senate recessed until 8:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Rupp.

RESOLUTIONS

Senator Gibbons offered Senate Resolution No. 1405, regarding Master Sergeant Kenneth Wayne Graham, San Antonio, Texas, which was adopted.

Senator Gibbons offered Senate Resolution No. 1406, regarding the One Hundredth Anniversary of Manor Grove Long-Term Care, Kirkwood, which was adopted.

Senator Green offered Senate Resolution No. 1407, regarding Kenneth G. Wehmeyer, which was adopted.

PRIVILEGED MOTIONS

Senator Champion moved that the Senate refuse to adopt the **CCR** on **HCS** for **SCS** for **SB 86**, as amended and request the House to grant a further conference, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Crowell, on behalf of the conference

committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 308**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 2 ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 308

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 308, with House Amendment Nos. 1, 2, 3, 5, 6, 7, and 8, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 308, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 308;
3. That the attached Conference Committee Substitute No. 2 for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 308, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Jason Crowell	/s/ Jay Wasson
Luann Ridgeway	/s/ Michael L. Parson
/s/ Charlie Shields	/s/ Steven Tilley
/s/ Harry Kennedy	/s/ Sam Page
/s/ Yvonne S. Wilson	/s/ Rebecca Payne McClanahan

Senator Crowell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon

Mayer	McKenna	Nodler	Purgason
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senator Ridgeway—1

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

On motion of Senator Crowell, **CCS No. 2** for **HCS** for **SCS** for **SB 308**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2
FOR HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 308

An Act to repeal sections 317.001, 317.006, 317.011, 317.013, 317.015, 317.018, 327.011, 327.111, 327.181, 327.201, 327.291, 327.441, 327.633, 331.010, 334.120, 335.016, 335.036, 335.066, 335.068, 335.076, 335.096, 335.097, 335.212, 336.010, 336.020, 336.030, 336.040, 336.050, 336.060, 336.070, 336.080, 336.090, 336.140, 336.160, 336.200, 336.220, 336.225, 337.600, 337.603, 337.604, 337.606, 337.609, 337.612, 337.615, 337.618, 337.622, 337.624, 337.627, 337.630, 337.636, 337.639, 337.650, 337.653, 337.659, 337.665, 337.668, 337.674, 337.677, 337.680, 337.686, 337.689, 337.700, 337.715, 337.718, 339.100, 345.015, 345.030, 345.045, 345.055, 346.015, 346.030, 346.035, 346.055, 346.060, 346.110, 383.130, 383.133, and 621.045, RSMo, and to enact in lieu thereof ninety-nine new sections relating to the practice of certain licensed professionals, with penalty provisions and an effective date for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Engler	Gibbons	Goodman	Graham

Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Gibbons, on behalf of the conference committee appointed to act with a like committee from the House on **HCS No. 2** for **SS** for **SCS** for **SB 3**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE NO. 2
FOR SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 3

The Conference Committee appointed on House Committee Substitute No. 2 for Senate Substitute for Senate Committee Substitute for Senate Bill No. 3, with House Amendment Nos. 2 and 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on

House Committee Substitute No. 2 for Senate Substitute for Senate Committee Substitute for Senate Bill No. 3, as amended;

2. The Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 3;

3. That the attached Conference Committee Substitute for House Committee Substitute No. 2 for Senate Substitute for Senate Committee Substitute for Senate Bill No. 3 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Michael R. Gibbons

/s/ Charlie Shields

/s/ Chuck Purgason

/s/ Jolie Justus

/s/ Timothy P. Green

FOR THE HOUSE:

/s/ Bryan P. Stevenson

/s/ Charles R. Portwood

/s/ Allen Icet

/s/ Regina Walsh

/s/ Michael G. Corcoran

Senator Gibbons moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

On motion of Senator Gibbons, CCS for

HCS No. 2 for SS for SCS for SB 3, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE NO. 2
FOR SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 3

An Act to repeal sections 565.184, 630.005, 630.140, 630.165, 630.167, 630.725, and 630.755, RSMo, and to enact in lieu thereof nineteen new sections relating to mental health, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Griesheimer, on behalf of the conference committee appointed to act with a like committee from the House on **HCS for SS for SCS for SB 22**, as amended, moved that the following

conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 2
ON HOUSE COMMITTEE SUBSTITUTE
FOR SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 22

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, with HA 1 to HA 1, HA 1 as amended, HA 1 to HA 2, HA 2 as amended, HA 2 to HA 3, HA 3 as amended, HA 1 to HA 4, HA 4 as amended, HA 5, HSA 1 for HA 6, HA 1 to HSA 1 for HA 6, HSA 1 for HA 6 as amended, HA Nos. 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, HA 1 to HA 23, HA 23 as amended, HA Nos. 25, 26, 27, 28, HA 1 to HA 30, HA 30 as amended, HA 1 to HA 31, HA 31 as amended, HA Nos. 33 and 35, HA 1 to HA 36, HA 36 as amended, HA Nos. 37, 38, 40, 41, 42, HA 1 to HA 43, HA 43 as amended, HA Nos. 44 and 45, HA 1 to HA 46, HA 2 to HA 46, HA 46 as amended, HA Nos. 47, 48, 49 and 50, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, as amended;

2. The Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 22;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, as amended by Conference Committee Amendment No. 1, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ John E. Griesheimer /s/ Vicki Schneider

/s/ Kevin Engler /s/ Charlie Dennison

Jack Goodman /s/ Bryan Pratt

/s/ Victor E. Callahan /s/ Thomas Villa

/s/ Ryan McKenna /s/ Terry Young

CONFERENCE COMMITTEE AMENDMENT NO. 1

Amend Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Pages 7-8, Section 50.327, by striking all of said section from the bill; and

Further amend said bill, pages 8-9, section 50.332, by striking all of said section from the bill; and

Further amend said bill, pages 155-157, section 105.452, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 274, Section 226.527, Line 20, of said page, by inserting after all of said line the following:

“228.110. 1. Any twelve residents of the township or townships through which a road runs may make application for the vacation of any such road or part of the same as useless, and the repairing of the same an unreasonable burden upon the district or districts. The petition shall be publicly read on the first day of the term at which it is presented, and the matter continued without further proceedings until the next term.

2. Notice of the filing of such petition and of the road sought to be vacated shall be posted up in not less than three public places in such township or townships, at least twenty days before the first day of the next term of the commission, and a copy of the same shall be personally served on all the persons residing in the district whose lands are

crossed or touched by the road proposed to be vacated in the same manner as other notices are required to be served by law; and at the next regular term the same shall again be publicly read on the first day thereof.

3. If no remonstrance is made thereto in writing, signed by at least twelve residents of the township, the commission may proceed to vacate such road, or any part thereof, at the cost of the petitioners; but if a remonstrance thereto in writing, signed by at least twelve residents of such township or townships, is filed, and the commission after considering the same shall decide that it is just to vacate such road, or any part thereof, against the vacation of which the remonstrance was filed, the costs shall be paid by the parties remonstrating, and the original costs, and damages for opening such vacated road shall be paid by the petitioners to those who paid the same, except that if five years have elapsed since the original opening of the same no such reimbursement shall be made.

4. Notwithstanding any other provision of this section to the contrary, in any county with a charter form of government, any twenty-five residents of the county through which a road subject to this section runs and who reside on any portion of such road or on another road that intersects such road and within one mile of the right-of-way to be vacated, may apply for the vacation of such road or part of such road as no longer serving the public health, safety, and welfare. The county may, by order or ordinance, provide for notice and hearing of such petitions and for filing and hearing remonstrances against them.”; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer moved that the above conference committee report no. 2 be adopted,

which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Callahan	Champion	Clemens
Coleman	Crowell	Engler	Gibbons
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—29			

NAYS—Senators

Bartle	Bray	Goodman	Purgason—4
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Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

On motion of Senator Griesheimer, **CCS** for **HCS** for **SS** for **SCS** for **SB 22**, as amended by **CCA 1** and **SA 1**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 22

An Act to repeal sections 41.655, 50.327, 50.332, 50.565, 50.660, 50.1250, 52.290, 52.312, 52.315, 52.317, 58.500, 58.510, 64.940, 66.010, 67.110, 67.320, 67.457, 67.463, 67.797, 67.1003, 67.1360, 67.1401, 67.1451, 67.1545, 67.1561, 67.2500, 67.2510, 67.2555, 70.220, 70.515, 70.545, 71.011, 71.012, 72.080, 77.020, 78.610, 79.050, 79.495, 87.006, 89.010, 89.400, 94.660, 94.875, 99.847, 100.050, 100.059, 105.452, 105.971, 108.170, 110.130, 110.140, 110.150, 137.055, 137.115, 139.055, 141.150, 141.640, 144.030, 144.062, 144.757, 144.759, 162.431, 163.011, 182.015, 190.052, 190.305, 206.090, 221.040, 226.527, 228.190, 235.210, 238.202, 238.207, 238.208, 238.220, 238.225, 238.230, 238.275, 246.005, 247.060, 260.830, 260.831, 302.010, 320.106, 320.146, 320.200, 320.271,

320.310, 321.130, 392.410, 393.705, 393.710, 393.715, 393.720, 393.740, 393.825, 393.847, 393.900, 393.933, 409.107, 432.070, 451.040, 473.743, 479.010, 479.011, 650.340, RSMo, section 67.1000, as enacted by senate committee substitute for senate bill no. 820, eighty-ninth general assembly, second regular session, and section 67.1000, as enacted by house bill no. 1587, eighty-ninth general assembly, second regular session, and section 67.2505 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill nos. 795, 972, 1128 & 1161 merged with house substitute for senate committee substitute for senate bill no. 1155, ninety-second general assembly, second regular session, and section 67.2505, as enacted by senate substitute for senate committee substitute for house committee substitute for house bill no. 833 merged with house committee substitute for senate substitute for senate bill no. 732, ninety-second general assembly, second regular session, and section 94.875 as Truly Agreed To and Finally Passed by the first regular session of the ninety-fourth general assembly in Senate Substitute for House Bill No. 205, and to enact in lieu thereof one hundred sixty-six new sections relating to political subdivisions, with penalty provisions and emergency clauses for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Callahan	Champion	Clemens
Coleman	Crowell	Engler	Gibbons
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—29			

NAYS—Senators

Bartle	Bray	Goodman	Purgason—4
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Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Callahan	Champion	Clemens
Crowell	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—27	

NAYS—Senators

Bartle	Bray	Coleman	Goodman
Justus	Purgason—6		

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS No. 2** for **SCS** for **SB 313**, as amended. Representatives: Burnett and Zimmerman.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 298** and has taken up and passed **SCS** for **HCS** for **HB 298**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **HB 134** and has taken up and passed **SS** for **HB 134**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 3 on **HCS** for **SCS** for **SB 64**, as amended, and has taken up and passed **CCS No. 3** for **HCS** for **SCS** for **SB 64**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 416** and has taken up and passed **CCS** for **HCS** for **SB 416**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HB 801** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon and the conferees be bound to Section 407.1095.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **HB 579** and has taken up and passed **SS** for **HB 579**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCR 20**.

Senator Scott assumed the Chair.

PRIVILEGED MOTIONS

Senator Engler moved that the Senate recede from its position on **SCS** for **HB 801**, which motion prevailed.

On motion of Senator Engler, **HB 801**, entitled:

An Act to repeal section 392.410, RSMo, and to enact in lieu thereof one new section relating to telecommunications.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Shoemyer, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 582**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 582

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 582, with House Amendment Nos. 1, 2 and 3, House Amendment No. 1 to House Amendment No. 4, House Amendment No. 4, as amended, House Amendment No. 5, House Amendment No. 1 to House Amendment No. 6, House Amendment No. 6, as amended, House Amendment Nos. 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 582, as amended;

2. The Senate recede from its position on Senate Bill No. 582;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 582, as amended, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Wes Shoemyer /s/ Michael Sutherland

/s/ John E. Griesheimer /s/ Bryan Stevenson

/s/ Gary Nodler /s/ Shannon Cooper

/s/ Carl M. Vogel /s/ Rachel Storch

/s/ Victor E. Callahan /s/ Charles Zweifel

Senator Shoemyer moved that the above conference committee report be adopted.

At the request of Senator Shoemyer, the above

motion was withdrawn.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has granted the Senate further conference on **HCS** for **SCS** for **SB 86** as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 86**, as amended. Representatives: Sutherland, Cooper (120), Stevenson, Chapelle-Nadal and Zweifel.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons reappointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 86**, as amended: Senators Champion, Lager, Griesheimer, Bray and Kennedy.

CONFERENCE COMMITTEE REPORTS

Senator Shoemyer moved that **CCR** on **HCS** for **SB 582**, as amended, be again taken up for adoption, which motion prevailed.

Senator Shoemyer moved that the above conference committee report be adopted.

At the request of Senator Shoemyer, the above motion was withdrawn.

Senator Shoemyer moved that the Senate refuse to adopt the **CCR** on **HCS** for **SB 582**, as amended, and request the House to grant a further conference, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 741**, entitled:

An Act to amend chapter 99, RSMo, by adding thereto twenty-six new sections relating to the Missouri economic development code.

Was called from the Informal Calendar and taken up by Senator Koster.

Senator Koster offered **SS** for **HCS** for **HB 741**, entitled:

SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 741

An Act to repeal sections 30.750, 30.753, 30.756, 30.758, 30.760, 30.765, 142.031, RSMo, and to enact in lieu thereof thirty-five new sections relating to programs administered by the department of economic development, with penalty provisions.

Senator Koster moved that **SS** for **HCS** for **HB 741** be adopted.

Senator Justus offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 741, Page 61, Section 142.031, Line 7, by inserting immediately after said line the following:

“208.046. 1. The children's division shall promulgate rules to become effective no later than July 1, 2008, to modify the income eligibility criteria for any person receiving state-funded child care assistance under this chapter, either through vouchers or direct reimbursement to child care providers, as follows:

(1) For incomes of less than one hundred thirty percent of the federal poverty level for the applicable family size, such persons receiving state-funded child care assistance under this chapter shall be eligible, subject to appropriations, to receive child care subsidy benefits, less a sliding fee established by the children's division based on family size and income;

(2) A person receiving state-funded child care assistance under this chapter and whose income surpasses one hundred thirty percent of the federal poverty level for the applicable family size may continue to receive reduced subsidy benefits on a scale established by the children's division until such person's income reaches one hundred sixty percent of the federal poverty level for the applicable family size, at which time such person will have assumed the full cost of the maximum base child care subsidy rate established by the children's division and shall be no longer eligible for child care subsidy benefits;

(3) If appropriations in a given fiscal year are insufficient to provide the subsidy established under this chapter for all eligible recipients, the children's division shall establish a waiting list and promulgate rules for the prioritization of eligible recipients on the waiting list.

2. The sliding scale fee established in this section for child care subsidy recipients may be waived for children with special needs as established by the children's division.

3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above

amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Callahan, Coleman, Graham and McKenna.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman
Graham	Green	Justus	Kennedy
Koster	McKenna	Ridgeway	Shoemyer
Smith	Wilson—14		

NAYS—Senators

Bartle	Crowell	Engler	Gibbons
Goodman	Griesheimer	Gross	Lager
Loudon	Mayer	Nodler	Purgason
Rupp	Scott	Shields	Stouffer
Vogel—17			

Absent—Senators

Champion Clemens—2

Absent with leave—Senator Days—1

Vacancies—None

Senator Gross offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Committee Substitute for House Bill No. 741, Pages 19-51, Section 99.1100, 99.1102, 99.1104, 99.1106, 99.1108, 99.1110, 99.1112, 99.1114, 99.1116, 99.1118, 99.1120, 99.1122, 99.1124, 99.1126, 9.1128 and 99.1130, by striking all of said sections from the bill and inserting in lieu thereof the following:

“99.1100. 1. The joint committee on tax policy shall conduct a study of the feasibility of creating a program to allow municipalities within the state to engage in tax increment finance-like projects with optional tax abatement in any area of such municipality regardless of the existence of blight. The committee shall report its findings to the general assembly no later than December 31,

2007.

2. The provisions of this section shall expire on January 1, 2008.”; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Committee Substitute for House Bill No. 741, Page 1, In the Title, Line 3, by inserting after “RSMo,” the following: “and sections 99.820 and 99.825 as truly agreed to and finally passed in senate substitute for senate committee substitute for house committee substitute for house bill no. 327, ninety-fourth general assembly, first regular session,”; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after “RSMo,” the following: “and sections 99.820 and 99.825 as truly agreed to and finally passed in senate substitute for senate committee substitute for house committee substitute for house bill no. 327, ninety-fourth general assembly, first regular session,”; and further amend Line 4, by inserting immediately after “30.765,” the following: “99.820, 99.825,”; and

Further amend said bill, Page 19, Section 30.765, Line 9 of said page, by inserting after all of said line the following:

“99.820. 1. A municipality may:

(1) By ordinance introduced in the governing body of the municipality within fourteen to ninety days from the completion of the hearing required in section 99.825, approve redevelopment plans and redevelopment projects, and designate redevelopment project areas pursuant to the notice and hearing requirements of sections 99.800 to 99.865. No redevelopment project shall be approved unless a redevelopment plan has been approved and a redevelopment area has been

designated prior to or concurrently with the approval of such redevelopment project and the area selected for the redevelopment project shall include only those parcels of real property and improvements thereon directly and substantially benefited by the proposed redevelopment project improvements;

(2) Make and enter into all contracts necessary or incidental to the implementation and furtherance of its redevelopment plan or project;

(3) Pursuant to a redevelopment plan, subject to any constitutional limitations, acquire by purchase, donation, lease or, as part of a redevelopment project, eminent domain, own, convey, lease, mortgage, or dispose of, land and other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the municipality or the commission determines is reasonably necessary to achieve the objectives of the redevelopment plan. No conveyance, lease, mortgage, disposition of land or other property, acquired by the municipality, or agreement relating to the development of the property shall be made except upon the adoption of an ordinance by the governing body of the municipality. Each municipality or its commission shall establish written procedures relating to bids and proposals for implementation of the redevelopment projects. Furthermore, no conveyance, lease, mortgage, or other disposition of land or agreement relating to the development of property shall be made without making public disclosure of the terms of the disposition and all bids and proposals made in response to the municipality's request. Such procedures for obtaining such bids and proposals shall provide reasonable opportunity for any person to submit alternative proposals or bids;

(4) Within a redevelopment area, clear any area by demolition or removal of existing buildings and structures;

(5) Within a redevelopment area, renovate, rehabilitate, or construct any structure or building;

(6) Install, repair, construct, reconstruct, or relocate streets, utilities, and site improvements essential to the preparation of the redevelopment area for use in accordance with a redevelopment plan;

(7) Within a redevelopment area, fix, charge, and collect fees, rents, and other charges for the use of any building or property owned or leased by it or any part thereof, or facility therein;

(8) Accept grants, guarantees, and donations of property, labor, or other things of value from a public or private source for use within a redevelopment area;

(9) Acquire and construct public facilities within a redevelopment area;

(10) Incur redevelopment costs and issue obligations;

(11) Make payment in lieu of taxes, or a portion thereof, to taxing districts;

(12) Disburse surplus funds from the special allocation fund to taxing districts as follows:

(a) Such surplus payments in lieu of taxes shall be distributed to taxing districts within the redevelopment area which impose ad valorem taxes on a basis that is proportional to the current collections of revenue which each taxing district receives from real property in the redevelopment area;

(b) Surplus economic activity taxes shall be distributed to taxing districts in the redevelopment area which impose economic activity taxes, on a basis that is proportional to the amount of such economic activity taxes the taxing district would have received from the redevelopment area had tax increment financing not been adopted;

(c) Surplus revenues, other than payments in lieu of taxes and economic activity taxes, deposited in the special allocation fund, shall be distributed on a basis that is proportional to the total receipt of such other revenues in such account in the year prior to disbursement;

(13) If any member of the governing body of

the municipality, a member of a commission established pursuant to subsection 2 of this section, or an employee or consultant of the municipality, involved in the planning and preparation of a redevelopment plan, or redevelopment project for a redevelopment area or proposed redevelopment area, owns or controls an interest, direct or indirect, in any property included in any redevelopment area, or proposed redevelopment area, which property is designated to be acquired or improved pursuant to a redevelopment project, he or she shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates, terms, and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the governing body of the municipality and entered upon the minutes books of the governing body of the municipality. If an individual holds such an interest, then that individual shall refrain from any further official involvement in regard to such redevelopment plan, redevelopment project or redevelopment area, from voting on any matter pertaining to such redevelopment plan, redevelopment project or redevelopment area, or communicating with other members concerning any matter pertaining to that redevelopment plan, redevelopment project or redevelopment area. Furthermore, no such member or employee shall acquire any interest, direct or indirect, in any property in a redevelopment area or proposed redevelopment area after either (a) such individual obtains knowledge of such plan or project, or (b) first public notice of such plan, project or area pursuant to section 99.830, whichever first occurs;

(14) Charge as a redevelopment cost the reasonable costs incurred by its clerk or other official in administering the redevelopment project. The charge for the clerk's or other official's costs shall be determined by the municipality based on a recommendation from the commission, created pursuant to this section.

2. Prior to adoption of an ordinance approving the designation of a redevelopment area or approving a redevelopment plan or redevelopment

project, the municipality shall create a commission of nine persons if the municipality is a county or a city not within a county and not a first class county with a charter form of government with a population in excess of nine hundred thousand, and eleven persons if the municipality is not a county and not in a first class county with a charter form of government having a population of more than nine hundred thousand, and twelve persons if the municipality is located in or is a first class county with a charter form of government having a population of more than nine hundred thousand, to be appointed as follows:

(1) In all municipalities two members shall be appointed by the school boards whose districts are included within the redevelopment plan or redevelopment area. Such members shall be appointed in any manner agreed upon by the affected districts;

(2) In all municipalities one member shall be appointed, in any manner agreed upon by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for a redevelopment project or the redevelopment area, excluding representatives of the governing body of the municipality;

(3) In all municipalities six members shall be appointed by the chief elected officer of the municipality, with the consent of the majority of the governing body of the municipality;

(4) In all municipalities which are not counties and not in a first class county with a charter form of government having a population in excess of nine hundred thousand, two members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(5) In a municipality which is a county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the cities in the county which have tax increment financing districts in a manner in which the cities shall agree;

(6) In a municipality which is located in the first class county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(7) Effective January 1, 2008, in a municipality which is in a county under the authority of the East-West Gateway Council of Governments, except any municipality in any county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, the municipality shall create a commission in the same manner as the commission for any county with a charter form of government and with more than one million inhabitants, such commission shall have twelve members with two such members appointed by the school boards whose districts are included in the county in a manner in which such school boards agree, with one such member to represent all other districts levying ad valorem taxes in a manner in which all such districts agree, six such members appointed either by the county executive or county commissioner, and three such members appointed by the cities in the county which have tax increment financing districts in a manner in which the cities shall agree;

(8) Effective January 1, 2008, when any city, town, or village under the authority of the East-West Gateway Council of Governments desires to implement a tax increment financing project, such city, town, or village shall first obtain the permission of the county tax increment financing commission created in this subsection within which the city, town, or village is located. In the event such commission votes in opposition to the redevelopment project, such redevelopment project shall not be approved unless at least two-thirds of the governing body of the city, town, or village votes to approve such project;

(9) At the option of the members appointed by the municipality, the members who are appointed by the school boards and other taxing districts may serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan or designation of a redevelopment area is considered for approval by the commission, or for a definite term pursuant to this subdivision. If the members representing school districts and other taxing districts are appointed for a term coinciding with the length of time a redevelopment project, plan or area is approved, such term shall terminate upon final approval of the project, plan or designation of the area by the governing body of the municipality. Thereafter the commission shall consist of the six members appointed by the municipality, except that members representing school boards and other taxing districts shall be appointed as provided in this section prior to any amendments to any redevelopment plans, redevelopment projects or designation of a redevelopment area. If any school district or other taxing jurisdiction fails to appoint members of the commission within thirty days of receipt of written notice of a proposed redevelopment plan, redevelopment project or designation of a redevelopment area, the remaining members may proceed to exercise the power of the commission. Of the members first appointed by the municipality, two shall be designated to serve for terms of two years, two shall be designated to serve for a term of three years and two shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the municipality shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments.

3. The commission, subject to approval of the governing body of the municipality, may exercise the powers enumerated in sections 99.800 to 99.865, except final approval of plans, projects and designation of redevelopment areas. The commission shall hold public hearings and provide notice pursuant to sections 99.825 and 99.830. The

commission shall vote on all proposed redevelopment plans, redevelopment projects and designations of redevelopment areas, and amendments thereto, within thirty days following completion of the hearing on any such plan, project or designation and shall make recommendations to the governing body within ninety days of the hearing referred to in section 99.825 concerning the adoption of or amendment to redevelopment plans and redevelopment projects and the designation of redevelopment areas. The requirements of subsection 2 of this section and this subsection shall not apply to redevelopment projects upon which the required hearings have been duly held prior to August 31, 1991.

99.825. 1. Prior to the adoption of an ordinance proposing the designation of a redevelopment area, or approving a redevelopment plan or redevelopment project, the commission shall fix a time and place for a public hearing and notify each taxing district located wholly or partially within the boundaries of the proposed redevelopment area, plan or project. At the public hearing any interested person or affected taxing district may file with the commission written objections to, or comments on, and may be heard orally in respect to, any issues embodied in the notice. The commission shall hear and consider all protests, objections, comments and other evidence presented at the hearing. The hearing may be continued to another date without further notice other than a motion to be entered upon the minutes fixing the time and place of the subsequent hearing. Prior to the conclusion of the hearing, changes may be made in the redevelopment plan, redevelopment project, or redevelopment area, provided that each affected taxing district is given written notice of such changes at least seven days prior to the conclusion of the hearing. After the public hearing but prior to the adoption of an ordinance approving a redevelopment plan or redevelopment project, or designating a redevelopment area, changes may be made to the redevelopment plan, redevelopment projects or redevelopment areas without a further hearing, if

such changes do not enlarge the exterior boundaries of the redevelopment area or areas, and do not substantially affect the general land uses established in the redevelopment plan or substantially change the nature of the redevelopment projects, provided that notice of such changes shall be given by mail to each affected taxing district and by publication in a newspaper of general circulation in the area of the proposed redevelopment not less than ten days prior to the adoption of the changes by ordinance. After the adoption of an ordinance approving a redevelopment plan or redevelopment project, or designating a redevelopment area, no ordinance shall be adopted altering the exterior boundaries, affecting the general land uses established pursuant to the redevelopment plan or changing the nature of the redevelopment project without complying with the procedures provided in this section pertaining to the initial approval of a redevelopment plan or redevelopment project and designation of a redevelopment area. Hearings with regard to a redevelopment project, redevelopment area, or redevelopment plan may be held simultaneously.

2. Effective January 1, 2008, if, after concluding the hearing required under this section, the commission makes a recommendation under section 99.820 in opposition to a proposed redevelopment plan, redevelopment project, or designation of a redevelopment area, or any amendments thereto, a municipality desiring to approve such project, plan, designation, or amendments shall do so only upon a two-thirds majority vote of the governing body of such municipality.

3. Tax incremental financing projects within an economic development area shall apply to and fund only the following infrastructure projects: highways, roads, streets, bridges, sewers, traffic control systems and devices, water distribution and supply systems, curbing, sidewalks and any other similar public improvements, but in no case shall it include buildings.”; and

Further amend said bill, Page 92, Section

265.525, Line 21, by inserting after all of said line the following:

“99.820. 1. A municipality may:

(1) By ordinance introduced in the governing body of the municipality within fourteen to ninety days from the completion of the hearing required in section 99.825, approve redevelopment plans and redevelopment projects, and designate redevelopment project areas pursuant to the notice and hearing requirements of sections 99.800 to 99.865. No redevelopment project shall be approved unless a redevelopment plan has been approved and a redevelopment area has been designated prior to or concurrently with the approval of such redevelopment project and the area selected for the redevelopment project shall include only those parcels of real property and improvements thereon directly and substantially benefited by the proposed redevelopment project improvements;

(2) Make and enter into all contracts necessary or incidental to the implementation and furtherance of its redevelopment plan or project;

(3) Pursuant to a redevelopment plan, subject to any constitutional limitations, acquire by purchase, donation, lease or, as part of a redevelopment project, eminent domain, own, convey, lease, mortgage, or dispose of, land and other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the municipality or the commission determines is reasonably necessary to achieve the objectives of the redevelopment plan. No conveyance, lease, mortgage, disposition of land or other property, acquired by the

municipality, or agreement relating to the development of the property shall be made except upon the adoption of an ordinance by the governing body of the municipality. Each municipality or its commission shall establish written procedures relating to bids and proposals for implementation of the redevelopment projects. Furthermore, no conveyance, lease, mortgage, or other disposition of land or agreement relating to the development of property shall be made without making public disclosure of the terms of the disposition and all bids and proposals made in response to the municipality's request. Such procedures for obtaining such bids and proposals shall provide reasonable opportunity for any person to submit alternative proposals or bids;

(4) Within a redevelopment area, clear any area by demolition or removal of existing buildings and structures;

(5) Within a redevelopment area, renovate, rehabilitate, or construct any structure or building;

(6) Install, repair, construct, reconstruct, or relocate streets, utilities, and site improvements essential to the preparation of the redevelopment area for use in accordance with a redevelopment plan;

(7) Within a redevelopment area, fix, charge, and collect fees, rents, and other charges for the use of any building or property owned or leased by it or any part thereof, or facility therein;

(8) Accept grants, guarantees, and donations of property, labor, or other things of value from a public or private source for use within a redevelopment area;

(9) Acquire and construct public

facilities within a redevelopment area;

(10) Incur redevelopment costs and issue obligations;

(11) Make payment in lieu of taxes, or a portion thereof, to taxing districts;

(12) Disburse surplus funds from the special allocation fund to taxing districts as follows:

(a) Such surplus payments in lieu of taxes shall be distributed to taxing districts within the redevelopment area which impose ad valorem taxes on a basis that is proportional to the current collections of revenue which each taxing district receives from real property in the redevelopment area;

(b) Surplus economic activity taxes shall be distributed to taxing districts in the redevelopment area which impose economic activity taxes, on a basis that is proportional to the amount of such economic activity taxes the taxing district would have received from the redevelopment area had tax increment financing not been adopted;

(c) Surplus revenues, other than payments in lieu of taxes and economic activity taxes, deposited in the special allocation fund, shall be distributed on a basis that is proportional to the total receipt of such other revenues in such account in the year prior to disbursement;

(13) If any member of the governing body of the municipality, a member of a commission established pursuant to subsection 2 of this section, or an employee or consultant of the municipality, involved in the planning and preparation of a redevelopment plan, or redevelopment project for a redevelopment area or proposed redevelopment area, owns or controls an interest, direct or indirect, in any property

included in any redevelopment area, or proposed redevelopment area, which property is designated to be acquired or improved pursuant to a redevelopment project, he or she shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates, terms, and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the governing body of the municipality and entered upon the minutes books of the governing body of the municipality. If an individual holds such an interest, then that individual shall refrain from any further official involvement in regard to such redevelopment plan, redevelopment project or redevelopment area, from voting on any matter pertaining to such redevelopment plan, redevelopment project or redevelopment area, or communicating with other members concerning any matter pertaining to that redevelopment plan, redevelopment project or redevelopment area. Furthermore, no such member or employee shall acquire any interest, direct or indirect, in any property in a redevelopment area or proposed redevelopment area after either (a) such individual obtains knowledge of such plan or project, or (b) first public notice of such plan, project or area pursuant to section 99.830, whichever first occurs;

(14) Charge as a redevelopment cost the reasonable costs incurred by its clerk or other official in administering the redevelopment project. The charge for the clerk's or other official's costs shall be determined by the municipality based on a recommendation from the commission, created pursuant to this section.

2. Prior to adoption of an ordinance approving the designation of a

redevelopment area or approving a redevelopment plan or redevelopment project, the municipality shall create a commission of nine persons if the municipality is a county or a city not within a county and not a first class county with a charter form of government with a population in excess of nine hundred thousand, and eleven persons if the municipality is not a county and not in a first class county with a charter form of government having a population of more than nine hundred thousand, and twelve persons if the municipality is located in or is a first class county with a charter form of government having a population of more than nine hundred thousand, to be appointed as follows:

(1) In all municipalities two members shall be appointed by the school boards whose districts are included within the redevelopment plan or redevelopment area. Such members shall be appointed in any manner agreed upon by the affected districts;

(2) In all municipalities one member shall be appointed, in any manner agreed upon by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for a redevelopment project or the redevelopment area, excluding representatives of the governing body of the municipality;

(3) In all municipalities six members shall be appointed by the chief elected officer of the municipality, with the consent of the majority of the governing body of the municipality;

(4) In all municipalities which are not counties and not in a first class county with a charter form of government having a population in excess of nine

hundred thousand, two members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(5) In a municipality which is a county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the cities in the county which have tax increment financing districts in a manner in which the cities shall agree;

(6) In a municipality which is located in the first class county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(7) In a municipality which is in a county under the authority of the East-West Gateway Council of Governments, except any municipality in any county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, the municipality shall create a commission in the same manner as the commission for a first class county with a charter form of government having a population of more than nine hundred thousand, such commission shall have twelve members with two such members appointed by the school boards whose districts are included in the county in a manner in which such school boards agree, with one such member to represent all other districts levying ad valorem taxes in a manner in which all such districts agree, three such members appointed either by the

county executive or county commissioner, and six such members appointed by the cities in the county which have tax increment financing districts in a manner in which the cities shall agree;

(8) When any city, town, or village under the authority of the East-West Gateway Council of Governments desires to implement a tax increment financing project, such city, town, or village shall first obtain the permission of the county tax increment financing commission created in this subsection within which the city, town, or village is located;

(9) At the option of the members appointed by the municipality, the members who are appointed by the school boards and other taxing districts may serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan or designation of a redevelopment area is considered for approval by the commission, or for a definite term pursuant to this subdivision. If the members representing school districts and other taxing districts are appointed for a term coinciding with the length of time a redevelopment project, plan or area is approved, such term shall terminate upon final approval of the project, plan or designation of the area by the governing body of the municipality. Thereafter the commission shall consist of the six members appointed by the municipality, except that members representing school boards and other taxing districts shall be appointed as provided in this section prior to any amendments to any redevelopment plans, redevelopment projects or designation of a redevelopment area. If any school district or other taxing jurisdiction fails to

appoint members of the commission within thirty days of receipt of written notice of a proposed redevelopment plan, redevelopment project or designation of a redevelopment area, the remaining members may proceed to exercise the power of the commission. Of the members first appointed by the municipality, two shall be designated to serve for terms of two years, two shall be designated to serve for a term of three years and two shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the municipality shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments.

3. The commission, subject to approval of the governing body of the municipality, may exercise the powers enumerated in sections 99.800 to 99.865, except final approval of plans, projects and designation of redevelopment areas. The commission shall hold public hearings and provide notice pursuant to sections 99.825 and 99.830. The commission shall vote on all proposed redevelopment plans, redevelopment projects and designations of redevelopment areas, and amendments thereto, within thirty days following completion of the hearing on any such plan, project or designation and shall make recommendations to the governing body within ninety days of the hearing referred to in section 99.825 concerning the adoption of or amendment to redevelopment plans and redevelopment projects and the designation of redevelopment areas. The requirements of subsection 2 of this section and this subsection shall not apply to

redevelopment projects upon which the required hearings have been duly held prior to August 31, 1991.]

[99.825. 1. Prior to the adoption of an ordinance proposing the designation of a redevelopment area, or approving a redevelopment plan or redevelopment project, the commission shall fix a time and place for a public hearing and notify each taxing district located wholly or partially within the boundaries of the proposed redevelopment area, plan or project. At the public hearing any interested person or affected taxing district may file with the commission written objections to, or comments on, and may be heard orally in respect to, any issues embodied in the notice. The commission shall hear and consider all protests, objections, comments and other evidence presented at the hearing. The hearing may be continued to another date without further notice other than a motion to be entered upon the minutes fixing the time and place of the subsequent hearing. Prior to the conclusion of the hearing, changes may be made in the redevelopment plan, redevelopment project, or redevelopment area, provided that each affected taxing district is given written notice of such changes at least seven days prior to the conclusion of the hearing. After the public hearing but prior to the adoption of an ordinance approving a redevelopment plan or redevelopment project, or designating a redevelopment area, changes may be made to the redevelopment plan, redevelopment projects or redevelopment areas without a further hearing, if such changes do not enlarge the exterior boundaries of the redevelopment area or areas, and do not substantially affect the general land uses established in the redevelopment plan or

substantially change the nature of the redevelopment projects, provided that notice of such changes shall be given by mail to each affected taxing district and by publication in a newspaper of general circulation in the area of the proposed redevelopment not less than ten days prior to the adoption of the changes by ordinance. After the adoption of an ordinance approving a redevelopment plan or redevelopment project, or designating a redevelopment area, no ordinance shall be adopted altering the exterior boundaries, affecting the general land uses established pursuant to the redevelopment plan or changing the nature of the redevelopment project without complying with the procedures provided in this section pertaining to the initial approval of a redevelopment plan or redevelopment project and designation of a redevelopment area. Hearings with regard to a redevelopment project, redevelopment area, or redevelopment plan may be held simultaneously.

2. If, after concluding the hearing required under this section, the commission makes a recommendation under section 99.820 in opposition to a proposed redevelopment plan, redevelopment project, or designation of a redevelopment area, or any amendments thereto, a municipality desiring to approve such project, plan, designation, or amendments shall do so only upon a two-thirds majority vote of the governing body of such municipality.

3. Tax incremental financing projects within an economic development area shall apply to and fund only the following infrastructure projects: highways, roads, streets, bridges, sewers, traffic control systems and devices, water distribution and supply systems, curbing,

sidewalks and any other similar public improvements, but in no case shall it include buildings.]” and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Kennedy offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Committee Substitute for House Bill No. 741, Page 51, Section 99.1130, Line 25, by inserting after all of said line the following:

“135.535. 1. A corporation, limited liability corporation, partnership or sole proprietorship, which moves its operations from outside Missouri or outside a distressed community into a distressed community, or which commences operations in a distressed community on or after January 1, 1999, and in either case has more than seventy-five percent of its employees at the facility in the distressed community, and which has fewer than one hundred employees for whom payroll taxes are paid, and which is a manufacturing, biomedical, medical devices, scientific research, animal research, computer software design or development, computer programming, including Internet, web hosting, and other information technology, wireless or wired or other telecommunications or a professional firm shall receive a forty percent credit against income taxes owed pursuant to chapter 143, 147 or 148, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo, for each of the three years after such move, if approved by the department of economic development, which shall issue a certificate of eligibility if the department determines that the taxpayer is eligible for such credit. The maximum amount of credits per taxpayer set forth in this subsection shall not exceed one hundred twenty-five thousand dollars for each of the three years for which the credit is claimed. The department of economic

development, by means of rule or regulation promulgated pursuant to the provisions of chapter 536, RSMo, shall assign appropriate North American Industry Classification System numbers to the companies which are eligible for the tax credits provided for in this section. Such three-year credits shall be awarded only one time to any company which moves its operations from outside of Missouri or outside of a distressed community into a distressed community or to a company which commences operations within a distressed community. A taxpayer shall file an application for certification of the tax credits for the first year in which credits are claimed and for each of the two succeeding taxable years for which credits are claimed.

2. Employees of such facilities physically working and earning wages for that work within a distressed community whose employers have been approved for tax credits pursuant to subsection 1 of this section by the department of economic development for whom payroll taxes are paid shall also be eligible to receive a tax credit against individual income tax, imposed pursuant to chapter 143, RSMo, equal to one and one-half percent of their gross salary paid at such facility earned for each of the three years that the facility receives the tax credit provided by this section, so long as they were qualified employees of such entity. The employer shall calculate the amount of such credit and shall report the amount to the employee and the department of revenue.

3. A tax credit against income taxes owed pursuant to chapter 143, 147 or 148, RSMo, other than the taxes withheld pursuant to sections 143.191 to 143.265, RSMo, in lieu of the credit against income taxes as provided in subsection 1 of this section, may be taken by such an entity in a distressed community in an amount of forty percent of the amount of funds expended for computer equipment and its maintenance, medical laboratories and equipment, research laboratory equipment, manufacturing equipment, fiber optic equipment, high speed telecommunications, wiring or software development expense up to a

maximum of seventy-five thousand dollars in tax credits for such equipment or expense per year per entity and for each of three years after commencement in or moving operations into a distressed community.

4. A corporation, partnership or sole partnership, which has no more than one hundred employees for whom payroll taxes are paid, which is already located in a distressed community and which expends funds for such equipment pursuant to subsection 3 of this section in an amount exceeding its average of the prior two years for such equipment, shall be eligible to receive a tax credit against income taxes owed pursuant to chapters 143, 147 and 148, RSMo, in an amount equal to the lesser of seventy-five thousand dollars or twenty-five percent of the funds expended for such additional equipment per such entity. Tax credits allowed pursuant to this subsection or subsection 1 of this section may be carried back to any of the three prior tax years and carried forward to any of the five tax years.

5. An existing corporation, partnership or sole proprietorship that is located within a distressed community and that relocates employees from another facility outside of the distressed community to its facility within the distressed community, and an existing business located within a distressed community that hires new employees for that facility may both be eligible for the tax credits allowed by subsections 1 and 3 of this section. To be eligible for such tax credits, such a business, during one of its tax years, shall employ within a distressed community at least twice as many employees as were employed at the beginning of that tax year. A business hiring employees shall have no more than one hundred employees before the addition of the new employees. This subsection shall only apply to a business which is a manufacturing, biomedical, medical devices, scientific research, animal research, computer software design or development, computer programming or telecommunications business, or a professional firm.

6. Tax credits shall be approved for applicants meeting the requirements of this section in the order that such applications are received. Certificates of tax credits issued in accordance with this section may be transferred, sold or assigned by notarized endorsement which names the transferee.

7. The tax credits allowed pursuant to subsections 1, 2, 3, 4 and 5 of this section shall be for an amount of no more than ten million dollars for each year beginning in 1999. **To the extent there are available tax credits remaining under the ten million dollar cap provided in this section, up to one hundred thousand dollars in the remaining credits shall first be used for tax credits authorized under section 135.562.** The total maximum credit for all entities already located in distressed communities and claiming credits pursuant to subsection 4 of this section shall be seven hundred and fifty thousand dollars. The department of economic development in approving taxpayers for the credit as provided for in subsection 6 of this section shall use information provided by the department of revenue regarding taxes paid in the previous year, or projected taxes for those entities newly established in the state, as the method of determining when this maximum will be reached and shall maintain a record of the order of approval. Any tax credit not used in the period for which the credit was approved may be carried over until the full credit has been allowed.

8. A Missouri employer relocating into a distressed community and having employees covered by a collective bargaining agreement at the facility from which it is relocating shall not be eligible for the credits in subsection 1, 3, 4 or 5 of this section, and its employees shall not be eligible for the credit in subsection 2 of this section if the relocation violates or terminates a collective bargaining agreement covering employees at the facility, unless the affected collective bargaining unit concurs with the move.

9. Notwithstanding any provision of law to the contrary, no taxpayer shall earn the tax credits allowed in this section and the tax credits

otherwise allowed in section 135.110, or the tax credits, exemptions, and refund otherwise allowed in sections 135.200, 135.220, 135.225 and 135.245, respectively, for the same business for the same tax period.

135.562. 1. If any taxpayer with a federal adjusted gross income of thirty thousand dollars or less incurs costs for the purpose of making all or any portion of such taxpayer's principal dwelling accessible to an individual with a disability who permanently resides with the taxpayer, such taxpayer shall receive a tax credit against such taxpayer's Missouri income tax liability in an amount equal to the lesser of one hundred percent of such costs or two thousand five hundred dollars per taxpayer, per tax year.

2. Any taxpayer with a federal adjusted gross income greater than thirty thousand dollars but less than sixty thousand dollars who incurs costs for the purpose of making all or any portion of such taxpayer's principal dwelling accessible to an individual with a disability who permanently resides with the taxpayer, shall receive a tax credit against such taxpayer's Missouri income tax liability in an amount equal to the lesser of fifty percent of such costs or two thousand five hundred dollars per taxpayer, per tax year. No taxpayer shall be eligible to receive tax credits under this section in any tax year immediately following a tax year in which such taxpayer received tax credits under the provisions of this section.

3. Tax credits issued pursuant to this section may be refundable in an amount not to exceed two thousand five hundred dollars per tax year.

4. Eligible costs for which the credit may be claimed include:

- (1) Constructing entrance or exit ramps;**
- (2) Widening exterior or interior doorways;**
- (3) Widening hallways;**
- (4) Installing handrails or grab bars;**

(5) Moving electrical outlets and switches;

(6) Installing stairway lifts;

(7) Installing or modifying fire alarms, smoke detectors, and other alerting systems;

(8) Modifying hardware of doors; or

(9) Modifying bathrooms.

5. The tax credits allowed, including the maximum amount that may be claimed, pursuant to this section shall be reduced by an amount sufficient to offset any amount of such costs a taxpayer has already deducted from such taxpayer's federal adjusted gross income or to the extent such taxpayer has applied any other state or federal income tax credit to such costs.

6. A taxpayer shall claim a credit allowed by this section in the same taxable year as the credit is issued, and at the time such taxpayer files his or her Missouri income tax return; provided that, such return is timely filed.

7. The department may, in consultation with the department of social services, promulgate such rules or regulations as are necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

8. The provisions of this section shall apply to all tax years beginning on or after January 1, 2008.

9. The provisions of this section shall expire December 31, 2013.

10. In no event shall the aggregate amount of all tax credits allowed pursuant to this section exceed one hundred thousand dollars in any given fiscal year. The tax credits issued pursuant to this section shall be on a first-come, first-served filing basis.”; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered **SA 5:**

SENATE AMENDMENT NO. 5

Amend Senate Substitute for House Committee Substitute for House Bill No. 741, Page 92, Section 265.525, Line 21, of said page, by inserting immediately after said line the following:

“379.1300. As used in sections 379.1300 to 379.1350, the following terms shall mean:

(1) “Affiliated company”, any company in the same corporate system as a parent, an industrial insured, or a member organization by virtue of common ownership, control, operation, or management;

(2) “Alien captive insurance company”, any insurance company formed to write insurance business for its parents and affiliates and licensed under the laws of an alien jurisdiction that imposes statutory or regulatory standards in a form acceptable to the director on companies transacting the business of insurance in such jurisdiction;

(3) “Annuity”, a contract issued for a valuable consideration under which the obligations are assumed with respect to periodic payments for a specified term or terms or where the making or continuance of all or of some of such payments, or the amount of any such payments, is dependent upon the continuance of human life;

(4) “Association”, any legal association of individuals, corporations, limited liability companies, partnerships, associations, or other entities that has been in continuous existence for at least one year, the member organizations of which or which does itself, whether or not in conjunction with some or all of the member organizations:

(a) Own, control, or hold with power to vote all of the outstanding voting securities of an association captive insurance company incorporated as a stock insurer; or

(b) Have complete voting control over an association captive insurance company incorporated as a mutual insurer;

(5) “Association captive insurance company”, any company that insures risks of the member organizations of the association and their affiliated companies;

(6) “Branch business”, any insurance business transacted by a branch captive insurance company in this state;

(7) “Branch captive insurance company”, any alien captive insurance company licensed by the director to transact the business of insurance in this state through a business unit with a principal place of business in this state;

(8) “Branch operations”, any business operations of a branch captive insurance company in this state;

(9) “Captive insurance company”, any pure captive insurance company, association captive insurance company, or industrial insured captive insurance company formed or licensed under sections 379.1300 to 379.1350. For purposes of sections 379.1300 to 379.1350, a branch captive insurance company shall be a pure captive insurance company with respect to operations in this state, unless otherwise permitted by the director;

(10) “Controlled unaffiliated business”, any company;

(a) That is not in the corporate system of a parent and affiliated companies;

(b) That has an existing contractual relationship with a parent or affiliated company; and

(c) Whose risks are managed by a pure captive insurance company in accordance with section 379.1338;

(11) “Director”, the director of the department of insurance, financial and professional regulation;

(12) “Excess workers’ compensation insurance”, in the case of an employer that has insured or self-insured its workers’ compensation risks in accordance with applicable state or federal law, insurance in excess of a specified per-incident or aggregate limit established by the director;

(13) “Industrial insured”, an insured:

(a) Who procures the insurance of any risk or risks by use of the services of a full-time employee acting as an insurance manager or buyer;

(b) Whose aggregate annual premiums for insurance on all risks total at least twenty-five thousand dollars; and

(c) Who has at least twenty-five full-time employees;

(14) “Industrial insured captive insurance company”, any company that insures risks of the industrial insureds that comprise the industrial insured group and their affiliated companies;

(15) “Industrial insured group”, any group of industrial insureds that collectively:

(a) Own, control, or hold with power to vote all of the outstanding voting securities of an industrial insured captive insurance company incorporated as a stock insurer; or

(b) Have complete voting control over an industrial insured captive insurance company

incorporated as a mutual insurer;

(16) “Member organization”, any individual, corporation, limited liability company, partnership, association, or other entity that belongs to an association;

(17) “Mutual corporation”, a corporation organized without stockholders and includes a nonprofit corporation with members;

(18) “Parent”, a corporation, limited liability company, partnership, other entity, or individual, that directly or indirectly owns, controls, or holds with power to vote more than fifty percent of the outstanding voting:

(a) Securities of a pure captive insurance company organized as a stock corporation; or

(b) Membership interests of a pure captive insurance company organized as a nonprofit corporation;

(19) “Pure captive insurance company”, any company that insures risks of its parent and affiliated companies or controlled unaffiliated business.

379.1302. 1. Any captive insurance company, when permitted by its articles of association, charter, or other organizational document, may apply to the director for a license to do any and all insurance and annuity contracts comprised in section 376.010, RSMo, and subsection 1 of section 379.010, other than workers’ compensation and employers’ liability; provided, however, that:

(1) No pure captive insurance company shall insure any risks other than those of its parent and affiliated companies or controlled unaffiliated business;

(2) No association captive insurance company shall insure any risks other than those of the member organizations of its association and their affiliated companies;

(3) No industrial insured captive insurance company shall insure any risks other than those of the industrial insureds that comprise the

industrial insured group and their affiliated companies;

(4) No captive insurance company shall provide personal motor vehicle or homeowner's insurance coverage or any component thereof;

(5) No captive insurance company shall accept or cede reinsurance except as provided in section 379.1320;

(6) Any captive insurance company may provide excess workers' compensation insurance to its parent and affiliated companies, unless prohibited by the federal law or laws of the state having jurisdiction over the transaction. Any captive insurance company, unless prohibited by federal law, may reinsure workers' compensation of a qualified self-insured plan of its parent and affiliated companies, provided that sections 379.1300 to 379.1350 shall not divest the division of workers' compensation of any jurisdiction, as authorized by law, over workers' compensation self-insured plans;

(7) Any captive insurance company which insures life and accident and health risks described in section 376.010, RSMo, and subdivision (4) of subsection 1 of section 379.010, shall comply with all applicable state and federal laws; and

(8) No captive insurance company shall transact business as a risk retention group under sections 375.1080 to 375.1105, RSMo.

2. No captive insurance company shall do any insurance business in this state unless:

(1) It first obtains from the director a license authorizing it to do insurance business in this state;

(2) Its board of directors or committee of managers holds at least one meeting each year in this state;

(3) It maintains its principal place of business in this state;

(4) It appoints a registered agent to accept

service of process and to otherwise act on its behalf in this state; provided that, whenever such registered agent cannot with reasonable diligence be found at the registered office of the captive insurance company, the secretary of state shall be an agent of such captive insurance company upon whom any process, notice, or demand may be served; and

(5) It holds at least thirty-five percent of its assets either directly in this state or through a financial institution located in this state and approved by the director.

3. (1) Before receiving a license, a captive insurance company shall:

(a) File with the director a certified copy of its organizational documents, a statement under oath of its president and secretary showing its financial condition, and any other statements or documents required by the director; and

(b) Submit to the director for approval a description of the coverages, deductibles, coverage limits, and rates, together with such additional information as the director may reasonably require. In the event of any subsequent material change in any item in such description, the captive insurance company shall submit to the director for approval an appropriate revision and shall not offer any additional kinds of insurance until a revision of such description is approved by the director. The captive insurance company shall inform the director of any material change in rates within thirty days of the adoption of such change.

(2) Each applicant captive insurance company shall also file with the director evidence of the following:

(a) The amount and liquidity of its assets relative to the risks to be assumed;

(b) The adequacy of the expertise, experience, and character of the person or persons who will manage it;

(c) The overall soundness of its plan of operation;

(d) The adequacy of the loss prevention programs of its insureds; and

(e) Such other factors deemed relevant by the director in ascertaining whether the proposed captive insurance company will be able to meet its policy obligations.

(3) Information submitted under this subsection shall be and remain confidential, and shall not be made public by the director or an employee or agent of the director without the written consent of the company; except that:

(a) Such information may be discoverable by a party in a civil action or contested case to which the captive insurance company that submitted such information is a party, upon a showing by the party seeking to discover such information that:

a. The information sought is relevant to and necessary for the furtherance of such action or case;

b. The information sought is unavailable from other nonconfidential sources; and

c. A subpoena issued by a judicial or administrative officer of competent jurisdiction has been submitted to the director; and

(b) The director may, in the director's discretion, disclose such information to a public officer having jurisdiction over the regulation of insurance in another state, provided that:

a. Such public official shall agree in writing to maintain the confidentiality of such information;

b. The laws of the state in which such public official serves require such information to be and to remain confidential; and

(c) The director may disclose information to the director of the division of workers' compensation regarding any captive insurance company issuing excess workers' compensation insurance provided that the director for the division of workers' compensation agrees in writing to maintain the confidentiality of such

information provided by the director.

(4) Each captive insurance company shall pay to the director a nonrefundable license fee of seven thousand five hundred dollars for examining, investigating, and processing its application for license, and the director is authorized to retain legal, financial, and examination services from outside the department, the reasonable cost of which may be charged against the applicant. The provisions of sections 374.160 to 374.162 and sections 374.202 to 374.207, RSMo, shall apply to examinations, investigations, and processing conducted under the authority of this section. In addition, each captive insurance company shall pay a renewal fee for each year thereafter of seven thousand five hundred dollars. Each captive insurance company may deduct the license and renewal fee paid from the premium taxes payable under section 397.1326, RSMo.

(5) If the director is satisfied that the documents and statements that such captive insurance company has filed comply with the provisions of sections 379.1300 to 379.1350, the director may grant a license authorizing it to do insurance business in this state until April first, which license may be renewed.

379.1304. No captive insurance company shall adopt a name that is the same, deceptively similar, or likely to be confused with or mistaken for any other existing business name registered in the state of Missouri.

379.1306. 1. No captive insurance company shall be issued a license unless it shall possess and thereafter maintain unimpaired paid-in capital and surplus of:

(1) In the case of a pure captive insurance company, not less than two hundred fifty thousand dollars;

(2) In the case of an association captive insurance company, not less than seven hundred fifty thousand dollars; and

(3) In the case of an industrial insured

captive insurance company, not less than five hundred thousand dollars.

2. The director may prescribe additional capital and surplus based upon the type, volume, and nature of insurance business transacted.

3. Capital and surplus may be in the form of cash or an irrevocable letter of credit issued by a bank chartered by the state of Missouri or a member bank of the Federal Reserve System, and approved by the director.

379.1308. No captive insurance company shall pay a dividend out of, or other distribution with respect to, capital or surplus without the prior approval of the director. Approval of an ongoing plan for the payment of dividends or other distributions shall be conditioned upon the retention, at the time of each payment, of capital or surplus in excess of amounts specified by or determined in accordance with formulas approved by the director. Notwithstanding the provisions of section 355.661, RSMo, a captive insurance company organized under chapter 355, RSMo, may make such distributions as are in conformity with its purposes and approved by the director.

379.1310. 1. A pure captive insurance company may be incorporated as a stock insurer with its capital divided into shares and held by the stockholders, as a nonprofit corporation with one or more members, or as a manager-managed limited liability company.

2. An association captive insurance company or an industrial insured captive insurance company may be:

(1) Incorporated as a stock insurer with its capital divided into shares and held by the stockholders;

(2) Incorporated as a mutual insurer without capital stock, the governing body of which is elected by its insureds; or

(3) Organized as a manager-managed limited liability company.

3. A captive insurance company incorporated or organized in this state shall have not less than three incorporators or three organizers of whom not less than one shall be a resident of this state.

4. In the case of a captive insurance company:

(1) Formed as a corporation, before the articles of incorporation are transmitted to the secretary of state, the incorporators shall petition the director to issue a certificate setting forth the director's finding that the establishment and maintenance of the proposed corporation will promote the general good of the state. In arriving at such a finding the director shall consider:

(a) The character, reputation, financial standing and purposes of the incorporators;

(b) The character, reputation, financial responsibility, insurance experience, and business qualifications of the officers and directors; and

(c) Such other aspects as the director shall deem advisable.

The articles of incorporation, such certificate, and the organization fee shall be transmitted to the secretary of state, who shall thereupon record both the articles of incorporation and the certificate;

(2) Formed as a limited liability company, before the articles of organization are transmitted to the secretary of state, the organizers shall petition the director to issue a certificate setting forth the director's finding that the establishment and maintenance of the proposed company will promote the general good of the state. In arriving at such a finding, the director shall consider the items set forth in paragraphs (a) to (c) of subdivision (1) of this subsection.

5. The capital stock of a captive insurance company incorporated as a stock insurer may be authorized with no par value.

6. In the case of a captive insurance company:

(1) Formed as a corporation, at least one of the members of the board of directors shall be a resident of this state;

(2) Formed as a limited liability company, at least one of the managers shall be a resident of this state.

7. Other than captive insurance companies formed as limited liability companies under chapter 347, RSMo, or as nonprofit corporations under chapter 355, RSMo, captive insurance companies formed as corporations under sections 379.1300 to 379.1350 shall have the privileges and be subject to chapter 351, RSMo, as well as the applicable provisions contained in sections 379.1300 to 379.1308. In the event of conflict between the provisions of such general corporation law and sections 379.1300 to 379.1350, sections 379.1300 to 379.1350 shall control.

8. Captive insurance companies formed under sections 379.1300 to 379.1350:

(1) As limited liability companies shall have the privileges and be subject to the provisions of chapter 347, RSMo, as well as the applicable provisions contained in sections 379.1300 to 379.1350. In the event of a conflict between chapter 347, RSMo, and sections 379.1300 to 379.1350, sections 379.1300 to 379.1350 shall control; or

(2) As nonprofit corporations shall have the privileges and be subject to the provisions of chapter 355, RSMo, as well as the applicable provisions contained in sections 379.1300 to 379.1350. In the event of conflict between chapter 355, RSMo, and sections 379.1300 to 379.1350, sections 379.1300 to 379.1350 shall control.

9. The provisions of section 375.355, RSMo, sections 379.980 to 379.988, and chapter 382, RSMo, pertaining to mergers, consolidations, conversions, mutualizations, redomestications,

and mutual holding companies shall apply in determining the procedures to be followed by captive insurance companies in carrying out any of the transactions described therein; except that:

(1) The director may waive or modify the requirements for public notice and hearing in accordance with rules which the director may adopt addressing categories of transactions. If a notice of public hearing is required, but no one requests a hearing, then the director may cancel the hearing;

(2) An alien insurer may be a party to a merger authorized under this subsection, if approved by the director.

10. The articles of incorporation or bylaws of a captive insurance company formed as a corporation may authorize a quorum of its board of directors to consist of no fewer than one-third of the full board of directors determined, provided that a quorum shall not consist of fewer than two directors.

379.1312. 1. Captive insurance companies shall not be required to make any annual report except as provided in sections 379.1300 to 379.1350.

2. Prior to March first of each year, each captive insurance company shall submit to the director a report of its financial condition, verified by oath of two of its executive officers. Each captive insurance company shall report using generally accepted accounting principles, unless the director approves the use of statutory accounting principles, with any appropriate or necessary modifications or adaptations thereof required or approved or accepted by the director for the type of insurance and kinds of insurers to be reported upon, and as supplemented by additional information required by the director. Except as otherwise provided, each association captive insurance company shall file its report in the form required by section 375.041, RSMo. The director shall by rule propose the forms in

which pure captive insurance companies and industrial insured captive insurance companies shall report. Subdivision (3) of subsection 2 of section 379.1302 shall apply to each report filed under this section.

3. Any pure captive insurance company or an industrial insured captive insurance company may make written application for filing the required report on a fiscal year end. If an alternative reporting date is granted:

(1) The annual report is due sixty days after the fiscal year end; and

(2) In order to provide sufficient detail to support the premium tax return, the pure captive insurance company or industrial insured captive insurance company shall file prior to March first of each year for each calendar year end, its balance sheet, income statement and statement of cash flows, verified by oath of two of its executive officers.

379.1314. 1. At least once every three years and whenever the director determines it to be prudent, the director shall personally, or by some competent person appointed by the director, visit each captive insurance company and thoroughly inspect and examine its affairs to ascertain its financial condition, its ability to fulfill its obligations, and whether it has complied with the provisions of sections 379.1300 to 379.1350. The director may enlarge such three-year period to five years, provided the captive insurance company is subject to a comprehensive annual audit during such period of a scope satisfactory to the director by independent auditors approved by the director. The expenses and charges of the examination shall be paid to the state by the company or companies examined and the director shall issue his or her warrants for the proper charges incurred in all examinations, as provided in sections 374.160 and 374.162, RSMo.

2. The provisions of sections 374.202 to 374.207, RSMo, shall apply to examinations conducted under this section.

3. All examination reports, preliminary examination reports or results, working papers, recorded information, documents and copies thereof produced by, obtained by or disclosed to the director or any other person in the course of an examination made under this section are confidential and are not subject to subpoena and shall not be made public by the director or an employee or agent of the director without the written consent of the company, except to the extent provided in this subsection. Nothing in this subsection shall prevent the director from using such information in furtherance of the director's regulatory authority under this title. The director may, in the director's discretion, grant access to such information to public officers having jurisdiction over the regulation of insurance in any other state or country, or to law enforcement officers of this state or any other state or agency of the federal government at any time, so long as such officers receiving the information agree in writing to hold it in a manner consistent with this section.

379.1316. 1. The license of a captive insurance company may be suspended or revoked by the director for any of the following reasons:

(1) Insolvency or impairment of capital or surplus;

(2) Failure to meet the requirements of section 379.1306;

(3) Refusal or failure to submit an annual report, as required by sections 379.1300 to 379.1350, or any other report or statement required by law or by lawful order of the director;

(4) Failure to comply with the provisions of its own charter, bylaws, or other organizational document;

(5) Failure to submit to or pay the cost of examination or any legal obligation relative thereto, as required by sections 379.1300 to 379.1350;

(6) Use of methods that, although not otherwise specifically prohibited by law, nevertheless render its operation detrimental or its condition unsound with respect to the public or to its policyholders; or

(7) Failure otherwise to comply with the laws of this state.

2. Notwithstanding any other provision of sections 379.1300 to 379.1350, if the director finds upon examination, hearing, or other evidence that any captive insurance company has violated any provision of subsection 1 of this section, the director may suspend or revoke such company's license if the director deems it in the best interest of the public and the policyholders of such captive insurance company.

379.1318. 1. Association captive insurance companies shall comply with the investment requirements contained in chapter 375, RSMo, and sections 379.080 and 379.082, as applicable. Investments of association captive insurance companies shall be valued in accordance with the valuation procedures established by the National Association of Insurance Commissioners for insurance companies, except to the extent it is inconsistent with accounting standards in use by the company and approved by the director. Notwithstanding any other provision of sections 379.1300 to 379.1350, the director may approve the use of alternative reliable methods of valuation and rating.

2. No pure captive insurance company or industrial insured captive insurance company shall be subject to any restrictions on allowable investments whatever, including those limitations contained in sections 379.080 and 379.082; provided, however, that the director may prohibit or limit any investment that threatens the solvency or liquidity of any such company.

3. No pure captive insurance company shall make a loan to or an investment in its parent company or affiliates without prior written

approval of the director, and any such loan or investment shall be evidenced by documentation approved by the director.

379.1320. 1. Any captive insurance company may provide reinsurance, comprised in section 376.010, RSMo, and subsection 1 of section 379.010, on risks ceded by any other insurer.

2. Any captive insurance company may take credit for the reinsurance of risks or portions of risks ceded to reinsurers complying with the provisions of section 375.246, RSMo. Prior approval of the director shall be required for ceding or taking credit for the reinsurance of risks or portions of risks ceded to reinsurers or under reinsurance agreements not complying with section 375.246, RSMo, except for business written by an alien captive insurance company outside the United States.

3. For all purposes of sections 379.1300 to 379.1350, insurance by a captive insurance company of any workers' compensation qualified self-insured plan of its parent and affiliates shall be deemed to be reinsurance.

4. In addition to reinsurers authorized under the provisions of section 375.246, RSMo, a captive insurance company may take credit for the reinsurance of risks or portions of risks ceded to a pool, exchange, or association acting as a reinsurer which has been authorized by the director. The director may require any other documents, financial information, or other evidence that such a pool, exchange, or association will be able to provide adequate security for its financial obligations. The director may deny authorization or impose any limitations on the activities of a reinsurance pool, exchange, or association that, in the director's judgment, are necessary and proper to provide adequate security for the ceding captive insurance company and for the protection and consequent benefit of the public at large.

379.1322. No captive insurance company

shall be required to join a rating organization.

379.1324. No captive insurance company shall be permitted to join or contribute financially to any plan, pool, association, or guaranty, or insolvency fund in this state, nor shall any such captive insurance company or any insured or affiliate thereof receive any benefit from any such plan, pool, association, or guaranty, or insolvency fund for claims arising out of the operations of such captive insurance company.

379.1326. 1. Each captive insurance company shall pay to the director of revenue, on or before May first of each year, a premium tax at the rate of thirty-eight-hundredths of one percent on the first twenty million dollars and two hundred eighty-five-thousandths of one percent on the next twenty million dollars and nineteen-hundredths of one percent on the next twenty million dollars and seventy-two-thousandths of one percent on each dollar thereafter on the direct premiums collected or contracted for on policies or contracts of insurance written by the captive insurance company during the year ending December thirty-first next preceding, after deducting from the direct premiums subject to the tax the amounts paid to policyholders as return premiums which shall include dividends on unabsorbed premiums or premium deposits returned or credited to policyholders; provided, however, that no tax shall be due or payable as to considerations received for annuity contracts.

2. Each captive insurance company shall pay to the director of revenue on or before May first of each year a premium tax at the rate of two hundred fourteen-thousandths of one percent on the first twenty million dollars of assumed reinsurance premium, and one hundred forty-three-thousandths of one percent on the next twenty million dollars and forty-eight-thousandths of one percent on the next twenty million dollars and twenty-four-thousandths of one percent of each dollar thereafter. However, no reinsurance premium

tax applies to premiums for risks or portions of risks which are subject to taxation on a direct basis under subsection 1 of this section. No reinsurance premium tax shall be payable in connection with the receipt of assets in exchange for the assumption of loss reserves and other liabilities of another insurer under common ownership and control if such transaction is part of a plan to discontinue the operations of such other insurer, and if the intent of the parties to such transaction is to renew or maintain such business with the captive insurance company.

3. The annual minimum aggregate tax to be paid by a captive insurance company calculated under subsections 1 and 2 of this section shall be seven thousand five hundred dollars, and the annual maximum aggregate tax shall be two hundred thousand dollars.

4. Every captive insurance company shall, on or before February first each year, make a return on a form provided by the director, verified by the affidavit of the company's president and secretary or other authorized officers, to the director stating the amount of all direct premiums received and assumed reinsurance premiums received, whether in cash or in notes, during the year ending on December thirty-first next preceding. Upon receipt of such returns, the director of the department of insurance shall verify the same and certify the amount of tax due from the various companies on the basis and at the rate provided in subsections 1 to 3 of this section, and shall certify the same to the director of revenue, on or before March thirty-first of each year. The director of revenue shall immediately thereafter notify and assess each company the amount of tax due.

5. A captive insurance company failing to make returns as required by subsection 4 of this section or failing to pay within the time required all taxes assessed by this section, shall be subject to the provisions of sections 148.375 and 148.410, RSMo.

6. Two or more captive insurance companies under common ownership and control shall be taxed, as though they were a single captive insurance company.

7. For the purposes of this section, “common ownership and control” shall mean:

(1) In the case of stock corporations, the direct or indirect ownership of eighty percent or more of the outstanding voting stock of two or more corporations by the same shareholder or shareholders; and

(2) In the case of mutual or nonprofit corporations, the direct or indirect ownership of eighty percent or more of the surplus and the voting power of two or more corporations by the same member or members.

8. The tax provided for in this section shall constitute all taxes collectible under the laws of this state from any captive insurance company, and no other occupation tax or other taxes shall be levied or collected from any captive insurance company by the state or any county, city, or municipality within this state, except ad valorem taxes on real and personal property used in the production of income.

9. The state treasurer shall annually transfer the premium tax revenues collected under this section to the general revenue fund, except as provided in section 379.1332.

10. The tax provided for in this section shall be calculated on an annual basis, notwithstanding policies or contracts of insurance or contracts of reinsurance issued on a multi-year basis. In the case of multi-year policies or contracts, the premium shall be prorated for purposes of determining the tax under this section.

11. A captive insurance company may deduct from premium taxes payable to this state, in addition to all other credits allowed by law, license fees and renewal fees payable under section 379.1302. A deduction for fees which exceeds a captive insurance company's

premium tax liability for the same tax year shall not be refundable, but may be carried forward to any subsequent tax year, not to exceed five years, until the full deduction is claimed.

379.1328. The director may promulgate rules under section 374.045, RSMo, and from time to time amend such rules relating to captive insurance companies as are necessary to enable the director to carry out the provisions of sections 379.1300 to 379.1350.

379.1330. No provisions of the insurance laws of this state, other than those contained in sections 379.1300 to 379.1350 or contained in specific references contained therein, shall apply to captive insurance companies.

379.1332. 1. (1) The insurance dedicated fund under section 374.150, RSMo, shall be adequately funded through the collection of fees and taxes for the purpose of providing the financial means for the director of insurance to administer sections 379.1300 to 379.1350 and for reasonable expenses incurred in promoting the captive insurance industry in Missouri. All fees and assessments received by the department for the administration of sections 379.1300 to 379.1350 shall be paid into the fund. In addition, the transfer of twenty percent of the premium tax under section 375.1014, RSMo, shall be made to the insurance dedicated fund until two hundred thousand dollars has been transferred. Thereafter, up to ten percent of the premium tax under section 379.1326 may be transferred to the insurance dedicated fund for the administration of sections 379.1300 to 379.1350, and up to two percent of the premium tax under section 379.1326 may be transferred to the department of economic development, with approval of the commissioner of administration, for promotional expenses. All fees received by the department from reinsurers who assume risk solely from captive insurance companies and are subject to the provisions of section 375.246, RSMo, shall be deposited into the insurance dedicated fund.

(2) All payments from the insurance dedicated fund for the maintenance of staff and expenses associated with the administration of sections 379.1300 to 379.1350, including contractual services as necessary, shall be disbursed from the state treasury only upon warrants issued by the director, after receipt of proper documentation regarding services rendered and expenses incurred.

2. The director may anticipate receipts to the insurance dedicated fund through the administration of sections 379.1300 to 379.1350 and issue warrants based thereon.

379.1336. Except as otherwise provided in sections 379.1300 to 379.1350, the terms and conditions set forth in sections 375.1150 to 375.1246, RSMo, pertaining to insurance reorganizations, receiverships and injunctions shall apply in full to captive insurance companies formed or licensed under sections 379.1300 to 379.1350.

379.1338. The director may promulgate rules under section 374.045, RSMo, establishing standards to ensure that a parent or affiliated company is able to exercise control of the risk management function of any controlled unaffiliated business to be insured by the pure captive insurance company; provided, however, that, until such time as rules under this section are adopted, the director may approve the coverage of such risks by a pure captive insurance company.

379.1340. 1. A branch captive may be established in this state in accordance with the provisions of sections 379.1300 to 379.1350. In addition to the general provisions of sections 379.1300 to 379.1350, the provisions of sections 379.1340 to 379.1350 shall apply to branch captive insurance companies.

2. No branch captive insurance company shall do any insurance business in this state unless it maintains the principal place of business for its branch operations in this state.

379.1342. In the case of a branch captive insurance company, as security for the payment of liabilities attributable to the branch operations, the director shall require that a trust fund, funded by an irrevocable letter of credit or other acceptable asset, be established and maintained in the United States for the benefit of United States policyholders and United States ceding insurers under insurance policies issued or reinsurance contracts issued or assumed by the branch captive insurance company through its branch operations. The amount of such security shall be no less than the amount set forth in subdivision (1) of subsection 1 of section 379.1306 and the reserves on such insurance policies or such reinsurance contracts, including reserves for losses, allocated loss adjustment expenses, incurred but not reported losses, and unearned premiums with regard to business written through the branch operations; provided, however, the director may permit a branch captive insurance company that is required to post security for loss reserves on branch business by its reinsurer to reduce the funds in the trust account required by this section by the same amount so long as the security remains posted with the reinsurer. If the form of security selected is a letter of credit, the letter of credit shall be established by or issued or confirmed by a bank chartered in this state or a member bank of the Federal Reserve System.

379.1344. In the case of a captive insurance company licensed as a branch captive, the alien captive insurance company shall petition the director to issue a certificate setting forth the director's finding that, after considering the character, reputation, financial responsibility, insurance experience, and business qualifications of the officers and directors of the alien captive insurance company, the licensing and maintenance of the branch operations will promote the general good of the state. The alien captive insurance company may register to do business in this state after the director's

certificate is issued.

379.1346. Prior to March first of each year, or with the approval of the director within sixty days after its fiscal year end, a branch captive insurance company shall file with the director a copy of all reports and statements required to be filed under the laws of the jurisdiction in which the alien captive insurance company is formed, verified by oath of two of its executive officers. If the director is satisfied that the annual report filed by the alien captive insurance company in its domiciliary jurisdiction provides adequate information concerning the financial condition of the alien captive insurance company, the director may waive the requirement for completion of the captive annual statement for business written in the alien jurisdiction.

379.1348. 1. The examination of a branch captive insurance company under section 379.1314 shall be of branch business and branch operations only, so long as the branch captive insurance company provides annually to the director a certificate of compliance, or its equivalent, issued by or filed with the licensing authority of the jurisdiction in which the branch captive insurance company is formed, and demonstrates to the director's satisfaction that it is operating in sound financial condition in accordance with all applicable laws and regulations of such jurisdiction.

2. As a condition of licensure, the alien captive insurance company shall grant authority to the director for examination of the affairs of the alien captive insurance company in the jurisdiction in which the alien captive insurance company is formed.

379.1350. In the case of a branch captive insurance company, the tax provided for in section 379.1326 shall apply only to the branch business of such company.

379.1353. As used in sections 379.1353 to 379.1421, the following terms shall mean:

(1) "Affiliate", a company that controls, is controlled by or under common control with the special purpose life reinsurance captive "SPLRC" as defined in this section;

(2) "Affiliated agreements", written agreements, including an SPLRC contract, between an SPLRC and its affiliate;

(3) "Ceded reinsurance agreements", reinsurance agreements entered into by the SPLRC with affiliates or unaffiliated parties for the purpose of obtaining reinsurance for all or some portion of the risks assumed by the SPLRC under SPLRC contracts;

(4) "Ceding company", the insurer ceding business to the SPLRC under the SPLRC contract;

(5) "Department", the Missouri department of insurance, financial and professional regulation;

(6) "Director", the director of the Missouri department of insurance, financial and professional regulation or its successor agency or his or her designee;

(7) "Financial guarantee policy", a financial guarantee policy issued by an insurer licensed to issue financial guarantee insurance policies by the director;

(8) "Letters of credit", clean, irrevocable, evergreen letters of credit issued meeting the requirements of subdivision (2) of section 375.246, RSMo, and regulations issued thereunder that are issued or confirmed by a qualified United States financial institution or guaranteed by a financial guarantee insurance company authorized to issue financial guarantee insurance policies in the state of Missouri;

(9) "Organizational documents", means the SPLRC's articles of organization, bylaws, operating agreement or other foundational document that establishes the SPLRC as a legal entity or prescribes its existence;

(10) “Permitted investments”, investments as authorized by sections 376.291 to 376.307, RSMo, or as specifically authorized by the director by order;

(11) “Rule”, a rule promulgated by the director in accordance with the authority granted by section 379.1421;

(12) “SPLRC” or “special purpose life insurance captive”, a captive insurance company that has received a license from the director for the limited purposes provided for in sections 379.1353 to 379.1421;

(13) “SPLRC contract”, a written contract between the SPLRC and the ceding company under which the SPLRC agrees to provide reinsurance protection to the ceding company for risks associated with the ceding company's written or assumed annuity, life insurance or accident and health insurance business;

(14) “State”, the state of Missouri;

(15) “Surety bond”, a surety bond issued by an insurer licensed to issue surety bonds by the director;

(16) “Surplus note”, an unsecured subordinated debt obligation, including any contingent obligation for the repayment of a sum of money upon a written agreement that the loan or advance with interest shall be repaid only out of funds as specified in the approved plan of operation, or any approved amendment thereto;

(17) “Swap agreements”, an agreement to exchange or to net payments at one or more times based on the actual or expected price, level, performance or value of one or more underlying interests.

379.1356. No provision of the Missouri insurance laws, other than those specifically referenced in sections 379.1353 to 379.1421 apply to a SPLRC, its operations, assets, investments and SPLRC contracts. In the event of a conflict between a provision of the Missouri insurance laws and sections 379.1353 to

379.1421, the provisions of sections 379.1353 to 379.1421 shall control as to the SPLRC and its operations, assets, dividends, SPLRC contracts, and surplus notes and investments. The director may exempt all, or any one, SPLRC by rule or order from the provisions of sections 379.1353 to 379.1421 that he or she determines to be inappropriate, but may not expand the application of the Missouri insurance laws, except as specifically provided for in sections 379.1353 to 379.1421.

379.1359. 1. A SPLRC, when permitted by its organizational documents, may apply to the director for a license to conduct reinsurance in this state as authorized by sections 379.1353 to 379.1421.

2. A SPLRC may only reinsure the risks of its ceding company. A SPLRC may reinsure risks of more than one ceding company, provided all ceding companies from which a SPLRC assumes risks shall be affiliated with one another.

3. A SPLRC may cede all or a portion of its assumed risks under ceded reinsurance agreements.

4. A SPLRC may mitigate its risks by purchasing or participating in hedges such as credit default swaps and total return swaps.

5. To transact business in this state, a SPLRC shall:

(1) Obtain from the director a license authorizing it to conduct reinsurance business in this state;

(2) Hold at least one meeting of its board of directors each year within the state of Missouri;

(3) Maintain its principal place of business in Missouri;

(4) Appoint a resident registered agent to accept service of process and to otherwise act on its behalf in this state;

(5) Maintain a minimum surplus in this state, in cash, in the amount of two-hundred

and fifty-thousand dollars;

(6) Pay all applicable fees as required by sections 379.1353 to 379.1421.

6. To obtain a license to transact business as a SPLRC in this state, the SPLRC shall:

(1) File an application which must include the following:

(a) Certified copies of its organizational documents;

(b) A statement under oath from any of the applicant's officers as to the financial condition of the applicant as of the time the application is filed;

(c) Evidence of the applicant's assets as of the time of the application;

(d) Complete biographical sketches for each officer and director on forms created by the National Association of Insurance Commissioners;

(e) A plan of operation as described in section 379.1361;

(f) An affidavit signed by the applicant that the SPLRC will operate only in accordance with the provisions of sections 379.1353 to 379.1421 and its plan of operation;

(g) A description of the investment strategy the SPLRC will follow;

(h) A description of the source and form of the initial minimum capital proposed in the plan of operation;

(2) Demonstrate that the minimum surplus described in subdivision (5) of subsection 5 of this section is established and held in this state;

(3) Provide copies of any filings made by the ceding company with the ceding company's domiciliary insurance regulator to obtain approval for the ceding company to enter into the SPLRC contract and copies of any filings made by any affiliate of the SPLRC to obtain regulatory approval to contribute capital to the SPLRC or to acquire direct or indirect

ownership of the SPLRC;

(4) Provide copies of any letters of approval or non-disapproval received from the insurance regulator responding to any filings for which copies were provided as described in subdivision (3) of this subsection.

7. No other requirements shall be imposed upon the SPLRC to transact business, except the director may require the SPLRC to revise its plan of operation under section 379.1361 and meet all requirements imposed by a revised plan of operation as approved by the director thereunder.

8. The department shall act upon a complete application within sixty days of its filing, provided the requirements identified in subdivisions (2), (3) and (4) of subsection 6 of this section are met five days prior to the end of the sixty day period. For purposes of this subsection, an application shall be considered complete when the items listed in subdivision (1) of subsection 6 of this section are filed with the department. In the event the ceding company is not required to make filings with its domiciliary insurance regulator as described in subdivision (3) of subsection 6 of this section, no such filing shall be required under subdivision (3) of subsection 6 of this section in this state, provided the applicant provides the director with a certification signed by one of its officers attesting that no such filing is required with the ceding company's domiciliary regulator.

9. Once granted, a license under sections 379.1353 to 379.1421 shall continue until March first of each year, at this time it may be renewed at the discretion of the director.

10. A SPLRC shall pay to the director a non-refundable application fee of ten thousand dollars for processing its application for a license under sections 379.1353 to 379.1421. Such fee shall be paid at the time the application is filed with the director. Each SPLRC may take a credit for the application fee against the taxes payable under section

379.1412, notwithstanding the imposition of an annual aggregate minimum tax by section **379.1412**.

11. The director may retain legal, financial, actuarial, and examination services from outside the department to review the application. The reasonable cost of such services shall be billed to and paid by the applicant.

379.1361. A SPLRC must file, as part of its application, a plan of operation to consist of a description of the contemplated financing transaction or transactions and a detailed description of transaction documents to which the SPLRC will be a party, including, but not limited to, the SPLRC contract and related transactions to which the SPLRC will be a party which must include:

(1) Draft documentation or, at the director's discretion, a written summary of all material agreements to which the SPLRC is to be a party that are to be entered into to effectuate the SPLRC contract and the financing transaction;

(2) The purpose of the transaction;

(3) Maximum amounts;

(4) Interrelationships of the various transactions, to which the SPLRC will be a party, required to effectuate the financing;

(5) Investment strategy for the SPLRC;

(6) Description of the underwriting, reporting and claims payment methods by which losses covered by the SPLRC contract will be reported, accounted for and settled;

(7) Initial minimum capital to be held by the SPLRC;

(8) Pro-forma balance sheet and income statements illustrating the performance of the SPLRC, the SPLRC contract, and any ceded reinsurance agreements under scenarios reasonably requested by the director or specified by rule; and

(9) The pro-forma balance sheets and income statements filed under this section must be updated by the SPLRC and filed with the director in the event of a material deviation from the original or most recently filed plan of operation. The plan of operation must specify which deviations are to be considered material.

379.1364. Each SPLRC shall pay to the director a license fee for the year of registration of seven thousand five hundred dollars for processing its license. The provisions of sections **374.160** to **374.162**, RSMo, and sections **374.202** to **374.207**, RSMo, shall apply to examinations, investigations, and processing conducted under the authority of this section. In addition, each SPLRC shall pay a renewal fee for each year thereafter of seven thousand five hundred dollars. Each SPLRC may take a credit for the license and renewal fees paid against the taxes payable under section **379.1412**, notwithstanding the imposition of an annual aggregate minimum tax by section **379.1412**.

379.1367. 1. In order to approve an application and issue a license to a SPLRC under sections **379.1353** to **379.1421**, the director must find that:

(1) The proposed plan of operation provides a reasonable and expected successful operation;

(2) The terms of the transactions proposed in the plan of operation to which the SPLRC is a party comply with sections **379.1353** to **379.1421**; and

(3) The commissioner of the state of domicile of each ceding company has notified the director in writing or the applicant has otherwise provided assurance satisfactory to the director that such regulator has either approved or granted a nondisapproval of the SPLRC contract.

2. In evaluating the expectation of a successful operation, the director shall consider whether the proposed SPLRC and its

management are of known good character and reasonably believed not to be affiliated, directly or indirectly, with a person known to have been involved with the improper manipulation of assets, accounts or reinsurance. In the event the commissioner of the state of domicile of any ceding company is not required to review the SPLRC contract, then the approval described in subdivision (3) of subsection 1 of this section shall not be required for licensing of the SPLRC hereunder.

379.1370. A SPLRC may be established as either a stock corporation, a Missouri statutory close corporation, a limited liability company or other form of organization approved by the director.

379.1373. 1. Activities of a SPLRC must be limited to those necessary to accomplish its purpose as outlined in its plan of operation.

2. The name must not be deceptively similar to or likely to be confused with another existing business name registered in the state.

3. The SPLRC must have at least three incorporators or organizers of whom not fewer than two must be residents of the state.

4. The capital stock of a SPLRC incorporated as a stock company must be issued at not less than par value.

379.1376. A SPLRC may enter into a SPLRC contract with a ceding company, provided:

(1) The SPLRC has been granted a license to transact business as an SPLRC under sections 379.1353 to 379.1421; and

(2) The SPLRC provides the director with evidence of an approval or non-disapproval from the insurance regulatory official of the ceding company's state or country of domicile to enter into the SPLRC contract. If the ceding company's domiciliary insurance regulatory official does not customarily provide evidence of such approval or non-disapproval, the director shall approve the SPLRC's execution of such

SPLRC contract if such SPLRC contract would be acceptable if an assuming insurer domiciled in this state were to propose execution of the same with its ceding company for the purpose of assuming such reinsurance and an officer of the SPLRC provides the director with a certification that terms of the SPLRC contract meet the requirements for the ceding company to obtain credit in its state of domicile for reinsurance ceded under the SPLRC contract.

379.1379. The SPLRC may enter into swap agreements for any purpose for which a Missouri domestic life insurer could enter into such a transaction under section 375.345, RSMo, or when the underlying interests are permitted investments if held directly by the SPLRC.

379.1382. 1. A SPLRC may issue securities, subject to and in accordance with applicable law, its approved plan of operation and its organizational documents. A SPLRC may enter into and perform all its obligations under any required contract to facilitate the issuance of these securities.

2. Subject to the approval of the director, a SPLRC may:

(1) Account for the proceeds of surplus notes as surplus and not debt for purposes of statutory accounting; and

(2) Submit for prior approval of the director periodic written requests for payments of interest on and repayments of principal of surplus notes.

3. The director may approve formulas for the ongoing payment of interest payments or principal repayments, or both.

4. The obligation to repay principal or interest, or both, on the securities issued by the SPLRC must reflect the risk associated with the reinsurance obligations assumed by the SPLRC.

5. The approval given for the ongoing payment of interest or the repayment of principal related to any securities or surplus

notes, as outlined in the plan of operations, may only be revoked or otherwise modified by the director in the event the performance of the insurance business assumed by the SPLRC under the SPLRC contract is demonstrated by the director to be following a scenario as to mortality, morbidity, investment, or lapse experience that will cause the SPLRC to fail to meet its obligations under the SPLRC contract.

379.1385. A SPLRC's assets must be managed in accordance with an investment management agreement filed with and approved by order of the director.

379.1388. 1. A SPLRC may recognize as an admitted asset on its financial statements filed with the director:

(1) Permitted investments;

(2) Letters of credit issued without recourse to the SPLRC;

(3) Financial guarantee policies issued for the sole benefit of the ceding company without recourse to the SPLRC by an insurer having a rating of no less than AAA by Standard and Poor's or less than AAA by Moody's Investor Service; and

(4) Surety bonds issued for the sole benefit of the ceding company without recourse to the SPLRC by an insurer having a rating of no less than AAA by Standard and Poor's or no less than AAA by Moody's Investors Service.

2. The assets of a SPLRC shall be valued in the same manner as the assets of a Missouri domestic life insurer. Notwithstanding the preceding, the director may by order authorize a SPLRC to value one or more of its assets through an alternative method. Letters of credit shall be valued at the amount available for drawings by the SPLRC or its ceding company as of the time of valuation. A financial guarantee policy shall be valued at the amount available to pay aggregate claims as of the time of valuation. A surety bond shall be valued at the amount available to pay aggregate claims as

of the time of valuation.

379.1391. A SPLRC shall not:

(1) Enter into a SPLRC contract with a person that is not licensed or otherwise authorized to transact the business of insurance or reinsurance in at least its state or country of domicile;

(2) Lend or otherwise invest or place in custody, trust or under management any of its assets with, or to borrow money or receive a loan from, other than according to the plan of operation filed with and approved by the director.

379.1394. 1. A SPLRC may not declare or pay dividends in any form to its owners other than in accordance with the transaction agreements.

2. Dividends may not decrease the capital of the SPLRC below the minimum initial capital requirement.

3. After giving effect to the dividends the assets of the SPLRC, including assets held in trust and letters of credit issued for the exclusive benefit of the SPLRC, must be sufficient to satisfy the director that it can meet its obligations.

4. Approval of the director for ongoing dividends of other distributions must be conditioned upon the retention at the time of each payment, of capital or surplus equal to or in excess of amounts specified by, or determined in accordance with formulas approved for the SPLRC by the director.

5. Dividends may be declared by the management of the SPLRC provided that the dividend amount or form does not violate the provisions of sections 379.1353 to 379.1421 or jeopardize the fulfillment of the obligations of the SPLRC.

379.1397. Any material changes to a SPLRC's plan of operation shall require the prior written approval of the director. However,

if initially approved in the plan of operation, the subsequent issuance of securities, additional financing, substitution of a party to a swap transaction with a party of similar rating or the inclusion of additional business under a SPLRC contract, shall not be considered a material change.

379.1400. Copies of all completed affiliated agreements to which the SPLRC is a party, including but not limited to the SPLRC contract or contracts and any ceded reinsurance agreements to which the SPLRC is a party must be filed with the director within thirty days of their execution.

379.1403. 1. No later than five months after the fiscal year end of the SPLRC, the SPLRC shall file with the director an audited financial report by an independent certified public accountant of the financial statements of the SPLRC and any trust accounts established for the benefit of the ceding company to secure reserve credits for the ceding company.

2. The SPLRC shall file by March first of each year financial information using statutory accounting principles with useful or necessary modifications or adaptations required or approved by the director, as supplemented by additional information as required by the director. Financial information must include:

- (1) Income statement;
- (2) Balance sheet, and if required;
- (3) A detailed listing of invested assets.

The filing may also include RBC calculations and other adjusted capital calculations to assist the director. The statements must be prepared on forms required by the director. In addition, the director may require the filing of performance assessments of the SPLRC contract.

379.1406. An SPLRC must be examined by the director at least once every five years and no more frequently than once every three years. In addition, the director may also examine an

SPLRC in the event of an event of insolvency. The SPLRC shall pay to the director the expenses and costs of the examination as outlined in section 374.160, RSMo. Neither reports, copies of documents obtained nor preliminary work and working papers may be disclosed without the prior written consent of the SPLRC. Such materials shall remain confidential and are not subject to subpoena. Nothing in this section shall prevent the director from using materials created during the examination or obtained during the examination in furtherance of the director's regulatory authority granted under sections 379.1353 to 379.1421. The director may grant access to materials obtained or created during examinations conducted under this section to public officers having jurisdiction over the regulation of insurance in another state, the federal government or another country, including a securities regulatory authority, if the officers receiving the information agree in writing to hold such information in confidence and in a manner consistent with this section.

379.1409. The SPLRC shall maintain its books and records in the state and make the same available at any time for examination by the director. Notwithstanding the preceding, original books and records may be kept outside of the state, if a plan is adopted by the SPLRC and approved by the director whereby copies are maintained in the state with originals kept at another specified location. Records must be maintained for examination purposes until authorization to destroy is received from the director.

379.1412. 1. Each SPLRC shall pay to the director of revenue on or before May first of each year a premium tax at the rate of two hundred fourteen thousandths of one percent on the first twenty million dollars of assumed reinsurance premium, and one hundred forty-three thousandths of one percent on the next twenty million dollars and forty-eight thousandths of one percent on the next twenty

million dollars and twenty-four thousandths of one percent of each dollar thereafter. No reinsurance premium tax shall be payable in connection with the receipt of assets in exchange for the assumption of loss reserves and other liabilities of another insurer under common ownership and control if such transaction is part of a plan to discontinue the operations of such other insurer, and if the intent of the parties to such transaction is to renew or maintain such business with the captive insurance company.

2. The premium tax imposed by subsection 1 of this section shall constitute all taxes collectible under the laws of this state from any SPLRC, and no other occupation tax or other taxes shall be levied or collected from any captive insurance company by the state or any county, city, or municipality within this state, except ad valorem taxes on real and personal property used in the production of income.

3. The annual minimum aggregate tax to be paid by a SPLRC calculated under subsection 1 of this section shall be seven thousand five hundred dollars, and the annual maximum aggregate tax shall be two hundred thousand dollars.

4. A SPLRC may deduct from premium taxes payable to this state, in addition to all other credits allowed by law, application fees payable under section 379.1359 and license fees and renewal fees payable under section 379.1364. A deduction for fees which exceeds a SPLRC's premium tax liability for the same tax year shall not be refundable, but may be carried forward to any subsequent tax year, not to exceed five years, until the full deduction is claimed.

5. Every SPLRC shall, on or before February first each year, make a return on a form provided by the director, verified by the affidavit of the company's president and secretary or other authorized officers, to the director stating the amount of all direct

premiums received and assumed reinsurance premiums received, whether in cash or in notes, during the year ending on December thirty-first next preceding. Upon receipt of such returns, the director shall verify the same and certify the amount of tax due from the various companies on the basis and at the rate provided in this section, and shall certify the same to the director of revenue, on or before March thirty-first of each year. The director of revenue shall immediately thereafter notify and assess each company the amount of tax due.

6. A SPLRC failing to make returns as required by subsection 5 of this section, or failing to pay within the time required all taxes assessed by this section, shall be subject to the provisions of sections 148.375 and 148.410, RSMo.

379.1415. Information filed with the director is confidential and may not be disclosed without the prior written consent of the SPLRC, except:

(1) Information is discoverable in civil litigation provided:

(a) The SPLRC is found by the court to be a necessary party;

(b) The party seeking the information demonstrates by a clear and convincing standard that the information sought is relevant and necessary; and

(c) Where it is unavailable from other nonconfidential sources.

(2) The director may disclose the information to insurance regulators if:

(a) The regulator agrees in writing to maintain the confidentiality of the information; and

(b) The laws of the state in which the regulator serves preserve confidentiality of the information.

(3) In addition, the director may also disclose information to the Securities Exchange

Commission if:

(a) The SEC agrees in writing to maintain the confidentiality of the information; and

(b) The SEC is authorized under securities law to request the information or the director is obligated to disclose the information.

379.1418. 1. The director may apply by petition to the circuit court for an order authorizing the director to conserve, rehabilitate or liquidate a SPLRC domiciled in this state on one or more of the following grounds:

(1) There has been embezzlement, wrongful sequestration, dissipation, or diversion of the assets of the SPLRC;

(2) The SPLRC is insolvent and the holders of a majority in outstanding principal amount of each class of SPLRC securities or surplus notes request or consent to conservation, rehabilitation or liquidation under the provisions of this section.

2. The court may not grant relief provided by subdivision (1) of subsection 1 of this section unless, after notice and a hearing, the director, who must have the burden of proof, establishes by clear and convincing evidence that relief must be granted.

3. Notwithstanding another provision in sections 379.1353 to 379.1421, rules promulgated under sections 379.1353 to 379.1421, or another applicable provision of law or rule, upon any order of conservation, rehabilitation, or liquidation of a SPLRC, the receiver shall manage the assets and liabilities of the SPLRC under the provisions of sections 379.1353 to 379.1421.

4. With respect to amounts recoverable under a SPLRC contract, the amount recoverable by the receiver must not be reduced or diminished as a result of the entry of an order of conservation, rehabilitation, or liquidation with respect to the ceding company, notwithstanding another provision in the

SPLRC contract or other documentation governing the SPLRC's transactions.

5. Notwithstanding the provisions of sections 379.1353 to 379.1421, an application or petition, or a temporary restraining order or injunction issued under the provisions of the insurance laws of a state, with respect to a ceding company, does not prohibit the transaction of a business by a SPLRC, including any payment by a SPLRC made under the SPLRC contract, the SPLRC's securities or surplus notes, or any action or proceeding against a SPLRC or its assets.

6. Notwithstanding the provisions of any Missouri insurance law to the contrary, the commencement of a summary proceeding or other interim proceeding commenced before a formal delinquency proceeding with respect to a SPLRC, and any order issued by the court does not prohibit the payment by a SPLRC made under securities issued by an SPLRC or an SPLRC contract or the SPLRC from taking any action required to make the payment.

7. Notwithstanding the provisions of the Missouri insurance laws:

(1) A receiver of a ceding company shall not void a nonfraudulent transfer by a ceding company of money or other property paid or paid pursuant to a SPLRC contract; and

(2) A receiver of a SPLRC shall not void a nonfraudulent transfer by the SPLRC of money or other property made to a ceding company pursuant to a SPLRC contract or made to or for the benefit of any holder of a SPLRC security on account of the SPLRC security.

8. With the exception of the fulfillment of the obligations under a SPLRC contract, and notwithstanding another provision of sections 379.1353 to 379.1421 or other laws of this state, the assets of a SPLRC, including assets held in trust, letters of credit, financial guarantee policies or surety bonds, shall not be consolidated with or included in the estate of a ceding company in any delinquency proceeding

against the ceding company under the provisions of sections 379.1353 to 379.1421 for any purpose including, without limitation, distribution to creditors of the ceding company.

9. Other than as set forth in this section, delinquency proceedings of a SPLRC shall be conducted under sections 375.1150 to 375.1246, RSMo.

379.1421. The director may promulgate all rules and regulations necessary to effectuate the purposes of sections 379.1353 to 379.1421. No regulations promulgated under this authority shall affect SPLRC Contracts or other transactions approved prior to the effective date of such rules. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly under chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted.

Senator Mayer raised the point of order that **SA 5** is out of order as it goes beyond the scope of the legislation.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Loudon offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for House

Committee Substitute for House Bill No. 741, Page 92, Section 265.525, Line 21, by inserting immediately after said line, the following:

“290.505. 1. No employer shall employ any of his employees for a workweek longer than forty hours unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he is employed.

2. Employees of an amusement or recreation business that meets the criteria set out in 29 U.S.C. § 213(a) (3) must be paid one and one-half times their regular compensation for any hours worked in excess of fifty-two hours in any one-week period.

3. With the exception of employees described in subsection (2), the overtime requirements of subsection (1) shall not apply to employees who are exempt from federal minimum wage or overtime requirements [pursuant to 29 U.S.C. §§ 213(a)-(b)] **including, but not limited to, the exemptions or hour calculation formulas specified in 29 U.S.C. Sections 207 and 213, and any regulations promulgated thereunder.**

4. Except as may be otherwise provided under sections 290.500 to 290.530, this section shall be interpreted in accordance with the Fair Labor Standards Act, 29 U.S.C. Section 201, et seq., as amended, and the Portal to Portal Act, 29 U.S.C. Section 251, et seq., as amended, and any regulations promulgated thereunder.

Section B. Because of the need to preserve federal standards relating to overtime payments to employees, section 290.505 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 290.505 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted.

Senator Mayer raised the point of order that **SA 6** is out of order as it goes beyond the scope of the underlying bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Loudon offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for House Committee Substitute for House Bill No. 741, Page 92, Section 265.525, Line 21, by inserting immediately after said line, the following:

“287.020. 1. The word “employee” as used in this chapter shall be construed to mean every person in the service of any employer, as defined in this chapter, under any contract of hire, express or implied, oral or written, or under any appointment or election, including executive officers of corporations. **Except as otherwise provided in section 287.200**, any reference to any employee who has been injured shall, when the employee is dead, also include his dependents, and other persons to whom compensation may be payable. The word “employee” shall also include all minors who work for an employer, whether or not such minors are employed in violation of law, and all such minors are hereby made of full age for all purposes under, in connection with, or arising out of this chapter. The word “employee” shall not include an individual who is the owner, as defined in subsection 43 of section 301.010, RSMo, and operator of a motor vehicle which is leased or contracted with a driver to a for-hire motor carrier operating within a commercial zone as defined in section 390.020 or 390.041, RSMo, or operating under a certificate issued by the Missouri department of transportation or by the United States Department of Transportation, or any of its subagencies.

2. The word “accident” as used in this chapter shall mean an unexpected traumatic event or unusual strain identifiable by time and place of occurrence and producing at the time objective symptoms of an injury caused by a specific event

during a single work shift. An injury is not compensable because work was a triggering or precipitating factor.

3. (1) In this chapter the term “injury” is hereby defined to be an injury which has arisen out of and in the course of employment. An injury by accident is compensable only if the accident was the prevailing factor in causing both the resulting medical condition and disability. “The prevailing factor” is defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability.

(2) An injury shall be deemed to arise out of and in the course of the employment only if:

(a) It is reasonably apparent, upon consideration of all the circumstances, that the accident is the prevailing factor in causing the injury; and

(b) It does not come from a hazard or risk unrelated to the employment to which workers would have been equally exposed outside of and unrelated to the employment in normal nonemployment life.

(3) An injury resulting directly or indirectly from idiopathic causes is not compensable.

(4) A cardiovascular, pulmonary, respiratory, or other disease, or cerebrovascular accident or myocardial infarction suffered by a worker is an injury only if the accident is the prevailing factor in causing the resulting medical condition.

(5) The terms “injury” and “personal injuries” shall mean violence to the physical structure of the body and to the personal property which is used to make up the physical structure of the body, such as artificial dentures, artificial limbs, glass eyes, eyeglasses, and other prostheses which are placed in or on the body to replace the physical structure and such disease or infection as naturally results therefrom. These terms shall in no case except as specifically provided in this chapter be construed to include occupational disease in any form, nor shall they be construed to include any contagious or infectious disease contracted during the course

of the employment, nor shall they include death due to natural causes occurring while the worker is at work.

4. “Death” when mentioned as a basis for the right to compensation means only death resulting from such violence and its resultant effects occurring within three hundred weeks after the accident; except that in cases of occupational disease, the limitation of three hundred weeks shall not be applicable.

5. Injuries sustained in company-owned or subsidized automobiles in accidents that occur while traveling from the employee's home to the employer's principal place of business or from the employer's principal place of business to the employee's home are not compensable. The extension of premises doctrine is abrogated to the extent it extends liability for accidents that occur on property not owned or controlled by the employer even if the accident occurs on customary, approved, permitted, usual or accepted routes used by the employee to get to and from their place of employment.

6. The term “total disability” as used in this chapter shall mean inability to return to any employment and not merely mean inability to return to the employment in which the employee was engaged at the time of the accident.

7. As used in this chapter and all acts amendatory thereof, the term “commission” shall hereafter be construed as meaning and referring exclusively to the labor and industrial relations commission of Missouri, and the term “director” shall hereafter be construed as meaning the director of the department of insurance of the state of Missouri or such agency of government as shall exercise the powers and duties now conferred and imposed upon the department of insurance of the state of Missouri.

8. The term “division” as used in this chapter means the division of workers' compensation of the department of labor and industrial relations of the state of Missouri.

9. For the purposes of this chapter, the term “minor” means a person who has not attained the age of eighteen years; except that, for the purpose of computing the compensation provided for in this chapter, the provisions of section 287.250 shall control.

10. In applying the provisions of this chapter, it is the intent of the legislature to reject and abrogate earlier case law interpretations on the meaning of or definition of “accident”, “occupational disease”, “arising out of”, and “in the course of the employment” to include, but not be limited to, holdings in: *Bennett v. Columbia Health Care and Rehabilitation*, 80 S.W.3d 524 (Mo.App. W.D. 2002); *Kasl v. Bristol Care, Inc.*, 984 S.W.2d 852 (Mo.banc 1999); and *Drewes v. TWA*, 984 S.W.2d 512 (Mo.banc 1999) and all cases citing, interpreting, applying, or following those cases.

287.200. 1. Compensation for permanent total disability shall be paid during the continuance of such disability for the lifetime of the employee at the weekly rate of compensation in effect under this subsection on the date of the injury for which compensation is being made. **The word “employee” as used in this section shall not include the injured worker's dependents, estate, or other persons to whom compensation may be payable as provided in subsection 1 of section 287.020.** The amount of such compensation shall be computed as follows:

(1) For all injuries occurring on or after September 28, 1983, but before September 28, 1986, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings during the year immediately preceding the injury, as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to seventy percent of the state average weekly wage, as such wage is determined by the division of employment security, as of the July first immediately preceding the date of injury;

(2) For all injuries occurring on or after September 28, 1986, but before August 28, 1990, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings during the year immediately preceding the injury, as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to seventy-five percent of the state average weekly wage, as such wage is determined by the division of employment security, as of the July first immediately preceding the date of injury;

(3) For all injuries occurring on or after August 28, 1990, but before August 28, 1991, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to one hundred percent of the state average weekly wage;

(4) For all injuries occurring on or after August 28, 1991, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to one hundred five percent of the state average weekly wage;

(5) For all injuries occurring on or after September 28, 1981, the weekly compensation shall in no event be less than forty dollars per week.

2. Permanent total disability benefits that have accrued through the date of the injured employee's death are the only permanent total disability benefits that are to be paid in accordance with section 287.230. The right to unaccrued compensation for permanent total disability of an injured employee terminates on the date of the injured employee's death in accordance with section 287.230, and does not

survive to the injured worker's dependents, estate, or other persons to whom compensation might otherwise be payable.

3. All claims for permanent total disability shall be determined in accordance with the facts. When an injured employee receives an award for permanent total disability but by the use of glasses, prosthetic appliances, or physical rehabilitation the employee is restored to his regular work or its equivalent, the life payment mentioned in subsection 1 of this section shall be suspended during the time in which the employee is restored to his regular work or its equivalent. The employer and the division shall keep the file open in the case during the lifetime of any injured employee who has received an award of permanent total disability. In any case where the life payment is suspended under this subsection, the commission may at reasonable times review the case and either the employee or the employer may request an informal conference with the commission relative to the resumption of the employee's weekly life payment in the case.

287.220. 1. All cases of permanent disability where there has been previous disability shall be compensated as herein provided. Compensation shall be computed on the basis of the average earnings at the time of the last injury. If any employee who has a preexisting permanent partial disability whether from compensable injury or otherwise, of such seriousness as to constitute a hindrance or obstacle to employment or to obtaining reemployment if the employee becomes unemployed, and the preexisting permanent partial disability, if a body as a whole injury, equals a minimum of fifty weeks of compensation or, if a major extremity injury only, equals a minimum of fifteen percent permanent partial disability, according to the medical standards that are used in determining such compensation, receives a subsequent compensable injury resulting in additional permanent partial disability so that the degree or percentage of disability, in an amount equal to a minimum of fifty weeks compensation, if a body as a whole injury or, if a major extremity

injury only, equals a minimum of fifteen percent permanent partial disability, caused by the combined disabilities is substantially greater than that which would have resulted from the last injury, considered alone and of itself, and if the employee is entitled to receive compensation on the basis of the combined disabilities, the employer at the time of the last injury shall be liable only for the degree or percentage of disability which would have resulted from the last injury had there been no preexisting disability. After the compensation liability of the employer for the last injury, considered alone, has been determined by an administrative law judge or the commission, the degree or percentage of employee's disability that is attributable to all injuries or conditions existing at the time the last injury was sustained shall then be determined by that administrative law judge or by the commission and the degree or percentage of disability which existed prior to the last injury plus the disability resulting from the last injury, if any, considered alone, shall be deducted from the combined disability, and compensation for the balance, if any, shall be paid out of a special fund known as the second injury fund, hereinafter provided for. If the previous disability or disabilities, whether from compensable injury or otherwise, and the last injury together result in total and permanent disability, the minimum standards under this subsection for a body as a whole injury or a major extremity injury shall not apply and the employer at the time of the last injury shall be liable only for the disability resulting from the last injury considered alone and of itself; except that if the compensation for which the employer at the time of the last injury is liable is less than the compensation provided in this chapter for permanent total disability, then in addition to the compensation for which the employer is liable and after the completion of payment of the compensation by the employer, the employee shall be paid the remainder of the compensation that would be due for permanent total disability under section 287.200 out of a special fund known as the "Second Injury Fund" hereby created exclusively for the purposes as in

this section provided and for special weekly benefits in rehabilitation cases as provided in section 287.141. Maintenance of the second injury fund shall be as provided by section 287.710. The state treasurer shall be the custodian of the second injury fund which shall be deposited the same as are state funds and any interest accruing thereon shall be added thereto. The fund shall be subject to audit the same as state funds and accounts and shall be protected by the general bond given by the state treasurer. Upon the requisition of the director of the division of workers' compensation, warrants on the state treasurer for the payment of all amounts payable for compensation and benefits out of the second injury fund shall be issued.

2. In all cases in which a recovery against the second injury fund is sought for permanent partial disability, permanent total disability, or death, the state treasurer as custodian thereof shall be named as a party, and shall be entitled to defend against the claim. The state treasurer, with the advice and consent of the attorney general of Missouri, may enter into compromise settlements as contemplated by section 287.390, or agreed statements of fact that would affect the second injury fund. All awards for permanent partial disability, permanent total disability, or death affecting the second injury fund shall be subject to the provisions of this chapter governing review and appeal. For all claims filed against the second injury fund on or after July 1, 1994, the attorney general shall use assistant attorneys general except in circumstances where an actual or potential conflict of interest exists, to provide legal services as may be required in all claims made for recovery against the fund. Any legal expenses incurred by the attorney general's office in the handling of such claims, including, but not limited to, medical examination fees, expert witness fees, court reporter expenses, travel costs, and related legal expenses shall be paid by the fund. Effective July 1, 1993, the payment of such legal expenses shall be contingent upon annual appropriations made by the general assembly, from the fund, to the attorney general's office for this specific purpose.

3. If more than one injury in the same employment causes concurrent temporary disabilities, compensation shall be payable only for the longest and largest paying disability.

4. If more than one injury in the same employment causes concurrent and consecutive permanent partial disability, compensation payments for each subsequent disability shall not begin until the end of the compensation period of the prior disability.

5. If an employer fails to insure or self-insure as required in section 287.280, funds from the second injury fund may be withdrawn to cover the fair, reasonable, and necessary expenses to cure and relieve the effects of the injury or disability of an injured employee in the employ of an uninsured employer, or in the case of death of an employee in the employ of an uninsured employer, funds from the second injury fund may be withdrawn to cover fair, reasonable, and necessary expenses in the manner required in sections 287.240 and 287.241. In defense of claims arising under this subsection, the treasurer of the state of Missouri, as custodian of the second injury fund, shall have the same defenses to such claims as would the uninsured employer. Any funds received by the employee or the employee's dependents, through civil or other action, must go towards reimbursement of the second injury fund, for all payments made to the employee, the employee's dependents, or paid on the employee's behalf, from the second injury fund pursuant to this subsection. The office of the attorney general of the state of Missouri shall bring suit in the circuit court of the county in which the accident occurred against any employer not covered by this chapter as required in section 287.280.

6. [Every three years] **Annually**, the second injury fund shall have an actuarial study made to determine the solvency of the fund, appropriate funding level of the fund, and forecasted expenditures from the fund. The first actuarial study shall be completed prior to July 1, 1988. The expenses of such actuarial studies shall be paid out of the fund for the support of the division of

workers' compensation.

7. The director of the division of workers' compensation shall maintain the financial data and records concerning the fund for the support of the division of workers' compensation and the second injury fund. The division shall also compile and report data on claims made pursuant to subsection 9 of this section. The attorney general shall provide all necessary information to the division for this purpose.

8. All claims for fees and expenses filed against the second injury fund and all records pertaining thereto shall be open to the public.

9. Any employee who at the time a compensable work-related injury is sustained is employed by more than one employer, the employer for whom the employee was working when the injury was sustained shall be responsible for wage loss benefits applicable only to the earnings in that employer's employment and the injured employee shall be entitled to file a claim against the second injury fund for any additional wage loss benefits attributed to loss of earnings from the employment or employments where the injury did not occur, up to the maximum weekly benefit less those benefits paid by the employer in whose employment the employee sustained the injury. The employee shall be entitled to a total benefit based on the total average weekly wage of such employee computed according to subsection 8 of section 287.250. The employee shall not be entitled to a greater rate of compensation than allowed by law on the date of the injury. The employer for whom the employee was working where the injury was sustained shall be responsible for all medical costs incurred in regard to that injury.

287.225. 1. There is hereby created a "Joint Committee on the Second Injury Fund". The committee shall consist of ten members, five of which shall be members of the senate appointed by the president pro tem of the senate, with at least two members from the minority party; and five members shall be members of the

house of representatives appointed by the speaker of the house of representatives, with at least two members from the minority party.

2. The committee shall examine the second injury fund, including the legal defense of the fund, including all expenditures for that defense, benefit expenditures, the functionality of the statutory scheme, and all aspects of the fund's solvency.

3. The committee shall issue a report to the general assembly no later than December 1, 2007.

4. The provisions of this section shall expire on January 1, 2008.

287.230. 1. The death of the injured employee shall not affect the liability of the employer to furnish compensation as in this chapter provided, so far as the liability has accrued and become payable at the time of the death, and any accrued and unpaid compensation due the employee shall be paid to his dependents without administration, or if there are no dependents, to his personal representative or other persons entitled thereto, but the death shall be deemed to be the termination of the disability.

2. Where an employee is entitled to compensation under this chapter, **exclusive of compensation as provided for in section 287.200**, for an injury received and death ensues for any cause not resulting from the injury for which [he] **the employee** was entitled to compensation, [payments of the unpaid accrued compensation shall be paid, but] payments of the unpaid unaccrued [balance] **compensation under section 287.190 and no other compensation** for the injury shall [cease and all liability therefor shall terminate unless there are] **be paid to the surviving dependents at the time of death.**

3. In applying the provisions of this chapter, it is the intent of the legislature to reject and abrogate Schoemehl v. Treasurer of the State of Missouri, S.W.3d (2007), WL 58370 (Mo. 2007), and all cases citing, interpreting,

applying, or following this case.

Section B. Because of the need to clarify workers' compensation laws and preserve the solvency of the workers' compensation system, sections 287.020, 287.200, 287.220, 287.225, and 287.230 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and sections 287.020, 287.200, 287.220, 287.225, and 287.230 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted.

Senator Mayer raised the point of order that **SA 7** is out of order as it goes beyond the scope of the underlying bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Lager offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for House Committee Substitute for House Bill No. 741, Pages 51-55, Section 135.1200, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Koster offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for House Committee Substitute for House Bill No. 741, Page 62, Section 251.603, Lines 23-28, by striking all of said lines; and

Further amend said bill and section, page 63, lines 1-3, by striking all of said lines; and

Further renumber the remaining subdivisions accordingly.

Senator Koster moved that the above amendment be adopted, which motion prevailed.

Senator Crowell assumed the Chair.

Senator Koster moved that **SS** for **HCS** for **HB 741**, as amended, be adopted, which motion prevailed.

On motion of Senator Koster, **SS** for **HCS** for **HB 741**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Coleman	Crowell	Engler	Gibbons
Goodman	Graham	Griesheimer	Gross
Kennedy	Koster	Lager	Loudon
Mayer	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—28

NAYS—Senator Bray—1

Absent—Senators

Clemens	Green	Justus	McKenna—4
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Absent with leave—Senator Days—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Koster, title to the bill was agreed to.

Senator Koster moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Purgason moved that **SS** for **HCS** for **HB 364** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Purgason, **SS** for **HCS** for **HB 364** was read the 3rd time and passed by

the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Coleman	Crowell	Engler
Gibbons	Goodman	Graham	Griesheimer
Gross	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Clemens	Green	Justus—3
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Absent with leave—Senator Days—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Purgason, title to the bill was agreed to.

Senator Purgason moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Champion, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 86**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 2 ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 86

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 86, with House Amendment No. 1 to House Amendment No. 1 and House Amendment No. 1, as amended, begs leave

to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 86, as amended;

2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 86;

3. That the attached Conference Committee Substitute No. 2 for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 86, be Third Read and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Norma Champion	/s/ Michael Sutherland
/s/ Brad Lager	/s/ Shannon Cooper
/s/ John E. Griesheimer	/s/ Bryan P. Stevenson
/s/ Joan Bray	/s/ Maria Chappelle-Nadal
/s/ Harry Kennedy	/s/ Charles Zweifel

Senator Champion moved that the above conference committee report no. 2 be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Coleman	Crowell	Engler
Gibbons	Goodman	Graham	Griesheimer
Gross	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Clemens	Green	Justus—3
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Absent with leave—Senator Days—1

Vacancies—None

On motion of Senator Champion, **CCS No. 2**

for **HCS** for **SCS** for **SB 86**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE NO. 2
FOR HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 86**

An Act to repeal sections 135.327 and 135.1150, RSMo, and to enact in lieu thereof two new sections relating to tax credits, with an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Coleman	Crowell	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Lager	Loudon	Mayer	McKenna
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith
Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Clemens	Justus	Stouffer—3
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Absent with leave—Senator Days—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Coleman	Crowell	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Lager	Loudon	Mayer	McKenna
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators

Clemens Justus—2

Absent with leave—Senator Days—1

Vacancies—None

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Purgason, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 299** and **SS** for **SCS** for **SB 616**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 299 and
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 616

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 299 and Senate Substitute for Senate Committee Substitute for Senate Bill No. 616, with House Amendments Nos. 1, 2, & 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 299 and Senate Substitute for Senate Committee Substitute for Senate Bill No. 616, as amended;

2. The Senate recede from its position on Senate Committee Substitute for Senate Bill No. 299 and Senate Substitute for Senate Committee Substitute for Senate Bill No. 616;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 299 and Senate Substitute for Senate Committee Substitute for Senate Bill No. 616, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Chuck Purgason	/s/ Steven Tilley
/s/ John E. Griesheimer	/s/ Bryan Pratt
/s/ Kevin Engler	/s/ Shannon Cooper
/s/ Ryan McKenna	/s/ Thomas A. Villa
/s/ Yvonne S. Wilson	/s/ Mike Talbo

Senator Purgason moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion
Clemens	Coleman	Crowell	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Kennedy	Koster	Lager
Mayer	McKenna	Nodler	Ridgeway
Rupp	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—27	

NAYS—Senators

Bartle	Gross	Loudon	Purgason
Scott—5			

Absent—Senator Justus—1

Absent with leave—Senator Days—1

Vacancies—None

On motion of Senator Purgason, **CCS** for **HCS** for **SCS** for **SB 299** and **SS** for **SCS** for **SB 616**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 299 and
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 616

An Act to repeal sections 311.070, 311.174,

311.178, 311.180, 311.190, 311.240, 311.275, 311.420, and 311.462, RSMo, and to enact in lieu thereof fourteen new sections relating to liquor control, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Clemens
Coleman	Crowell	Engler	Gibbons
Goodman	Graham	Green	Griesheimer
Kennedy	Koster	Lager	Mayer
McKenna	Nodler	Ridgeway	Rupp
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—26		

NAYS—Senators

Bartle	Champion	Gross	Loudon
Purgason	Scott—6		

Absent—Senator Justus—1

Absent with leave—Senator Days—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Purgason, title to the bill was agreed to.

Senator Purgason moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from

the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has granted the Senate further conference on **HCS** for **SB 582** as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SB 582**, as amended. Representatives: Sutherland, Stevenson, Cooper (120), Storch and Zweifel.

**CONFERENCE COMMITTEE
APPOINTMENTS**

President Pro Tem Gibbons reappointed the following conference committee to act with a like committee from the House on **HCS** for **SB 582**, as amended: Senators Shoemyer, Griesheimer, Nodler, Vogel and Callahan.

INTRODUCTIONS OF GUESTS

Senator Justus introduced to the Senate, the Physician of the Day, Dr. James E. Miller, M.D., Kansas City.

Senator Rupp introduced to the Senate, fourth grade students from Daniel Boone Elementary School, St. Charles County.

Senator Coleman introduced to the Senate, Mary and Kristine Murphy, St. Louis.

On motion of Senator Shields, the Senate adjourned until 9:00 a.m., Friday, May 18, 2007.

SENATE CALENDAR

SEVENTY-FOURTH DAY—FRIDAY, MAY 18, 2007

FORMAL CALENDAR

SENATE BILLS FOR PERFECTION

1. SB 571-Mayer, with SCS

2. SB 652-Coleman and Gibbons, with SCS

3. SB 699-Lager, with SCS
4. SB 11-Coleman, with SCS
5. SB 536-Lager, with SCS
6. SB 552-Bartle
7. SB 484-Stouffer, with SCS

8. SBs 348, 626 & 461-Koster, et al, with SCS
9. SJR 15-Green
10. SB 629-Smith, with SCS
11. SB 122-Bray and Days, with SCS
12. SB 491-Ridgeway

HOUSE BILLS ON THIRD READING

HCS for HB 891 (Kennedy)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SB 303-Loudon
SS#4 for SCS for SB 430-Shields

SS for SB 570-Clemens

SENATE BILLS FOR PERFECTION

SB 2-Gibbons, with SCS
SB 17-Shields, with SCS
SB 20-Griesheimer, with SCS
SB 27-Bartle and Koster
SB 53-Koster and Engler, with SCS
SB 101-Mayer
SB 131-Rupp
SB 153-Engler, et al, with SCS
SB 155-Engler, with SCS & SS for SCS
(pending)
SB 160-Rupp, with SCS
SB 168-Mayer and Crowell, with SCS, SS
for SCS & SA 1 (pending)
SB 169-Rupp, with SCS, SS for SCS & SA 3
(pending)
SB 205-Stouffer and Gibbons, with SCS
SB 212-Goodman
SB 213-McKenna
SB 242-Nodler, with SCS
SB 250-Ridgeway and Vogel
SB 252-Ridgeway and McKenna
SB 254-Nodler, et al, with SCS
SBs 260 & 71-Koster, et al, with SCS
SB 274-Shields

SB 282-Griesheimer, with SCS & SS for
SCS (pending)
SB 287-Crowell and Vogel, with SS (pending)
SB 292-Mayer
SB 297-Loudon, with SCS
SB 300-Bartle
SB 341-Goodman, with SCS
SB 363-Bartle
SB 364-Koster, with SCS, SS for SCS,
SA 1 & SSA 1 for SA 1 (pending)
SBs 370, 375 & 432-Scott and Koster,
with SCS & SA 5 (pending)
SBs 372 & 366-Justus and Koster, with SCS
SB 385-Gibbons, with SCS
SB 388-Mayer, with SCS
SB 400-Crowell, et al
SB 444-Goodman
SB 453-Scott, with SCS
SB 458-Gibbons
SB 476-Crowell
SB 480-Ridgeway, et al, with SCS
SB 492-Crowell
SB 499-Engler and Clemens, with SCS
SB 511-Scott, with SCS

SB 521-Lager, et al, with SCS
 SB 523-Scott, with SCS
 SB 531-Gibbons, with SCS
 SB 534-Nodler
 SB 537-Lager
 SB 542-Scott, with SCS
 SBs 555 & 38-Gibbons, with SCS
 SB 563-Lager, with SCS & SS for SCS
 (pending)
 SB 572-Vogel

SB 586-Crowell, with SCS
 SB 592-Scott, with SCS
 SB 599-Engler, with SCS
 SB 627-Ridgeway
 SB 635-Loudon, with SCS
 SB 644-Griesheimer
 SBs 660, 553, 557, 167, 258, 114 &
 378-Mayer, with SCS
 SB 698-Ridgeway, et al, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 39, with SCS (Koster)
 HB 42-Portwood, with SCS (Koster)
 HB 46-Viebrock and Stevenson (Stouffer)
 HB 70-Day, et al (Rupp)
 HCS for HB 74 (Scott)
 HCS for HB 135, with SCS (Koster)
 HB 155-Dusenbergh, et al (Ridgeway)
 HCS for HB 165, with SCS (Griesheimer)
 HB 213-Cunningham (86), et al, with SCS
 (Rupp)
 HCS for HB 227 (Mayer)
 HCS for HB 245 (Stouffer)
 SS for HB 265-Cunningham (86) (Rupp)
 HB 267-Jones (117) and Cunningham (86),
 with SA 5 (pending) (Rupp)
 HB 269-Nolte, et al (Ridgeway)
 HCS for HB 338, with SCS (Engler)
 HCS for HB 346 (Clemens)
 HB 454-Jetton, et al (Mayer)
 HCS for HB 457, with SCS (Griesheimer)
 HB 462-Munzlinger, et al (Purgason)
 HCS for HB 469, with SCS (Crowell)

HB 482-Walton, et al (Goodman)
 HB 489-Baker (123), et al, with SCS (Shields)
 HB 526-Pratt (Loudon)
 HB 527-Cooper (120) (Scott)
 HCS for HB 551, with SCS & SS for SCS
 (pending) (Koster)
 HCS for HB 620, with SCS (Ridgeway)
 HB 647-Young, et al (Clemens)
 HCS for HB 774 (Crowell)
 HCS for HB 827, with SCS (Justus)
 HCS for HB 845 (Crowell)
 HB 875-Franz, with SCS (Crowell)
 HCS for HB 894, with SCS & SS for SCS
 (pending) (Days)
 HCS for HB 914 (Scott), with SS & SA 5
 (pending)
 HB 1014-Wright, et al, with SCS (Mayer)
 HCS for HB 1055, with SCA 1 (Scott)
 HCS for HJR 1, with SCS (Rupp)
 HJR 7-Nieves, et al, with SCS (pending)
 (Engler)
 HJR 19-Bearden, et al (Ridgeway)

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Reported 2/15

SB 8-Kennedy

Reported 3/8

SB 185-Green

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 384-Coleman and Gibbons, with
HCS, as amended

SB 666-Scott, with HCS, as amended

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 3-Gibbons, with HCS#2,
as amended
(Senate adopted CCR and passed CCS)
SS for SCS for SB 22-Griesheimer, with
HCS, as amended
(Senate adopted CCR#2 and passed CCS, as
amended)
SCS for SB 86-Champion, with HCS, as
amended
(Senate adopted CCR#2 and passed CCS#2)
SCS for SB 156-Engler, with HCS,
as amended
(Senate requests House grant further
conference)
SCS for SB 299 & SS for SCS for SB
616-Purgason, with HCS, as amended
(Senate adopted CCR and passed CCS)
SCS for SB 308-Crowell, et al, with HCS,
as amended
(Senate adopted CCR#2 and passed CCS#2)

SCS for SB 313-Scott, with HCS#2,
as amended
SB 406-Crowell, with HCS#2, as amended
(Senate adopted CCR#2 and passed CCS#2)
SS for SCS for SB 429-Gibbons, with HCS,
as amended
SB 516-Goodman, with HCS, as amended
SS for SCS for SB 577-Shields, with HCS,
as amended
SB 582-Shoemyer, with HCS, as amended
(Further conference granted)
HCS for HB 159, with SCS (Engler)
HB 255-Bruns, with SS for SCS, as
amended (Vogel)
HB 488-Wasson, with SA 1 (Stouffer)
(House adopted CCR and passed CCS)
HB 665-Ervin, et al, with SS, as amended
(Ridgeway)

RESOLUTIONS

Reported from Committee

HCR 15-Threlkeld, et al, with SCS (Shields)

SCR 10-Koster and Shields

HCR 25-Yates, et al (Bartle)
HCR 8-Loehner, et al (Barnitz)
SCR 9-Crowell

SCR 20-Crowell
HCR 17-Fisher, et al (Scott)
SR 1360-Justus

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Unofficial

Journal

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Journal of the Senate

FIRST REGULAR SESSION

SEVENTY-FOURTH DAY—FRIDAY, MAY 18, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“I have chosen the way of faithfulness; I set your ordinances before me.” (Psalm 119:30)

Lord, You have given us choices all along the way and these choices have consequences and on this last day of this session we ask have we been faithful in what we have done and is it meaningful and helpful? We pray it is. We thank You for those who have worked in our offices and made our work that much easier and we appreciate their efforts. And in these closing hours bless us and make these rapidly passing minutes be used in important ways and this day end in our praise for Your continuing being with us. And Lord we pray as we return to our other lives, as spouses, companions, fathers or mothers and our other work that will fill our days that we remain faithful and have Your blessings. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz

Bartle

Bray

Callahan

Champion

Engler

Green

Kennedy

Mayer

Ridgeway

Shoemyer

Wilson—33

Clemens

Gibbons

Griesheimer

Koster

McKenna

Rupp

Smith

Coleman

Goodman

Gross

Lager

Nodler

Scott

Stouffer

Crowell

Graham

Justus

Loudon

Purgason

Shields

Vogel

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

The Lieutenant Governor was present.

Senator Shields announced that photographers from the St. Louis American Newspaper, KRCG-TV, Missouri Lawyers Weekly, the Associated Press and the News Tribune, were given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Coleman offered Senate Resolution No. 1408, regarding the Southside Wellness Center, Saint Louis, which was adopted.

Senator Lager offered Senate Resolution No. 1409, regarding the Fiftieth Wedding

Anniversary of Mr. and Mrs. Orville Lynn Trainer, Princeton, which was adopted.

Senator Lager offered Senate Resolution No. 1410, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert L. Cheek, Trenton, which was adopted.

Senator Lager offered Senate Resolution No. 1411, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Donald E. McCormick, Chillicothe, which was adopted.

Senator Green offered Senate Resolution No. 1412, regarding Richard Aaron Boggs, which was adopted.

Senator Bartle offered Senate Resolution No. 1413, regarding Nathan D. Ward, which was adopted.

Senator Bartle offered Senate Resolution No. 1414, regarding Joseph Riddings, Blue Springs, which was adopted.

Senator Bartle offered Senate Resolution No. 1415, regarding Timothy Collins, Blue Springs, which was adopted.

Senator Bartle offered Senate Resolution No. 1416, regarding Jesse McCall, Jr., Blue Springs, which was adopted.

Senator Bartle offered Senate Resolution No. 1417, regarding Katherine Gilligan, Blue Springs, which was adopted.

Senator Crowell offered Senate Resolution No. 1418, regarding Elizabeth A. Heeb, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 1419, regarding Kurstin Koch, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 1420, regarding Brittany Koch, Chaffee, which was adopted.

Senator Crowell offered Senate Resolution No. 1421, regarding Sara Petitt, Chaffee, which was adopted.

Senator Crowell offered Senate Resolution No. 1422, regarding Maggie Smith, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 1423, regarding Taylor White, East Prairie, which was adopted.

Senator Crowell offered Senate Resolution No. 1424, regarding Cynthia Cook, East Prairie, which was adopted.

Senator Shields offered Senate Resolution No. 1425, regarding Wes Remington, St. Joseph, which was adopted.

Senator Stouffer offered Senate Resolution No. 1426, regarding Matthew St. John, which was adopted.

Senator Loudon offered Senate Resolution No. 1427, regarding Logan College of Chiropractic, which was adopted.

Senator Vogel offered Senate Resolution No. 1428, regarding Linda L. Sigler, New Bloomfield, which was adopted.

Senator Vogel offered Senate Resolution No. 1429, regarding Andrew W. White, which was adopted.

Senator Purgason offered Senate Resolution No. 1430, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Herbert James, West Plains, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1431, regarding the 325th Field Hospital, Independence, which was adopted.

HOUSE BILLS ON THIRD READING

PRIVILEGED MOTIONS

Senator Shields, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 577**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 577

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, with House Amendment No. 1 to House Amendment No. 1, House Amendment No. 1 as amended, House Amendment No. 2, Part 1 to House Amendment No. 3, Part 3 to House Amendment No. 3, House Amendment No. 4, House Amendment No. 5, House Amendment No. 1 to House Amendment No. 6, House Amendment No. 6 as amended, House Amendment No. 7, House Amendment No. 8, House Amendment No. 9, House Amendment NO. 10, House Amendment No. 11, House Amendment No. 12, House Amendment No. 16, House Amendment No. 17, House Amendment No. 19, House Amendment No. 20, House Amendment No. 21, House Amendment No. 25, and House Amendment No. 26, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, as amended;

2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 577;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Charlie Shields /s/ Rob Schaaf

/s/ Chuck Purgason /s/ Stephen Hunter

/s/ Michael R. Gibbons /s/ David Sater

/s/ Harry Kennedy Sam Page

/s/ Wes Shoemyer Michael Talboy

Senator Gross assumed the Chair.

Senator Rupp assumed the Chair.

Senator Shields moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Griesheimer	Gross	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Stouffer
Vogel—25			

NAYS—Senators

Bray	Coleman	Graham	Justus
Shoemyer	Smith	Wilson—7	

Absent—Senator Green—1

Absent with leave—Senator Days—1

Vacancies—None

Senator Crowell assumed the Chair.

On motion of Senator Shields, **CCS** for **HCS** for **SS** for **SCS** for **SB 577**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 577

An Act to repeal sections 105.711, 135.096, 191.411, 191.900, 191.905, 191.910, 198.097, 208.014, 208.151, 208.152, 208.153, 208.201, 208.212, 208.215, 208.217, 208.612, 208.631, 208.640, 208.750, 208.930, 473.398, 660.546, 660.547, 660.549, 660.551, 660.553, 660.555, and 660.557, RSMo, and section 208.755 as truly

agreed to and finally passed in senate substitute for senate committee substitute for house committee substitute for house bill no. 327, ninety-fourth general assembly, first regular session, and to enact in lieu thereof fifty-one new sections relating to health care for needy persons, with penalty provisions and an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Green	Griesheimer	Gross
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel—26		

NAYS—Senators

Bray	Coleman	Graham	Justus
Shoemyer	Smith	Wilson—7	

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Engler
Gibbons	Goodman	Green	Griesheimer
Gross	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel—27	

NAYS—Senators

Coleman	Graham	Justus	Shoemyer
Smith	Wilson—6		

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

BILLS DELIVERED TO THE GOVERNOR

SCS for SB 4 and SS No. 6 for SCS for SB 389, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

HOUSE BILLS ON THIRD READING

HCS for HB 1055, with **SCA 1**, entitled:

An Act to repeal sections 170.015, 188.015, 188.075, and 197.200, RSMo, and to enact in lieu thereof six new sections relating to abortions, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Scott.

SCA 1 was taken up.

Senator Scott moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Shields, Gibbons, Bartle and Engler.

Senator Scott submitted the following privileged motion:

Motion for Previous Question - Pursuant to Rule 84 of the Missouri Senate:

Shall the Main question be now put?

Signed:

/s/ Delbert Scott

/s/ Charlie Shields

/s/ Gary Nodler

/s/ Michael R. Gibbons

/s/ Kevin Engler

/s/ Matt Bartle

/s/ Chuck Purgason

The motion to move the previous question was adopted by the following vote:

YEAS—Senators

Bartle	Clemens	Crowell	Engler
Gibbons	Goodman	Griesheimer	Gross
Lager	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel—19	

NAYS—Senators

Barnitz	Bray	Callahan	Coleman
Graham	Green	Justus	Kennedy
Koster	McKenna	Shoemyer	Smith
Wilson—13			

Absent—Senator Champion—1

Absent with leave—Senator Days—1

Vacancies—None

SCA 1 failed of adoption by the following vote:

YEAS—Senators

Bray	Coleman	Graham	Green
Justus	Smith	Wilson—7	

NAYS—Senators

Barnitz	Bartle	Callahan	Clemens
Crowell	Engler	Gibbons	Goodman
Griesheimer	Gross	Kennedy	Koster
Lager	Loudon	Mayer	McKenna
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Stouffer
Vogel—25			

Absent—Senator Champion—1

Absent with leave—Senator Days—1

Vacancies—None

Senator Scott moved that **HCS for HB 1055** be read the 3rd time and finally passed and

submitted the following privileged motion:

Motion for Previous Question - Pursuant to Rule 84 of the Missouri Senate:

Shall the Main question be now put?

Signed:

/s/ Delbert Scott	/s/ Charlie Shields
/s/ Gary Nodler	/s/ Michael R. Gibbons
/s/ Kevin Engler	/s/ Matt Bartle
/s/ Chuck Purgason	

The motion to move the previous question was adopted by the following vote:

YEAS—Senators

Bartle	Champion	Clemens	Crowell
Engler	Gibbons	Goodman	Griesheimer
Gross	Lager	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel—20

NAYS—Senators

Barnitz	Bray	Callahan	Coleman
Graham	Green	Justus	Kennedy
Koster	McKenna	Shoemyer	Smith
Wilson—13			

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

HCS for HB 1055 was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Griesheimer	Gross	Kennedy
Koster	Lager	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel—24

NAYS—Senators

Bray	Coleman	Graham	Green
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Justus McKenna Shoemyer Smith
Wilson—9

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Shields announced that photographers from the Columbia Tribune, KOLR-10, KMIZ-TV and KOMU-TV were given permission to take pictures in the Senate Chamber today.

Senator Engler moved that **HJR 7**, with **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage and submitted the following privileged motion:

Motion for Previous Question - Pursuant to Rule 84 of the Missouri Senate:

Shall the Main question be now put?

Signed:

/s/ Kevin Engler /s/ Michael R. Gibbons
/s/ Delbert Scott /s/ Charlie Shields
/s/ Gary Nodler

The motion to move the previous question was adopted by the following vote:

YEAS—Senators

Bartle	Champion	Clemens	Crowell
Engler	Gibbons	Goodman	Griesheimer
Koster	Lager	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel—20

NAYS—Senators

Barnitz	Bray	Callahan	Coleman
Graham	Justus	Kennedy	McKenna
Shoemyer	Smith	Wilson—11	

Absent—Senators

Green Gross—2

Absent with leave—Senator Days—1

Vacancies—None

On motion of Senator Engler, **HJR 7**, with **SCS** (pending) was brought before the body.

Senator Engler moved that **SCS** for **HJR 7** be adopted and requested a roll call vote be taken. He was joined in his request by Senators Scott, Gibbons, Shields and Nodler.

Senator Engler submitted the following privileged motion:

Motion for Previous Question - Pursuant to Rule 84 of the Missouri Senate:

Shall the Main question be now put?

Signed:

/s/ Kevin Engler /s/ Michael R. Gibbons
/s/ Delbert Scott /s/ Charlie Shields
/s/ Gary Nodler

The motion to move the previous question was adopted by the following vote:

YEAS—Senators

Bartle	Champion	Clemens	Crowell
Engler	Gibbons	Goodman	Griesheimer
Koster	Lager	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel—20

NAYS—Senators

Barnitz	Bray	Callahan	Coleman
Graham	Justus	Kennedy	McKenna
Shoemyer	Smith	Wilson—11	

Absent—Senators

Green Gross—2

Absent with leave—Senator Days—1

Vacancies—None

SCS for HJR 7 was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Griesheimer	Gross	Koster
Lager	Loudon	Mayer	McKenna
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Stouffer

Vogel—25

NAYS—Senators

Bray	Coleman	Graham	Justus
Kennedy	Smith	Wilson—7	

Absent—Senator Green—1

Absent with leave—Senator Days—1

Vacancies—None

Senator Engler moved that **SCS for HJR 7** be read the 3rd time and finally passed and submitted the following privileged motion:

Motion for Previous Question - Pursuant to Rule 84 of the Missouri Senate:

Shall the Main question be now put?

Signed:

/s/ Kevin Engler	/s/ Michael R. Gibbons
/s/ Delbert Scott	/s/ Charlie Shields
/s/ Gary Nodler	

The motion to move the previous question was adopted by the following vote:

YEAS—Senators

Bartle	Champion	Clemens	Crowell
Engler	Gibbons	Goodman	Griesheimer
Koster	Lager	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel—20

NAYS—Senators

Barnitz	Bray	Callahan	Coleman
Graham	Justus	Kennedy	McKenna
Shoemyer	Smith	Wilson—11	

Absent—Senators

Green Gross—2

Absent with leave—Senator Days—1

Vacancies—None

SCS for HJR 7 was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Griesheimer	Gross	Koster
Lager	Loudon	Mayer	McKenna
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Stouffer

Vogel—25

NAYS—Senators

Bray	Coleman	Graham	Justus
Kennedy	Smith	Wilson—7	

Absent—Senator Green—1

Absent with leave—Senator Days—1

Vacancies—None

The President declared the bill passed.

Senator Engler moved that the title be agreed to and submitted the following privileged motion:

Motion for Previous Question - Pursuant to Rule 84 of the Missouri Senate:

Shall the Main question be now put?

Signed:

/s/ Kevin Engler	/s/ Michael R. Gibbons
/s/ Delbert Scott	/s/ Charlie Shields
/s/ Gary Nodler	

The motion to move the previous question was adopted by the following vote:

YEAS—Senators

Bartle	Champion	Clemens	Crowell
Engler	Gibbons	Goodman	Griesheimer
Koster	Lager	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel—20

NAYS—Senators

Barnitz	Bray	Callahan	Coleman
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Graham	Justus	Kennedy	McKenna
Shoemyer	Smith	Wilson—11	

Absent—Senators

Green Gross—2

Absent with leave—Senator Days—1

Vacancies—None

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SBs 45 and 39**, entitled:

An Act to repeal sections 226.527, 226.530, 226.580, 301.444, 302.720, 390.030, 390.071, and 622.095, RSMo, and to enact in lieu thereof nine new sections relating to transportation.

With House Amendment Nos. 1, 2, 3 and 4.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 45 & 39, Page 1, Section A, Line 4, by inserting after all of said line the following:

“144.062.1. With respect to exempt sales at retail of tangible personal property and materials for the purpose of constructing, repairing or remodeling facilities for:

(1) A county, other political subdivision or instrumentality thereof exempt from taxation under subdivision (10) of section 39 of article III of the Constitution of Missouri; or

(2) An organization sales to which are exempt from taxation under the provisions of subdivision (19) of subsection 2 of section 144.030; or

(3) Any institution of higher education supported by public funds or any private not-for-profit institution of higher education, exempt from taxation under subdivision (20) of subsection 2 of section 144.030; or

(4) Any private not-for-profit elementary or secondary school exempt from taxation under subdivision (22) of subsection 2 of section 144.030; or

(5) After June 30, 2008, the department of transportation or the state highways and transportation commission, hereinafter collectively referred to as exempt entities, such exemptions shall be allowed for such purchases if the purchases are related to the entities' exempt functions and activities. In addition, the sales shall not be rendered nonexempt nor shall any material supplier or contractor be obligated to pay, collect or remit sales tax with respect to such purchases made by or on behalf of an exempt entity due to such purchases being billed to or paid for by a contractor or the exempt entity contracting with any entity to render any services in relation to such purchases, including but not limited to selection of materials, ordering, pickup, delivery, approval on delivery, taking of delivery, transportation, storage, assumption of risk of loss to materials or providing warranties on materials as specified by contract, use of materials or other purchases for construction of the building or other facility, providing labor, management services, administrative services, design or technical services or advice to the exempt entity, whether or not the contractor or other entity exercises dominion or control in any other manner over the materials in conjunction with services or labor provided to the exempt entity.

2. When any exempt entity contracts for the purpose of constructing, repairing or remodeling facilities, and purchases of tangible personal property and materials to be incorporated into or consumed in the construction of the project are to be made on a tax-exempt basis, such entity shall

furnish to the contractor an exemption certificate authorizing such purchases for the construction, repair or remodeling project. The form and content of such project exemption certificate shall be approved by the director of revenue. The project exemption certificate shall include but not be limited to:

(1)The exempt entity's name, address, Missouri tax identification number and signature of authorized representative;

(2)The project location, description, and unique identification number;

(3)The date the contract is entered into, which is the earliest date materials may be purchased for the project on a tax-exempt basis;

(4)The estimated project completion date; and

(5)The certificate expiration date.

Such certificate is renewable for a given project at the option of the exempt entity, only for the purpose of revising the certificate expiration date as necessary to complete the project.

3.The contractor shall furnish the certificate prescribed in subsection 2 of this section to all subcontractors, and any contractor purchasing materials shall present such certificate to all material suppliers as authorization to purchase, on behalf of the exempt entity, all tangible personal property and materials to be incorporated into or consumed in the construction of that project and no other on a tax-exempt basis. Such suppliers shall execute to the purchasing contractor invoices bearing the name of the exempt entity and the project identification number. Nothing in this section shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in constructing, repairing or remodeling facilities for the exempt entity. All invoices for all personal property and materials purchased under a project exemption certificate shall be retained by the purchasing contractor for a period of five years and shall be subject to audit by the director of revenue.

4.Any excess resalable tangible personal property or materials which were purchased for the project by a contractor under a project exemption certificate but which were not incorporated into or consumed in the construction of the project shall either be returned to the supplier for credit or the appropriate sales or use tax on such excess property or materials shall be reported on a return and paid by such contractor not later than the due date of the contractor's Missouri sales or use tax return following the month in which it was determined that the materials were not to be used in the project.

5.No contractor or material supplier shall, upon audit, be required to pay tax on tangible personal property and materials incorporated into or consumed in the construction of the project, due to the failure of the exempt entity to revise the certificate expiration date as necessary to complete any work required by the contract. If it is determined that tax is owed on such property and materials due to the failure of the exempt entity to revise such certificate expiration date, the exempt entity shall be liable for the tax owed.

6.If an entity issues exemption certificates for the purchase of tangible personal property and materials which are incorporated into or consumed in the construction of its project and such entity is found not to have had the authority granted by this section to issue such exemption certificates, then such entity shall be liable for the tax owed on such personal property and materials. In addition, if an entity which does have the authority granted by this section to issue exemption certificates issues such certificates for the purchase of tangible personal property and materials which are incorporated into or consumed in the construction of a project, or part of a project, which is found not to be related to such entity's exempt functions and activities, then such entity shall be liable for the tax owed on such personal property and materials.”; and

Further amend said title, enacting clause and

intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 45 and 39, Section 302.720, Pages 7 through 9 by removing said section from the bill; and

Further amend said bill, Page 12, Section 390.021, Line 83, by inserting after said line the following:

“390.025. Notwithstanding any other provision of law to the contrary, any entity created pursuant to sections 388.700 through 388.745, RSMo, shall not have the authority of taxation, eminent domain, condemnation or sovereign immunity.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 45 & 39, Pages 1 and 2, Section 226.527, Lines 1 to 31, by deleting all of said lines; and

Further amend said bill, Page 5, Section 226.580, Line 84, by inserting after all of said line the following:

“227.103. 1. Notwithstanding any other provision of law to the contrary, the commission is authorized to accept an annual bid bond for its construction and maintenance projects. The commission shall prescribe the form and content of an annual bid bond pursuant to the procedures set forth in the Missouri standard specifications for highway construction, or its successor.

2. The commission is authorized to promulgate administrative rules to administer the provision in this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the

authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

227.107. 1. Notwithstanding any provision of section 227.100 to the contrary, as an alternative to the requirements and procedures specified by sections 227.040 to [227.100] **227.105**, the state highways and transportation commission is authorized to enter into highway design-build project contracts. The authority granted to the state highways and transportation commission by this section shall be limited to a total of three design-build project contracts. Two design-build projects authorized by this section shall be selected by the highways and transportation commission from 1992 fifteen year plan projects. Authority to enter into design-build projects granted by this section shall expire on July 1, 2012, unless extended by statute or upon completion of three projects, whichever is first.

2. For the purpose of this section a “design-builder” is defined as an individual, corporation, partnership, joint venture or other entity, including combinations of such entities making a proposal to perform or performing a design-build highway project contract.

3. For the purpose of this section, “design-build highway project contract” is defined as the procurement of all materials and services necessary for the design, construction, reconstruction or improvement of a state highway project in a single contract with a design-builder capable of providing the necessary materials and

services.

4. For the purpose of this section, “highway project” is defined as the design, construction, reconstruction or improvement of highways or bridges under contract with the state highways and transportation commission, which is funded by state, federal or local funds or any combination of such funds.

5. In using a design-build highway project contract, the commission shall establish a written procedure by rule for prequalifying design-builders before such design-builders will be allowed to make a proposal on the project.

6. In any design-build highway project contract, whether involving state or federal funds, the commission shall require that each person submitting a request for qualifications provide a detailed disadvantaged business enterprise participation plan. The plan shall provide information describing the experience of the person in meeting disadvantaged business enterprise participation goals, how the person will meet the department of transportation's disadvantaged business enterprise participation goal and such other qualifications that the commission considers to be in the best interest of the state.

7. The commission is authorized to issue a request for proposals to a maximum of five design-builders prequalified in accordance with subsection 5 of this section.

8. The commission may require approval of any person performing subcontract work on the design-build highway project.

9. The bid bond and performance bond requirements of section 227.100 and the payment bond requirements of section 107.170, RSMo, shall apply to the design-build highway project.

10. The requirements of subsection 9 of this section may be modified by the commission for any design-build highway project contract which is designated by the commission as a

“design-build-finance-maintain” project. For such projects, the commission shall require the design-builder to provide or cause to be provided such bonds in such terms, durations, and amounts as it may determine to be adequate for its protection and provided by a surety or sureties satisfactory to the commission, including but not limited to:

(1) A bid or proposal bond in an amount of not less than five million dollars;

(2) A performance bond or bonds for the construction period specified in the design-build highway project contract in an amount of not less than the maximum cost of construction work performed or caused to be performed by the design-builder in any calendar year of such period and applicable for each year of such period; and

(3) A payment bond or bonds that shall be enforceable under section 522.300, RSMo, for the protection of all persons supplying labor and material in carrying out the work provided for in the design-build highway project contract. The amount of the payment bond or bonds shall equal the total amount payable under the terms of the design-build highway project contract unless the commission determines in writing supported by specific findings that a payment bond or bonds in such amount is impractical, in which case the commission shall establish the amount of the payment bond or bonds; except that the amount of the payment bond or bonds shall not be less than the amount of the performance bond or bonds.

[10.] **11.** The commission is authorized to prescribe the form of the contracts for the work.

[11.] **12.** The commission is empowered to make all final decisions concerning the performance of the work under the design-build highway project contract, including claims for additional time and compensation.

[12.] **13.** The provisions of sections 8.285 to 8.291, RSMo, shall not apply to the procurement of architectural, engineering or land surveying services for the design-build highway project, except that any person providing architectural, engineering or land surveying services for the design-builder on the design-build highway project must be licensed in Missouri to provide such services.

[13.] **14.** The commission shall pay a reasonable stipend to prequalified responsive design-builders who submit a proposal, but are not awarded the design-build highway project.

[14.] **15.** The commission shall comply with the provisions of any act of congress or any regulations of any federal administrative agency which provides and authorizes the use of federal funds for highway projects using the design-build process.

[15.] **16.** The commission shall promulgate administrative rules to implement this section or to secure federal funds. Such rules shall be published for comment in the Missouri Register and shall include prequalification criteria, the make-up of the prequalification review team, specifications for the design criteria package, the method of advertising, receiving and evaluating proposals from design-builders, the criteria for awarding the design-build highway project based on the design criteria package and a separate proposal stating the cost of construction, and other methods, procedures and criteria necessary to administer this section.

[16.] **17.** The commission shall make a status report to the members of the general assembly and the governor following the award of the design-build project, as an individual component of the annual report submitted by the commission to the joint transportation oversight committee in accordance with the provisions of section 21.795, RSMo. The annual report prior to advertisement of the design-build highway project contracts shall state the goals of the project in reducing costs

and/or the time of completion for the project in comparison to the design-bid-build method of construction and objective measurements to be utilized in determining achievement of such goals. Subsequent annual reports shall include: the time estimated for design and construction of different phases or segments of the project and the actual time required to complete such work during the period; the amount of each progress payment to the design-builder during the period and the percentage and a description of the portion of the project completed regarding such payment; the number and a description of design change orders issued during the period and the cost of each such change order; upon substantial and final completion, the total cost of the design-build highway project with a breakdown of costs for design and construction; and such other measurements as specified by rule. The annual report immediately after final completion of the project shall state an assessment of the advantages and disadvantages of the design-build method of contracting for highway and bridge projects in comparison to the design-bid-build method of contracting and an assessment of whether the goals of the project in reducing costs and/or the time of completion of the project were met.

[17.] **18.** The commission shall give public notice of a request for qualifications in at least two public newspapers that are distributed wholly or in part in this state and at least one construction industry trade publication that is distributed nationally.

[18.] **19.** The commission shall publish its cost estimates of the design-build highway project award and the project completion date along with its public notice of a request for qualifications of the design-build project.

[19.] **20.** If the commission fails to receive **statements of qualifications from at least two design-builders in response to a request for qualifications under subsection 5 of this section or to receive** at least two responsive submissions

from design-builders considered qualified[, submissions shall not be opened and it shall] **for a design-build highway project contract, the design build procurement process shall be suspended and the commission may readvertise the project.**

21. Notwithstanding the provisions of subsection 20 of this section to the contrary, the commission may use the following procurement process for a design-build highway project contract which is not designated by the commission as a “design-build-finance-maintain” project:

(1) In the event the commission issues a request for qualifications under subsection 5 of this section at least twice for such design-build highway project contract, and it receives a statement of qualifications from only one design builder for such contract, the commission may negotiate in good faith with the design-builder for such contract based upon the best value to the state;

(2) In the event the commission issues a request for proposals under subsection 7 of this section at least twice for such design-build highway project contract, and it receives only one responsive submission for such contract, the commission may negotiate in good faith with the design-builder for such contract based upon the best value to the state;

(3) At any time prior to the execution of the design-build highway project contract with the design-builder under this subsection, if the commission is not satisfied with the results of the negotiations with the design-builder, it may terminate the negotiations and reject any and all submissions and proposals by the design-builder.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for

Senate Committee Substitute for Senate Bill Nos. 45 & 39, Page 7, Section 301.444, Line 57, by inserting after all of said line the following:

“302.177. 1. To all applicants for a license or renewal to transport persons or property classified in section 302.015 who are at least twenty-one years of age and under the age of seventy, and who submit a satisfactory application and meet the requirements of sections 302.010 to 302.605, the director shall issue or renew such license; except that no license shall be issued if an applicant's license is currently suspended, canceled, revoked, disqualified, or deposited in lieu of bail. Such license shall expire on the applicant's birthday in the sixth year of issuance, unless the license must be issued for a shorter period due to other requirements of law or for transition or staggering of work as determined by the director. The license must be renewed on or before the date of expiration, which date shall be shown on the license.

2. To all applicants for a license or renewal to transport persons or property classified in section 302.015 who are less than twenty-one years of age or greater than sixty-nine years of age, and who submit a satisfactory application and meet the requirements of sections 302.010 to 302.605, the director shall issue or renew such license; except that no license shall be issued if an applicant's license is currently suspended, canceled, revoked, disqualified, or deposited in lieu of bail. Such license shall expire on the applicant's birthday in the third year of issuance, unless the license must be issued for a shorter period due to other requirements of law or for transition or staggering of work as determined by the director. The license must be renewed on or before the date of expiration, which date shall be shown on the license. A license issued under this section to an applicant who is over the age of sixty-nine and contains a school bus endorsement shall not be issued for a period that exceeds one year.

3. To all other applicants for a license or

renewal of a license who are at least twenty-one years of age and under the age of seventy, and who submit a satisfactory application and meet the requirements of sections 302.010 to 302.605, the director shall issue or renew such license; except that no license shall be issued if an applicant's license is currently suspended, canceled, revoked, disqualified, or deposited in lieu of bail. Such license shall expire on the applicant's birthday in the sixth year of issuance, unless the license must be issued for a shorter period due to other requirements of law or for transition or staggering of work as determined by the director. The license must be renewed on or before the date of expiration, which date shall be shown on the license.

4. To all other applicants for a license or renewal of a license who are less than twenty-one years of age or greater than sixty-nine years of age, and who submit a satisfactory application and meet the requirements of sections 302.010 to 302.605, the director shall issue or renew such license; except that no license shall be issued if an applicant's license is currently suspended, canceled, revoked, disqualified, or deposited in lieu of bail. Such license shall expire on the applicant's birthday in the third year of issuance, unless the license must be issued for a shorter period due to other requirements of law or for transition or staggering of work as determined by the director. The license must be renewed on or before the date of expiration, which date shall be shown on the license.

5. The fee for a license issued for a period which exceeds three years under subsection 1 of this section shall be thirty dollars.

6. The fee for a license issued for a period of three years or less under subsection 2 of this section shall be fifteen dollars, except that the fee for a license issued for one year or less which contains a school bus endorsement shall be five dollars, **except renewal fees shall be waived for applicants seventy years of age or older seeking**

school bus endorsements.

7. The fee for a license issued for a period which exceeds three years under subsection 3 of this section shall be fifteen dollars.

8. The fee for a license issued for a period of three years or less under subsection 4 of this section shall be seven dollars and fifty cents.

9. Beginning July 1, 2005, the director shall not issue a driver's license for a period that exceeds an applicant's lawful presence in the United States. The director may establish procedures to verify the lawful presence of the applicant and establish the duration of any driver's license issued under this section.

10. The director of revenue may adopt any rules and regulations necessary to carry out the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.”; and

Further amend said bill, Page 8, Section 302.720, Line 31, by deleting all of said line and inserting in lieu thereof the following: “applicant upon completion of any written or driving test, **except the renewal fee shall be waived for applicants seventy years of age or older seeking school bus endorsements.** The director shall delegate the power”; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2 for SCS for SB 163**, entitled:

An Act to repeal sections 477.650, 485.077, and 488.2250, RSMo, and to enact in lieu thereof

three new sections relating to the basic civil legal services fund, with an expiration date.

With House Amendments Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 163, Section 485.077, Page 3, Line 20 by inserting immediately after the word “**deposition**” the following:

“Such consent shall be filed as a memo with the court no later than seven days prior to the date of the deposition unless the time is shortened by the court”; and

Further Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 163, Section 485.077, Page 3, Line 32 by inserting immediately after the word “**used**” the following:

“Such statement shall be in bold fourteen type face on the notice”; and

Further Amend said Bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute #2 for Senate Committee Substitute for Senate Bill No. 163, by amending the Lines 1-2 of the Title, by deleting the words "the basic civil legal services fund" and inserting in lieu thereof the words "legal services"; and

Further Amend said Bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Mayer moved that **SCS for SB 163**, with **HCS No. 2**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS No. 2 for SCS for SB 163, as amended, entitled:

An Act to repeal sections 477.650, 485.077, and 488.2250, RSMo, and to enact in lieu thereof three new sections relating to the basic civil legal services fund, with an expiration date.

Was taken up.

Senator Goodman assumed the Chair.

Senator Mayer moved that **HCS No. 2 for SCS for SB 163**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Justus	Koster
Lager	Loudon	Mayer	McKenna
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—31	

NAYS—Senator Kennedy—1

Absent—Senator Coleman—1

Absent with leave—Senator Days—1

Vacancies—None

On motion of Senator Mayer, **HCS No. 2 for SCS for SB 163**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Vogel	Wilson—31	

NAYS—Senators

Kennedy Stouffer—2

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

SENATE BILLS FOR PERFECTION

Senator Koster moved that **SB 364**, with **SCS**, **SS** for **SCS**, **SA 1** and **SSA 1** for **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion failed.

PRIVILEGED MOTIONS

Senator Coleman moved that **SCS** for **SB 384**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 384**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 384

An Act to repeal sections 301.130 and 301.301, RSMo, and to enact in lieu thereof two new sections relating to stolen license plate tabs, with an emergency clause for a certain section.

Was taken up.

Senator Gross assumed the Chair.

President Pro Tem Gibbons assumed the Chair.

Senator Coleman moved that **HCS** for **SCS** for **SB 384**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Engler—1

Absent with leave—Senator Days—1

Vacancies—None

On motion of Senator Coleman, **HCS** for **SCS** for **SB 384**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Koster—1

Absent with leave—Senator Days—1

Vacancies—None

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell

Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Koster—1

Absent with leave—Senator Days—1

Vacancies—None

On motion of Senator Coleman, title to the bill was agreed to.

Senator Coleman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS for SCS for HB 1; CCS for SCS for HCS for HB 2; CCS for SCS for HCS for HB 3; CCS for SCS for HCS for HB 4; CCS for SCS for HCS for HB 5; CCS for SCS for HCS for HB 6; CCS for SCS for HCS for HB 7; CCS for SCS for HCS for HB 8; CCS for SCS for HCS for HB 9; CCS for SCS for HCS for HB 10; CCS for SCS for HCS for HB 11; CCS for SCS for HCS for HB 12; CCS for SCS for HCS for HB 13; SCS for HCS for HB 18; HCS for HB 461; and SS No. 2 for SCS for HCS for HB 818**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

OBJECTIONS

Senator Graham submitted the following:

April 30, 2007

Terry Spieler
Secretary of the Senate
State Capitol
Jefferson City, MO 65101
Ms. Spieler:

Pursuant to Senate Rule 68, this letter is to notify you and others that I am filing a constitutional objection to the SS/SCS/HCS/HB 16. Please print this letter in the Senate Journal. I object to this legislation for the following reasons:

1. Article IV, Section 25 of the Missouri Constitution plainly states: "Until it acts on all the appropriations recommended in the budget, neither house of the general assembly shall pass any appropriation other than emergency appropriations recommended by the governor."
2. The HCS/HB 16, an emergency appropriation bill, was amended by means of an "emergency governor's amendment" in the Senate Appropriations Committee to include funding for certain capital projects on various campuses of the state's higher education institutions, to be funded by the Lewis and Clark Discovery Fund, a fund that did not exist in current law. The amendment was adopted, and such amendment was incorporated into the SCS/HCS/HB 16. A Senate Substitute was offered, immediately followed by a motion to move for the previous question. The previous question motion carried, thereby disallowing the members of the Senate the option to debate or amend the bill.
3. The Governor's inclusion of the aforementioned capital projects in an emergency appropriation bill is a blatant attempt to circumvent the Legislature's proper role in the distribution of powers as described in Article II, Section 1 of the Missouri Constitution. The inclusion of said projects in an emergency appropriation bill precluded members of the General Assembly from amending the bill in the same manner allowed in "regular" appropriation bills. Furthermore, there is no reason, other than the usurpation of proper legislative authority, for the inclusion of said projects in an emergency appropriation bill in lieu of including such projects in the "regular" capital appropriations bill, in which case members of the Legislature could have exercised their proper role in the appropriation process.
4. The Governor did not give any justification as to why the inclusion of the projects should be considered an

“emergency,” perhaps because any such justification would be absurd on its face. The provisions of the SS/SCS/HCS/HB 16, an emergency appropriation bill, will terminate on June 30, 2007. The creation of the Lewis & Clark Discovery Fund, and the transfer of assets from the Missouri Higher Education Loan Authority to put moneys in the fund, if ultimately approved by the General Assembly, will not become law until Aug. 28, 2007. Therefore, neither the money, nor the fund itself, can be utilized until two months after the “emergency” appropriation bill terminates.

5. The Governor’s abuse of the emergency appropriation process is nothing more than an obvious attempt to circumvent the proper role of the General Assembly. The Governor’s preposterous assertion, that funding of the capital projects are indeed emergencies, violates the Missouri Constitution specifically and the general concept of the separation of powers, the very bedrock of our democracy.

I ask that the aforementioned objections be attached to the bill.

Thank you,
Senator Chuck Graham
District 19

Also,

May 4, 2007

RE: SCS/HCS/HB 17

Dear Madam Secretary:

Pursuant to Senate Rule 68, this letter is to notify you and others that I am filing a constitutional objection to the SCS/HCS/HB 17. Please print this letter in the Senate Journal. I object to this legislation for the following reasons:

1. Article IV, Section 25 of the Missouri Constitution plainly states: “Until it acts on all the appropriations recommended in the budget, neither house of the general assembly shall pass any appropriation other than emergency appropriations recommended by the governor.”
2. The SS/SCS/HCS/HB 16, an emergency appropriation bill, included funding for certain capital projects on various campuses of the state’s higher education institutions, to be funded by the Lewis and Clark Discovery Fund, a fund that does not exist in current law. The Governor’s inclusion of the aforementioned capital projects in an emergency appropriation bill is a blatant attempt to circumvent the Legislature’s proper role in the distribution of powers as described in Article II, Section 1 of the Missouri Constitution. The projects contained in the SS/SCS/HCS/HB 16 are not emergencies in any sense of the word. The only emergency was the Governor’s desire to avoid the annoying wheels of democracy from slowing down this misguided policy, as the inclusion of said projects in the SS/SCS/HCS/HB 16, an emergency appropriation bill, disallowed

members of the General Assembly from amending the bill in the same manner allowed in “regular” appropriation bills. The aforementioned projects could, and should, have been included in a regular capital appropriation bill.

3. Further, the Legislature has taken up and passed the SCS/HCS/HB 17, a “reappropriation” bill that includes all of the “emergency” capital projects included in the SS/SCS/HCS/HB 16. When I attempted to amend the SCS/HCS/HB 17, my amendment was ruled out of order, as, according to the President Pro Tem, no substantive alterations with regard to policy or funding levels, other than removing the entire appropriation from the bill, may even be offered, therefore severely limiting the ability of members of the General Assembly to make substantive amendments to the bill. The Pro Tem’s ruling is not only inconsistent with past practice, (see the SCS/HCS/HB 17 from the 92nd General Assembly), but it is blatantly inconsistent with the bill itself, as the original emergency appropriation bill, the SS/SCS/HCS/HB 16, included the following language: “For the Missouri Technology Corporation/for the attraction and retention of high technology companies and commercialization of existing research being conducted in Missouri. This appropriation may be used for the following projects:...” The reappropriation bill, the SCS/HCS/HB 17, altered the aforementioned “may” to a “shall.” Ironically, the Pro Tem’s ruling on my amendment should have rendered that entire section of the Senate Substitute for the SCS/HCS/HB 17 out of order.

I ask that the aforementioned objections be attached to the bill.

Thank you,
Senator Chuck Graham

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SS** for **SCS** for **HCS** for **HB 16** and **SCS** for **HCS** for **HB 17**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. The bills were so read by the Secretary and signed by the President Pro Tem.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS No. 2**

for **SCS** for **SB 161**, entitled:

An Act repeal sections 160.041, 160.400, 160.480, 163.051, 167.031, 167.231, 168.021, 168.104, 168.114, and 168.221, RSMo, and to enact in lieu thereof nineteen new sections relating to education, with penalty provisions.

With House Amendment No. 1 to House Amendment No. 1, House Amendment No. 1, as amended, House Amendment No. 1 to House Amendment No. 2, Part 1 of House Amendment No. 2, Part 2 of House Amendment No. 2, House Amendments Nos. 3, 4 and 5.

**HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 1**

Amend House Amendment No. 1 to House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 161, Section 168.114, Page 1, Line 10, by inserting the following after all of said line:

“168.133. 1. The school district shall ensure that a criminal background check is conducted on any person employed after January 1, 2005, authorized to have contact with pupils and prior to the individual having contact with any pupil. Such persons include, but are not limited to, administrators, teachers, aides, paraprofessionals, assistants, secretaries, custodians, cooks, and nurses. The school district shall also ensure that a criminal background check is conducted for school bus drivers. The district may allow such drivers to operate buses pending the result of the criminal background check. For bus drivers, the background check shall be conducted on drivers employed by the school district or employed by a pupil transportation company under contract with the school district.

2. In order to facilitate the criminal history background check on any person employed after January 1, 2005, the applicant shall submit two sets of fingerprints collected pursuant to standards determined by the Missouri highway patrol. One set of fingerprints shall be used by the highway patrol to search the criminal history repository and the family care safety registry pursuant to sections 210.900 to 210.936, RSMo, and the second set shall be

forwarded to the Federal Bureau of Investigation for searching the federal criminal history files.

3. The applicant shall pay the fee for the state criminal history record information pursuant to section 43.530, RSMo, and sections 210.900 to 210.936, RSMo, and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record when he or she applies for a position authorized to have contact with pupils pursuant to this section. The department shall distribute the fees collected for the state and federal criminal histories to the Missouri highway patrol.

4. The school district may adopt a policy to provide for reimbursement of expenses incurred by an employee for state and federal criminal history information pursuant to section 43.530, RSMo.

5. If, as a result of the criminal history background check mandated by this section, it is determined that the holder of a certificate issued pursuant to section 168.021 has pled guilty or nolo contendere to, or been found guilty of a crime or offense listed in section 168.071, or a similar crime or offense committed in another state, the United States, or any other country, regardless of imposition of sentence, such information shall be reported to the department of elementary and secondary education.

6. Any school official making a report to the department of elementary and secondary education in conformity with this section shall not be subject to civil liability for such action.

7. For any teacher who is employed by a school district on a substitute or part-time basis within one year of such teacher's retirement from a Missouri school, the state of Missouri shall not require such teacher to be subject to any additional background checks prior to having contact with pupils. Nothing in this subsection shall be construed as prohibiting or otherwise restricting a school district from requiring additional background checks for such teachers employed by the school district.

8. A criminal background check and

fingerprint collection conducted under subsections 1 and 2 of this section shall be valid for a period of at least one year and transferrable from one school district to another district. A teacher's change in type of certification shall have no effect on the transferability of such records.

9. Nothing in this section shall be construed to alter the standards for suspension, denial, or revocation of a certificate issued pursuant to this chapter.

[9.] 10. The state board of education may promulgate rules for criminal history background checks made pursuant to this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 1, 2005, shall be invalid and void.”; and,

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute #2 for Senate Committee Substitute for Senate Bill No. 161, Pages 1 and 2, Section 160.041, Lines 1 to 13; Pages 2 to 4, Section 160.400, Lines 1 to 82; Page 4, Section 160.480, Lines 1 to 18; Pages 4 to 5, Section 161.375, Lines 1 to 34; Pages 5 to 6, Section 161.720, Lines 1 to 22; Pages 6 to 9, Section 162.1031, Lines 1 to 104; Pages 9 to 10, Section 162.1110, Lines 1 to 25; Page 10, Section 163.051,

Lines 1 to 10; Pages 10 to 12, Section 167.031, Lines 1 to 81; Pages 12 to 15, Section 167.128, Lines 1 to 101; Pages 15 to 17, Section 167.231, Lines 1 to 74; Pages 21 to 22, Section 168.104, Lines 1 to 37; Page 22, Section 168.114, Lines 1 to 15; Page 22, Section 168.135, Lines 1 to 10; Pages 22 to 23, Section 168.138, Lines 1 to 8; Pages 23 to 24, Section 168.215, Lines 1 to 43; by striking said all of sections from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 161, Page 2, Line 7 of said amendment, by inserting immediately after the word “RSMo.” the following:

“Any adopted rating system shall not award or diminish rating scores for any facility based on criteria that are consistent with the facility's religious beliefs, by laws or mission statement as long as such beliefs, by laws or mission statement do not result in practices that constitute a violation of state law or local ordinance, nor shall such practices affect a facility's eligibility for child care subsidies or grants under this section.” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute #2 for Senate Committee Substitute for Senate Bill No. 161, Page 18, Section 168.021, Lines 26 to 42, by deleting all of said lines and inserting in lieu thereof the following:

“(4) By the state board, under rules and regulations prescribed by it for a pilot program

to run through school year 2011-2012, on the basis of certification by the American Board for Certification of Teacher Excellence (ABCTE) in all certification areas available for grades nine through twelve and verification of ability to work with children as demonstrated by sixty contact hours in any one of the following areas as validated by the school principal: sixty contact hours in the classroom, of which at least forty-five must be teaching; sixty contact hours as a substitute teacher, with at least thirty consecutive hours in the same classroom; sixty contact hours of teaching in a public, private or charter school; or sixty contact hours of teaching as a paraprofessional, for an initial four-year ABCTE professional certificate of license to teach. Upon completion of the requirements listed in paragraphs (a), (b), (c), (d), and (e) of this subdivision, an applicant shall be eligible to apply for a career continuous professional certificate under subdivision (2) of subsection 3 of this section:

(a) Completion of thirty contact hours of professional development within four years, which may include hours spent in class in an appropriate college curriculum;

(b) Validated completion of two years of the mentoring program of the American Board for Certification of Teacher Excellence or a district mentoring program approved by the state board of education;

(c) Attainment of a successful performance-based teacher evaluation;

(d) Participation in a beginning teacher assistance program; and

(e) Successful attainment of the Missouri qualifying score on the exit assessment for teachers designated by the state board of education within two years” ; and

Further amend said section, Page 19, Line 68, by deleting the words “and (c)” and inserting in lieu thereof the following:

“(c), (d), and (e)” ; and

Further amend said bill, Page 26, Section 210.205, Line 11, by inserting after the word “system.” the following:

“Adoption of any quality rating system shall be accomplished through the rule-making process under chapter 536, RSMo.”; and

Further amend said bill, Page 26, Section 210.205, Line 18, by deleting the word “outcomes.” and inserting in lieu thereof the following:

“outcomes; and

(4) Permit the appeal of any rating to the department of social services through an appeals process established by rule.

3. The quality rating system shall be:

(1) Voluntary for facilities that are licensed under sections 210.201 to 210.259, and do not receive the child care subsidy under chapter 208, RSMo, or any other state funds;

(2) Mandatory for facilities that are licensed under sections 210.201 to 210.259, and receive a child care subsidy under chapter 208, RSMo, or any other state funds;

(3) Voluntary for facilities that are license-exempt under the exceptions described in section 210.211 to 210.259. A license-exempt facility under the exceptions described in section 210.211 may be rated with an explanation that it is rated but license-exempt.” ; and

Further amend said bill by renumbering the remaining subsections accordingly; and

Further amend said section, Page 27, Lines 56 and 57 by deleting all of said lines and inserting in lieu thereof the following:

“7. For purposes of this section, “early childhood program” shall mean programs that are both centered and home-based and providing services for children from birth to

kindergarten.” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute # 2 for Senate Committee Substitute for Senate Bill No. 161, Page 10, Section 162.1110, Line 25, by inserting after all of said line the following:

“163.043. 1. For fiscal year 2007 and each subsequent fiscal year, the “Classroom Trust Fund”, which is hereby created in the state treasury, shall be distributed by the state board of education to each school district in this state qualified to receive state aid pursuant to section 163.021 on an average daily attendance basis. **For fiscal year 2009 and each fiscal year thereafter, one million five hundred thousand dollars of the fund otherwise transferred under the provisions of this subsection shall be transferred to the Missouri exceptional teachers fund created in section 168.745, RSMo. One million dollars of such appropriation shall be directed to the teacher's choice compensation package in certain districts pursuant to section 168.745 to 168.750, RSMo, and five hundred thousand dollars shall be directed towards incentive pay in certain districts as described in sections 168.110, 168.126, and 168.221, RSMo.**

2. The moneys distributed pursuant to this section shall be spent at the discretion of the local school district. The moneys may be used by the district for:

(1) Teacher recruitment, retention, salaries, or professional development;

(2) School construction, renovation, or leasing;

(3) Technology enhancements or textbooks or instructional materials;

(4) School safety; or

(5) Supplying additional funding for required programs, both state and federal.

3. The classroom trust fund shall consist of all moneys transferred to it under section 160.534, RSMo, all moneys otherwise appropriated or donated to it, and, notwithstanding any other provision of law to the contrary, all unclaimed lottery prize money.

4. The provisions of this section shall not apply to any option district as defined in section 163.042.” ; and

Further amend said bill, Page 22, Section 168.104, Line 37, by inserting after all of said line the following:

“168.106. The contract between a school district and a permanent teacher shall be known as an indefinite contract and shall continue in effect for an indefinite period, subject only to:

(1) Compulsory or optional retirement when the teacher reaches the age of retirement provided by law, or regulation established by the local board of education;

(2) Modification by a succeeding indefinite contract or contracts in the manner hereinafter provided;

(3) The death of the teacher;

(4) Resignation of the teacher with the written consent of the school board;

(5) Termination by the board of education after a hearing as hereinafter provided; [and]

(6) The revocation of the teacher's certificate; **and**

(7) A decision by the teacher to follow the teacher choice compensation package under sections 168.745 to 168.750 in a district and give up the right to an indefinite contract.

168.110. The board of education of a school district may modify an indefinite contract annually on or before the fifteenth day of May in the following particulars:

(1) Determination of the date of beginning and length of the next school year;

(2) Fixing the amount of annual compensation for the following school year as provided by the salary schedule adopted by the board of education applicable to all teachers. **A district that has been provisionally accredited, unaccredited, or lapsed, or any combination thereof for five consecutive years beginning with school year 2001-2002 shall be eligible for incentive pay funds from section 163.043 RSMo, through the transfer of such funds to the Missouri exceptional teachers fund created in section 168.745. Such qualifying districts may provide a salary that includes hiring incentives or salary schedule modifications, which may include but are not limited to credit for all prior years of service in another district, to attract and retain teachers with qualities, experience, or credentials that are exceptionally well suited to a district's needs and who are certified in math, science, special education, or English as a second language. In exchange for such incentives, teachers may be required to teach in the district offering the incentive for a period of up to three school years. Districts shall have the decision-making authority on whether to provide such incentives and modifications within the limits of this section. The modifications shall be effective at the beginning of the next school year. All teachers affected by the modification shall be furnished written copies of the modifications within thirty days after their adoption by the board of education."**; and

Further amend said bill, Page 22, Section 168.114, Line 15, by inserting after all of said line the following:

"168.126. 1. A board of education at a regular or special meeting may contract with and employ by a majority vote legally qualified probationary teachers for the school district. The contract shall be made by order of the board; shall specify the number of months school is to be taught and the

wages per month to be paid; shall be signed by the probationary teacher and the president of the board, or a facsimile signature of the president may be affixed at his discretion; and the contract shall be attested by the secretary of the board by signature or facsimile. **A district that has been provisionally accredited, unaccredited, or lapsed, or any combination thereof for five consecutive years beginning with school year 2001-2002 shall be eligible for incentive pay funds from section 163.043, RSMo, through the transfer of such funds to the Missouri exceptional teachers fund created in section 168.745. Such qualifying districts may provide a salary that includes hiring incentives or salary schedule modifications, which may include but are not limited to credit for all prior years of service in another district, to attract and retain teachers with qualities, experience, or credentials that are exceptionally well suited to a district's needs and who are certified in math, science, special education, and English as a second language. In exchange for such incentives, teachers may be required to teach in the district offering the incentive for a period of up to three school years. Districts shall have the decision-making authority on whether to provide such incentives and modifications within the limits of this section.** The board shall not employ one of its members as a teacher; nor shall any person be employed as a teacher who is related within the fourth degree to any board member, either by consanguinity or affinity, where the vote of the board member is necessary to the selection of the person.

2. If in the opinion of the board of education any probationary teacher has been doing unsatisfactory work, the board of education, through its authorized administrative representative, shall provide the teacher with a written statement definitely setting forth his alleged incompetency and specifying the nature thereof, in order to furnish the teacher an opportunity to correct his fault and overcome his

incompetency. If improvement satisfactory to the board of education has not been made within ninety days of the receipt of the notification, the board of education may terminate the employment of the probationary teacher immediately or at the end of the school year. Any motion to terminate the employment of a probationary teacher shall include only one person and must be approved by a majority of the members of the board of education. A tie vote thereon constitutes termination. On or before the fifteenth day of April in each school year, the board of education shall notify in writing a probationary teacher who will not be retained by the school district of the termination of his employment. Upon request, the notice shall contain a concise statement of the reason or reasons the employment of the probationary teacher is being terminated. If the reason for the termination is due to a decrease in pupil enrollment, school district reorganization, or the financial condition of the school district, then the district shall in all cases issue notice to the teacher expressly declaring such as the reason for such termination. Nothing contained in this section shall give rise to a cause of action not currently cognizant at law by a probationary teacher for any reason given in said writing so long as the board issues the letter in good faith without malice, but an action for actual damages may be maintained by any person for the deprivation of a right conferred by this act.

3. Any probationary teacher who is not notified of the termination of his employment shall be deemed to have been appointed for the next school year, under the terms of the contract for the preceding year. A probationary teacher who is informed of reemployment by written notice shall be tendered a contract on or before the fifteenth day of May, and shall within fifteen days thereafter present to the employing board of education a written acceptance or rejection of the employment tendered, and failure of such teachers to present the acceptance within such time constitutes a rejection of the board's offer. A contract between a

probationary teacher and a board of education may be terminated or modified at any time by the mutual consent of the parties thereto.” ; and

Further amend said bill, Page 25, Section 168.221, Lines 29 and 30, by deleting all of said lines and inserting in lieu thereof the following:

“public schools of the state, or physical or mental condition which incapacitates him for instructing” ; and

Further amend said bill, section, and page, Line 58, by inserting immediately after the word “instruction.” the following:

“ A permanent teacher may choose to give up the right to an indefinite contract to follow the teacher choice compensation package under sections 168.745 to 168.750.” ; and

Further amend said bill and section, Page 26, Line 78, by adding after all of said line the following:

“7. A district that has been provisionally accredited, unaccredited, or lapsed, or any combination thereof for five consecutive years beginning with school year 2001-2002 shall be eligible for incentive pay funds from section 163.043, RSMo, through the transfer of such funds to the Missouri exceptional teachers fund created in section 168.745. Such qualifying districts may provide a salary that includes hiring incentives or salary schedule modifications, which may include but are not limited to credit for all prior years of service in another district, to attract and retain teachers with qualities, experience, or credentials that are exceptionally well suited to a district's needs and who are certified in math, science, special education, or English as a second language. In exchange for such incentives, teachers may be required to teach in the district for a period of up to three school years. The district shall have the decision-making authority on whether to provide such incentives and modifications within the limits of this section.

168.375. 1. Every certificated teacher who is an employee of a district that has been designated as unaccredited or provisionally accredited through its full accreditation review as part of the school improvement program review cycle shall, in the fifth year following the teacher's initial certification and every fifth year thereafter, submit documentation to the department of elementary and secondary education that the teacher has:

(1) Retaken the appropriate exit assessment under section 168.021 and achieved a score equal to or higher than the required score; or

(2) Successfully completed any course or examination determined by rule of the state board of education for this purpose.

2. A certificated teacher who has failed to achieve the required score on the chosen assessment under subsection 1 of this section may retake the assessment at the next available date. If a teacher fails a second time, or wishes to appeal after an initial failure, the teacher shall present documentation of effectiveness such as student test scores on a value-added instrument advancing, on average, by one grade level. The appeal shall be made through the administrative hearing commission under Chapter 621, RSMo.

3. Notwithstanding the provisions of sections 168.114 or 168.221, a teacher who fails to demonstrate a minimum level of competency shall not be considered a permanent employee of the school district.

168.745. 1. There is hereby created the "Teacher Choice Compensation Package" to permit performance-based salary stipends upon the decision of the teacher as described in section 168.747, to reward teachers for objectively demonstrated superior performance in any district that has been provisionally accredited, unaccredited, or lapsed, or any combination thereof for five consecutive years

beginning with school year 2001-2002.

2. The "Missouri Exceptional Teachers Fund" is hereby created as a special trust fund in the state treasury. Moneys in the fund shall consist of any grant, gift, or contribution from any and all public and private sources whatsoever that is designated for such purpose, including funds appropriated from the classroom trust fund created in section 163.043, RSMo. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. The department of elementary and secondary education shall administer the fund and shall ensure that money in the fund is used only for the salaries of teachers subject to the provisions of sections 168.745 to 168.750, and for the purposes of incentive pay set forth in sections 168.110, 168.126, and 168.221 in districts meeting qualifications. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

168.747. 1. To be eligible for the teacher choice compensation package, any classroom personnel reported as a code forty, fifty, or sixty through the core data system of the Missouri department of elementary and secondary education shall opt out of his or her indefinite contract under section 168.106 or section 168.221 for the duration of employment with the district. A teacher may decide to end his or her eligibility for the teacher choice stipend but may not resume permanent teacher status with that district. A probationary teacher may opt out of consideration for a permanent contract in the second or subsequent years of employment by the district to participate in the teacher

choice compensation package but may not return to permanent status in that district or resume the process for qualification for an indefinite contract in that district. A teacher who has chosen the teacher choice compensation package and changes employment to another district may choose to resume the process for qualification for an indefinite contract in that district or may choose to remain in the teacher choice compensation package of the new district.

2. Teachers shall qualify annually in October for the stipends described in section 168.749. Stipends shall be offered in five thousand dollar increments, up to fifteen thousand dollars, but shall not exceed fifty percent of a teacher's salary, before deductions for retirement but including designated pay for additional duties such as coaching, sponsoring, or mentoring. Any stipend received under section 168.749 shall be in addition to the salary to which the teacher would otherwise be entitled. Teachers receiving the stipend shall receive any pay and benefits received by teachers of similar training, experience, and duties. Such stipends shall not be considered compensation for retirement purposes.

3. Subject to appropriation, the department of elementary and secondary education shall make a payment to the district in the amount of the stipend, to be delivered as a lump sum in January following the October of qualification. If the amount appropriated is not enough to fund the total of five thousand dollar increment payments, the department may prorate the payments.

4. Teachers who receive the stipend shall have their achievement acknowledged at an annual districtwide ceremony. Invitations to the ceremony shall be extended to the district's superintendent, the principal of each school in which such a teacher works, the commissioner of education, the chairperson of the state board

of education and all local and statewide elected officials who represent the school district, as well as other interested parties.

5. Every person employed by the district in a teaching position, regardless of the certification status of the person, who qualifies under any of the indicators listed in section 168.749 is eligible for the teacher choice compensation package. Teachers who are employed less than full-time are eligible for teacher choice stipends on a pro-rated basis. Any teacher who is dismissed for cause who has otherwise qualified for a teacher choice stipend shall forfeit the stipend for that year.

168.749. 1. Beginning with school year 2008-2009, teachers who elect to participate in the teacher choice compensation package in qualifying districts shall be eligible for stipends based on the following criteria:

(1) Score on a value-added test instrument or instruments. Such instruments shall be defined as those which give a reliable measurement of the skills and knowledge transferred to students during the time they are in a teacher's classroom and shall be selected by the school district from one or more of the following assessments:

(a) A list of recognized value-added instruments developed by the department of elementary and secondary education;

(b) Scores on the statewide assessments established under section 160.518, RSMo, may be used for this purpose, and the department of elementary and secondary education shall develop a procedure for identifying the value added by teachers that addresses the fact that not all subjects are tested at all grade levels each year under the state assessment program;

(c) Scores on annual tests required by the federal Elementary and Secondary Education Act reauthorization of 2002 for third through eighth grade may be used as value-added

instruments if found appropriate after consideration and approval by the state board of education; and

(2) Evaluations by a peer review group. For purposes of this subdivision, the term “peer review group” shall include the principal of the school where the teacher is employed, one or more teachers employed in the school where the teacher is employed, one or more parents of students attending the school where the teacher is employed, and, for grades six to twelve, one or more students of the teacher. The principal shall appoint such teacher, parent and student members of the peer review group.

Model instruments for these evaluations shall be developed or identified by the department of elementary and secondary education. Districts may use such models or may develop their own instruments, subject to the provisions of subsection 2 of this section. A district that develops its own instrument shall not use that instrument as its sole method of evaluation.

2. The department of elementary and secondary education shall develop criteria for determining eligibility for stipend increments, including a range of target scores on assessments for use by the districts. The test-score options listed in subdivision (1) of subsection 1 of this section shall be given higher weight than the evaluation options listed in subdivision (2) of subsection 1 of this section. The decision of individual districts about the qualifications for each increment based on the evaluations listed in subdivision (2) of subsection 1 of this section and for value-added instruments for which target scores have not been developed by the department of elementary and secondary education may address the district’s unique characteristics but shall require demonstrably superior performance on the part of the teacher, based primarily on improved student achievement while taking into account classroom

demographics including but not limited to students’ abilities, special needs, and class size. Districts shall submit any instruments they have developed on their own to the department for approval.

168.750. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 168.745 to 168.749 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute #2 for Senate Committee Substitute for Senate Bill No. 161, Page 28, Section 210.205, Line 66, by inserting after all of said line the following:

“Section 1. Whenever any school district in this state attains a score or displays criteria for classification of the district on its annual performance review consistent with the classification of “unaccredited”, the state board of education shall, within ninety days, study all of the pertinent, current data from the district and shall either classify the district as “unaccredited” or issue a report to the general assembly and the governor delineating the factors considered and the reasons for not classifying the district as “unaccredited”.

Should the state board vote to classify a district as “unaccredited”, the board may vote to apply such classification prospectively to a date no later than ten days after the last scheduled day of classes for the district in the current academic year.” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute #2 for Senate Committee Substitute for Senate Bill No. 161, Page 6, Section 161.720, Line 22, by inserting after all of said line the following:

“162.961. 1. A parent, guardian or the responsible educational agency may request a due process hearing by the state board of education with respect to any matter relating to identification, evaluation, educational placement, or the provision of a free appropriate public education of the child. Such request shall include the child's name, address, school, issue, and suggested resolution of dispute if known. Except as provided in subsection 4 of this section, the board or its delegated representative shall within fifteen days after receiving notice empower a hearing panel of three persons who are not directly connected with the original decision and who are not employees of the board to which the appeal has been made. All of the panel members shall have some knowledge or training involving children with disabilities, none shall have a personal or professional interest which would conflict with his or her objectivity in the hearing, and all shall meet the department of elementary and secondary education's training and assessment requirements pursuant to state regulations and federal law and regulation requirements of the Individuals With Disabilities Education Act. One person shall be chosen by the local school district board or its delegated representative or the responsible educational agency, and one person shall be chosen at the

recommendation of the parent or guardian. If either party has not chosen a panel member ten days after the receipt by the department of elementary and secondary education of the request for a due process hearing, such panel member shall be chosen instead by the department of elementary and secondary education. Each of these two panel members shall be compensated pursuant to a rate set by the department of elementary and secondary education. The third person shall be appointed by the state board of education and shall serve as the chairperson of the panel. The chairperson shall be an attorney licensed to practice law in this state. During the pendency of any three-member panel hearing, or prior to the empowerment of the panel, the parties may, by mutual agreement, submit their dispute to a mediator pursuant to section 162.959.

2. The parent or guardian, school official, and other persons affected by the action in question shall present to the hearing panel all pertinent evidence relative to the matter under appeal. All rights and privileges as described in section 162.963 shall be permitted.

3. After review of all evidence presented and a proper deliberation, the hearing panel, within the time lines required by the Individuals With Disabilities Education Act, 20 U.S.C. Section 1415 and any amendments thereto, shall by majority vote determine its findings, conclusions, and decision in the matter in question and forward the written decision to the parents or guardian of the child and to the president of the appropriate local board of education or responsible educational agency and to the department of elementary and secondary education. A specific extension of the time line may be made by the chairman at the request of either party, except in the case of an expedited hearing as provided in subsection 4 of this section.

4. An expedited due process hearing by the state board of education may be requested by a parent to challenge a disciplinary change of placement or to challenge a manifestation

determination in connection with a disciplinary change of placement or by a responsible educational agency to seek a forty-five school day alternative educational placement for a dangerous or violent student. The board or its delegated representative shall appoint a hearing officer to hear the case and render a decision within the time line required by federal law and state regulations implementing federal law. The hearing officer shall be an attorney licensed to practice law in this state. The hearing officer shall have some knowledge or training involving children with disabilities, shall not have a personal or professional interest which would conflict with his or her objectivity in the hearing, and shall meet the department of elementary and secondary education's training and assessment requirements pursuant to state regulations and federal law and regulation requirements of the Individuals With Disabilities Education Act. A specific extension of the time line is only permissible to the extent consistent with federal law and pursuant to state regulations.

5. If the responsible public agency requests a due process hearing to seek a forty-five school day alternative educational placement for a dangerous or violent student, the agency shall show by substantial evidence that there is a substantial likelihood the student will injure himself or others and that the agency made reasonable efforts to minimize that risk, and shall show that the forty-five school day alternative educational placement will provide a free appropriate public education which includes services and modifications to address the behavior so that it does not reoccur, and continue to allow progress in the general education curriculum.

6. Any due process hearing request and responses to the request shall conform to the requirements of the Individuals With Disabilities Education Act (IDEA). Determination of the sufficiency shall be made by the chairperson of the three-member hearing panel, or in the case of an expedited due process hearing, by the hearing

officer. The chairperson or hearing officer shall implement the process and procedures, including time lines, required by the IDEA, related to sufficiency of notice, response to notice, determination of sufficiency dispute, and amendments of the notice.

7. A preliminary meeting, known as a resolution session, shall be convened by the responsible public agency, under the requirements of the IDEA. The process and procedures required by the IDEA in connection to the resolution session and any resulting written settlement agreement shall be implemented. **The responsible public agency or its designee shall sign the agreement. The designee identified by the responsible public agency shall have the authority to bind the agency. A local board of education, as a responsible public agency, shall identify a designee with authority to bind the school district.**

162.963. 1. At any hearing held pursuant to the provisions of section 162.961, except as otherwise provided in this section, either party or a representative shall be entitled to:

(1) Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities;

(2) Present evidence and confront, cross-examine, and compel the attendance of witnesses;

(3) Prohibit the introduction of any evidence, including all evaluations and recommendations based on the offering party's evaluation, at the hearing that has not been disclosed to that party at least five business days before the hearing[, except this shall not be applicable in the case of an expedited hearing where no discovery shall take place];

(4) Obtain a written or, at the option of the parents, electronic verbatim record of the hearing; and

(5) Obtain written or, at the option of the parents, electronic findings of fact and decision.

2. Parents involved in hearings have the right to have the child who is the subject of the hearing present and the right to open the hearing to the public.

3. Prior to the resolution conference or hearing, the parent or guardian or a representative of the parent or guardian shall have access to any reports, records, clinical evaluations or other materials upon which the action to be reviewed was wholly or partially based which could reasonably have a bearing on the correctness of the determination.

4. A complete record shall be made of all proceedings unless otherwise specified by statute, which records shall include verbatim transcription of all testimony and shall include all documents, writings, or other evidence presented by any party. Costs incurred during these proceedings, except those of the parties for purchasing diagnostic services or legal counsel or other services of a personal nature, shall be the responsibility of the state board of education.” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Shields moved that **HCS for SS No. 2** for **SCS for SB 161**, as amended, be taken up for 3rd reading and final passage, which motion failed on a standing division vote.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

May 18, 2007

TO THE SECRETARY OF THE SENATE
94th GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI:

Herewith I return to you House Committee Substitute for Senate Committee Substitute for Senate Bill No. 288 and Senate Bill No. 152 and Senate Committee Substitute for Senate Bill No. 115 entitled:

AN ACT

To authorize the conveyance of certain state properties, with an emergency clause.

On May 18, 2007, I approved said House Committee Substitute for Senate Committee Substitute for Senate Bill No. 288 and Senate Bill No. 152 and Senate Committee Substitute for Senate Bill No. 115.

Respectfully submitted,
MATT BLUNT
Governor

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended for **HCS** for **HBs 619** and **118** and has taken up and passed **SCS** for **HCS** for **HBs 619** and **118**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1** to **HCS** for **HBs 654** and **938** and has taken up and passed **HCS** for **HBs 654** and **938**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 329** and has taken up and passed **SCS** for **HCS** for **HB 329**.

Also,

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the House has adopted **SS**, as amended for **SCS** for **HCS** for **HB 583** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 583**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **HCS** for **HB 820** and has taken up and passed **SS** for **HCS** for **HB 820**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 431** and has taken up and passed **SCS** for **HCS** for **HB 431**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **HCS** for **SCS** for **SB 308**, as amended and has taken up and passed **CCS** No. 2 for **HCS** for **SCS** for **SB 308**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 315**, entitled:

An Act to repeal sections 260.546, 537.353, and 640.703, RSMo, and to enact in lieu thereof four new sections relating to liability for agricultural damage or destruction.

With House Amendment No. 2.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 315, Page 3, Section 260.546, Line 51, by inserting after all of said Line the following:

“537.340. 1. If any person shall cut down, injure or destroy or carry away any tree placed or growing for use, shade or ornament, or any timber, rails or wood standing, being or growing on the

land of any other person, including any governmental entity, or shall dig up, quarry or carry away any stones, ore or mineral, gravel, clay or mold, or any ice or other substance or material being a part of the realty, or any roots, fruits or plants, or cut down or carry away grass, grain, corn, flax or hemp in which such person has no interest or right, standing, lying or being on land not such person's own, or shall knowingly break the glass or any part of it in any building not such person's own, the person so offending shall pay to the party injured treble the value of the things so injured, broken, destroyed or carried away, with costs. Any person filing a claim for damages pursuant to this section need not prove negligence or intent.

2. Notwithstanding the provisions of subsection 1 of this section, the following rules shall apply to the trimming, removing, and controlling of trees and other vegetation by any electric supplier:

(1) Every electric supplier that operates electric transmission or distribution lines shall have the authority to maintain the same by trimming, removing, and controlling trees and other vegetation posing a hazard to the continued safe and reliable operation thereof;

(2) An electric supplier may exercise its authority under subdivision (1) of this subsection if the trees and other vegetation are within the legal description of any recorded easement or, in the absence of a recorded easement, the following:

(a) Within ten feet, plus one-half the length of any attached crossarm, of either side of the centerline of electricity lines potentially energized at or below 34.5 kilovolts measured line to line and located within the limits of any city; or

(b) Within thirty feet of either side of the centerline of electricity lines potentially energized at or below 34.5 kilovolts measured

line to line and located outside the limits of any city; or

(c) Within fifty feet of either side of the centerline of electricity lines potentially energized between 34.5 and one hundred kilovolts measured line to line; or

(d) Within the greater of the following for any electricity lines potentially energized at one hundred kilovolts or more measured line to line:

a. Seventy-five feet to either side of the centerline; or

b. Any required clearance distance adopted by either the Federal Energy Regulatory Commission or an Electric Reliability Organization authorized by the Energy Policy Act of 2005, 16 U.S.C. Section 824o. Such exercise shall be considered reasonable and necessary for the proper and reliable operation of electric service and shall create a presumption that the electric supplier acted with reasonable care, operated within its rights regarding the operation and maintenance of its electricity lines, and has not committed a trespass;

(3) An electric supplier may trim, remove, and control trees and other vegetation outside the provisions in subdivision (2) of this subsection if such actions are necessary to maintain the continued safe and reliable operation of its electric lines;

(4) An electric supplier may secure from the owner or occupier of land greater authority to trim, remove, and control trees and other vegetation than the provisions set forth in subdivision (2) of this subsection and may exercise any and all rights regarding the trimming, removing, and controlling of trees and other vegetation granted in any easement held by the electric supplier;

(5) An electric utility may trim or remove any tree of sufficient height outside the

provisions of subdivision (2) of this subsection when such tree, if it were to fall, would threaten the integrity and safety of any electric transmission or distribution line and would pose a hazard to the continued safe and reliable operation thereof;

(6) Prior to the removal of any tree under the provisions of subdivision (5) of this subsection, an electric utility shall notify the owner or occupier of land, if available, at least fourteen days prior to such removal unless either the electric supplier deems the removal to be immediately necessary to continue the safe and reliable operation of its electricity lines, or the electric supplier is trimming or removing trees and other vegetation following a major weather event or other emergency situation;

(7) If any tree which is partially trimmed by an electric supplier dies within three months as a result of said trimming, the owner or occupier of land upon which the tree was trimmed may request in writing that the electric supplier remove said tree at the electric supplier's expense. The electric supplier shall respond to such request within ninety days;

(8) Nothing in this subsection shall be interpreted as requiring any electric utility to fully exercise the authorities granted in this subsection.

3. For purposes of this section, the term "electric supplier" means any rural electric cooperative that is subject to the provisions of chapter 394, RSMo, and any electrical corporation which is required by its bylaws to operate on the not-for-profit cooperative business plan, with its consumers who receive service as the stockholders of such corporation, and which holds a certificate of public convenience and necessity to serve a majority of its customer-owners in counties of the third classification as of August 28, 2003."; and

Further amend said Bill by amending the title,

enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **HCS No. 2** for **SB 406**, as amended and has taken up and passed **CCS No. 2** for **HCS No. 2** for **SB 406**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS No. 2** for **SS** for **SCS** for **SB 3**, as amended and has taken up and passed **CCS** for **HCS No. 2** for **SS** for **SCS** for **SB 3**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 215**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **HCS** for **SS** for **SCS** for **SB 22**, as amended, and has taken up and passed **CCS** for **HCS** for **SS** for **SCS** for **SB 22**, as amended by Conference Committee Amendment No. 1 and Senate Amendment No. 1.

Emergency clause defeated.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference

Committee Report on **HCS** for **SCS** for **SB 299** and **SS** for **SCS** for **SB 616**, as amended, and has taken up and passed **CCS** for **HCS** for **SCS** for **SB 299** and **SS** for **SCS** for **SB 616**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **HCS** for **SCS** for **SB 86**, as amended, and has taken up and passed **CCS No. 2** for **HCS** for **SCS** for **SB 86**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SS** for **SCS** for **SB 577**, as amended, and has taken up and passed **CCS** for **HCS** for **SS** for **SCS** for **SB 577**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS**, as amended, for **HCS** for **HB 741** and has taken up and passed **SS** for **HCS** for **HB 741**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HJR 7** and has taken up and passed **SCS** for **HJR 7**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 420**.

Emergency clause defeated.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2** for **SCS** for **SB 333**, entitled:

An Act to repeal sections 58.451, 58.720, 192.667, 192.745, 192.925, 194.210, 194.220, 194.230, 194.233, 194.240, 194.250, 194.260, 194.270, 194.280, 194.290, 194.304, 197.500, 198.006, 198.070, 198.090, 198.097, 198.532, 199.001, 199.003, 199.007, 199.009, 199.010, 199.029, 199.031, 199.037, 199.039, 199.041, 199.043, 199.051, 208.909, 208.912, 208.915, 210.900, 210.906, 210.933, 302.171, 304.028, 559.100, 565.180, 565.182, 565.184, 565.188, 565.200, 570.145, 660.010, 660.050, 660.053, 660.054, 660.055, 660.057, 660.058, 660.060, 660.062, 660.067, 660.069, 660.070, 660.099, 660.250, 660.255, 660.260, 660.261, 660.263, 660.265, 660.270, 660.275, 660.280, 660.285, 660.290, 660.295, 660.300, 660.305, 660.310, 660.315, 660.317, 660.320, 660.321, 660.400, 660.403, 660.405, 660.407, 660.409, 660.411, 660.414, 660.416, 660.418, 660.420, 660.512, 660.620, 660.625, 660.600, 660.603, 660.605, and 660.608, RSMo, and to enact in lieu thereof one hundred twenty-one new sections relating to the department of health and senior services, with penalty provisions.

With House Amendment Nos. 1, 2, 3, 4, 5, 6, 7, House Amendment No. 1 to House Amendment No. 9, House Amendment No. 9, as amended, and House Amendment No. 11.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 333, Pages 79 to 85, Sections 197.551, 197.554, 197.557, 197.560, 197.563, 197.566, 197.569, 197.572, 197.575, 197.578, 197.581, 197.584, and 197.587 by deleting all of said sections from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references

accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 333, Page 77, Section 194.285, Lines 1-3, by deleting all of said lines and inserting in lieu thereof the following:

“194.285. 1. A person who acts without negligence and in good faith in accordance with sections 194.210 to 194.294 or with the anatomical gift laws of another state or foreign country is not liable for damages in any civil action or subject to prosecution in any criminal proceeding for his or her act. A party claiming another person was negligent shall have the burden of proving the claimed negligence.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 333, Page 112, Section 620.510, Line 2, by deleting the words **“economic development”** and inserting in lieu thereof the words **“health and senior services”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 333, Page 46, Section 192.2175, Lines 114 through 117, by deleting all of said lines and inserting in lieu thereof the following:

“288.100, RSMo. Any person who is employed in a position for”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 333, Section 570.145, Page 111, Line 10 by deleting the open bracket “[”]; and

Further amend said Substitute, said Section, said Page, Line 11 by deleting the closed bracket “]”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 333; Page 5; Section 58.451; Line 92; by inserting after the word “on” and before the word “the” the following:

“the coroner to determine”; and

Further amend said bill; page 7; Section 58.570; line 71; by inserting after the word “on” and before the word “the” the following:

“The coroner to determine”; and

Further amend said bill; page 111; Section 570.145; line 3; by deleting the “[” before the word “with”, inserting an “[” before the word “permanently”, removing the “]” after the word “deprive” and inserting a “]” after the word “permanently”.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute # 2 for Senate Committee Substitute for Senate Bill No. 333, Section 58.785, Page 10, Line 59, by inserting after all of said section, the following:

“191.227. 1. All physicians, chiropractors, hospitals, dentists, and other duly licensed practitioners in this state, herein called “providers”, shall, upon written request of a patient, or guardian or legally authorized representative of a patient, furnish a copy of his or

her record of that patient's health history and treatment rendered to the person submitting a written request, except that such right shall be limited to access consistent with the patient's condition and sound therapeutic treatment as determined by the provider. [Beginning August 28, 1994,] Such record shall be furnished within a reasonable time of the receipt of the request therefor and upon payment of a fee as provided in this section.

2. Health care providers may condition the furnishing of the patient's health care records to the patient, the patient's authorized representative or any other person or entity authorized by law to obtain or reproduce such records upon payment of a fee for:

(1) Copying, in an amount [not more than seventeen] **of eighteen** dollars and [five] **forty-nine** cents plus [forty] **forty-four** cents per page for the cost of supplies and labor;

(2) Postage, to include packaging and delivery cost; and

(3) **Certification and** notary fee[, not to exceed two] **of eight** dollars, if **certification is** requested.

3. Notwithstanding provisions of this section to the contrary, providers may charge for the reasonable cost of all duplications of health care record material or information which cannot routinely be copied or duplicated on a standard commercial photocopy machine.

4. The transfer of the patient's record done in good faith shall not render the provider liable to the patient or any other person for any consequences which resulted or may result from disclosure of the patient's record as required by this section.

5. Effective February first of each year, the fees listed in subsection 2 of this section shall be increased or decreased annually based on the annual percentage change in the unadjusted, U.S. city average, annual average inflation rate of the

medical care component of the Consumer Price Index for All Urban Consumers (CPI-U). The current reference base of the index, as published by the Bureau of Labor Statistics of the United States Department of Labor, shall be used as the reference base. For purposes of this subsection, the annual average inflation rate shall be based on a twelve-month calendar year beginning in January and ending in December of each preceding calendar year. The department of health and senior services shall report the annual adjustment and the adjusted fees authorized in this section on the department's Internet web site by February first of each year.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 9

Amend House Amendment No. 9 to House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 333, Page 1, Line 21, by deleting the number “2006” and inserting in lieu thereof the following “[2006,] **2008, and biannually thereafter,**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 333, Page 101, Section 199.051, Line 2, by inserting immediately after said line the following:

“208.014. 1. There is hereby established the “Medicaid Reform Commission”. The commission shall have as its purpose the study and review of recommendations for reforms of the state Medicaid system. The commission shall consist of ten members:

(1) Five members of the house of representatives appointed by the speaker; and

(2) Five members of the senate appointed by the pro tem.

No more than three members from each house shall be of the same political party. The directors of the department of social services, the department of health and senior services, and the department of mental health or the directors' designees shall serve as ex officio members of the commission.

2. Members of the commission shall be reimbursed for the actual and necessary expenses incurred in the discharge of the member's official duties.

3. A chair of the commission shall be selected by the members of the commission.

4. The commission shall meet as necessary.

5. The commission is authorized to contract with a consultant. The compensation of the consultant and other personnel shall be paid from the joint contingent fund or jointly from the senate and house contingent funds until an appropriation is made therefor.

6. The commission shall make recommendations in a report to the general assembly by January 1, 2006, on reforming, redesigning, and restructuring a new, innovative state Medicaid healthcare delivery system under Title XIX, Public Law 89-97, 1965, amendments to the federal Social Security Act (42 U.S.C. Section 30 et. seq.) as amended, to replace the current state Medicaid system under Title XIX, Public Law 89-97, 1965, amendments to the federal Social Security Act (42 U.S.C. Section 30, et seq.), which shall sunset on June 30, [2008] **2010**.

208.631. 1. Notwithstanding any other provision of law to the contrary, the department of social services shall establish a program to pay for health care for uninsured children. Coverage pursuant to sections 208.631 to 208.660 is subject to appropriation. The provisions of sections 208.631 to 208.657 shall be void and of no effect

after June 30, [2008] **2010**.

2. For the purposes of sections 208.631 to 208.657, “children” are persons up to nineteen years of age. “Uninsured children” are persons up to nineteen years of age who are emancipated and do not have access to affordable employer-subsidized health care insurance or other health care coverage or persons whose parent or guardian have not had access to affordable employer-subsidized health care insurance or other health care coverage for their children for six months prior to application, are residents of the state of Missouri, and have parents or guardians who meet the requirements in section 208.636. A child who is eligible for medical assistance as authorized in section 208.151 is not uninsured for the purposes of sections 208.631 to 208.657.”; and

Further amend said bill, Page 102, Section 208.909, Line 36, by inserting immediately after said section the following:

“208.930. 1. As used in this section, the term “department” shall mean the department of health and senior services.

2. Subject to appropriations, the department may provide financial assistance for consumer-directed personal care assistance services through eligible vendors, as provided in sections 208.900 through 208.927, to each person who was participating as a non-Medicaid eligible client pursuant to sections 178.661 through 178.673, RSMo, on June 30, 2005, and who:

(1) Makes application to the department;

(2) Demonstrates financial need and eligibility under subsection 3 of this section;

(3) Meets all the criteria set forth in sections 208.900 through 208.927, except for subdivision (5) of subsection 1 of section 208.903;

(4) Has been found by the department of social services not to be eligible to participate under guidelines established by the Medicaid state plan; and

(5) Does not have access to affordable employer-sponsored health care insurance or other affordable health care coverage for personal care assistance services as defined in section 208.900. For purposes of this section, “access to affordable employer-sponsored health care insurance or other affordable health care coverage” refers to health insurance requiring a monthly premium less than or equal to one hundred thirty-three percent of the monthly average premium required in the state's current Missouri consolidated health care plan.

Payments made by the department under the provisions of this section shall be made only after all other available sources of payment have been exhausted.

3. (1) In order to be eligible for financial assistance for consumer-directed personal care assistance services under this section, a person shall demonstrate financial need, which shall be based on the adjusted gross income and the assets of the person seeking financial assistance and such person's spouse.

(2) In order to demonstrate financial need, a person seeking financial assistance under this section and such person's spouse must have an adjusted gross income, less disability-related medical expenses, as approved by the department, that is equal to or less than three hundred percent of the federal poverty level. The adjusted gross income shall be based on the most recent income tax return.

(3) No person seeking financial assistance for personal care services under this section and such person's spouse shall have assets in excess of two hundred fifty thousand dollars.

4. The department shall require applicants and the applicant's spouse, and consumers and the consumer's spouse, to provide documentation for income, assets, and disability-related medical expenses for the purpose of determining financial need and eligibility for the program. In addition to the most recent income tax return, such

documentation may include, but shall not be limited to:

(1) Current wage stubs for the applicant or consumer and the applicant's or consumer's spouse;

(2) A current W-2 form for the applicant or consumer and the applicant's or consumer's spouse;

(3) Statements from the applicant's or consumer's and the applicant's or consumer's spouse's employers;

(4) Wage matches with the division of employment security;

(5) Bank statements; and

(6) Evidence of disability-related medical expenses and proof of payment.

5. A personal care assistance services plan shall be developed by the department pursuant to section 208.906 for each person who is determined to be eligible and in financial need under the provisions of this section. The plan developed by the department shall include the maximum amount of financial assistance allowed by the department, subject to appropriation, for such services.

6. Each consumer who participates in the program is responsible for a monthly premium equal to the average premium required for the Missouri consolidated health care plan; provided that the total premium described in this section shall not exceed five percent of the consumer's and the consumer's spouse's adjusted gross income for the year involved.

7. (1) Nonpayment of the premium required in subsection 6 shall result in the denial or termination of assistance, unless the person demonstrates good cause for such nonpayment.

(2) No person denied services for nonpayment of a premium shall receive services unless such person shows good cause for nonpayment and makes payments for past-due premiums as well as current premiums.

(3) Any person who is denied services for

nonpayment of a premium and who does not make any payments for past-due premiums for sixty consecutive days shall have their enrollment in the program terminated.

(4) No person whose enrollment in the program is terminated for nonpayment of a premium when such nonpayment exceeds sixty consecutive days shall be reenrolled unless such person pays any past-due premiums as well as current premiums prior to being reenrolled. Nonpayment shall include payment with a returned, refused, or dishonored instrument.

8. (1) Consumers determined eligible for personal care assistance services under the provisions of this section shall be reevaluated annually to verify their continued eligibility and financial need. The amount of financial assistance for consumer-directed personal care assistance services received by the consumer shall be adjusted or eliminated based on the outcome of the reevaluation. Any adjustments made shall be recorded in the consumer's personal care assistance services plan.

(2) In performing the annual reevaluation of financial need, the department shall annually send a reverification eligibility form letter to the consumer requiring the consumer to respond within ten days of receiving the letter and to provide income and disability-related medical expense verification documentation. If the department does not receive the consumer's response and documentation within the ten-day period, the department shall send a letter notifying the consumer that he or she has ten days to file an appeal or the case will be closed.

(3) The department shall require the consumer and the consumer's spouse to provide documentation for income and disability-related medical expense verification for purposes of the eligibility review. Such documentation may include but shall not be limited to the documentation listed in subsection 4 of this section.

9. (1) Applicants for personal care assistance services and consumers receiving such services pursuant to this section are entitled to a hearing with the department of social services if eligibility for personal care assistance services is denied, if the type or amount of services is set at a level less than the consumer believes is necessary, if disputes arise after preparation of the personal care assistance plan concerning the provision of such services, or if services are discontinued as provided in section 208.924. Services provided under the provisions of this section shall continue during the appeal process.

(2) A request for such hearing shall be made to the department of social services in writing in the form prescribed by the department of social services within ninety days after the mailing or delivery of the written decision of the department of health and senior services. The procedures for such requests and for the hearings shall be as set forth in section 208.080.

10. Unless otherwise provided in this section, all other provisions of sections 208.900 through 208.927 shall apply to individuals who are eligible for financial assistance for personal care assistance services under this section.

11. The department may promulgate rules and regulations, including emergency rules, to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. Any provisions of the existing rules regarding the personal care assistance program promulgated by the department of elementary and secondary education in title 5, code of state regulations, division 90, chapter 7, which are inconsistent with

the provisions of this section are void and of no force and effect.

12. The provisions of this section shall expire on June 30, [2008] **2010.**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 333, Section 198.006, Page 89, Line 141, by inserting after all of said line the following:

"198.069. For any resident of an assisted living facility who is released from a hospital or skilled nursing facility and returns to an assisted living facility as a resident, such resident's assisted living facility shall immediately, upon return, implement physician orders in the hospital or discharge summary, and within twenty-four hours of the patient's return to the facility, review and document such review of any physician orders related to the resident's hospital discharge care plan or the skilled nursing facilities discharge care plan and modify the individual service plan for the resident accordingly. The department of health and senior services may adjust personal care units authorized as described in subsection 14 of section 208.152, RSMo, upon the effective date of the physicians orders to reflect the services required by such orders."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

On motion of Senator Shields, the Senate adjourned until 8:30 a.m., Friday, May 25, 2007.

Journal of the Senate

FIRST REGULAR SESSION

SEVENTY-FIFTH DAY—FRIDAY, MAY 25, 2007

The Senate met pursuant to adjournment.

President Pro Tem Gibbons in the Chair.

RESOLUTIONS

On behalf of Senator Rupp, Senator Gibbons offered Senate Resolution No. 1432, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Richard Haas, Winfield, which was adopted.

On behalf of Senator Shoemyer, Senator Gibbons offered Senate Resolution No. 1433, regarding the One Hundred Fiftieth Anniversary of the City of Monroe City, which was adopted.

On behalf of Senator Bray, Senator Gibbons offered Senate Resolution No. 1434, regarding Ellie Glenn, which was adopted.

On behalf of Senator Engler, Senator Gibbons offered Senate Resolution No. 1435, regarding Barbara A. Pratt, De Soto, which was adopted.

On behalf of Senator Engler, Senator Gibbons offered Senate Resolution No. 1436, regarding Mary C. Twellman, De Soto, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1437, regarding Florence Ingle, Excelsior Springs, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1438, regarding Martha Balman, Richmond, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1439, regarding Kathleen Brintzinghoffer, Excelsior Springs, which was adopted.

On behalf of Senator Shoemyer, Senator Gibbons offered Senate Resolution No. 1440, regarding Dr. Lanny C. Morley, Kirksville, which was adopted.

On behalf of Senator Rupp, Senator Gibbons offered Senate Resolution No. 1441, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Zeno “Dutch” Waltermann, Wentzville, which was adopted.

On behalf of Senator McKenna, Senator Gibbons offered Senate Resolution No. 1442, regarding Jefferson College-Arnold, which was adopted.

On behalf of Senator Engler, Senator Gibbons offered Senate Resolution No. 1443, regarding Elaine Gannon, DeSoto, which was adopted.

On behalf of Senator Green, Senator Gibbons

offered Senate Resolution No. 1444, regarding Colonel Charles P. Smiley, Honolulu, Hawaii, which was adopted.

On behalf of Senator Lager, Senator Gibbons offered Senate Resolution No. 1445, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Alfred Leslie, Harris, which was adopted.

On behalf of Senator Lager, Senator Gibbons offered Senate Resolution No. 1446, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dale Faulkner, Tarkio, which was adopted.

On behalf of Senator Lager, Senator Gibbons offered Senate Resolution No. 1447, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Vic Graybill, Tarkio, which was adopted.

On behalf of Senator Lager, Senator Gibbons offered Senate Resolution No. 1448, regarding Roy Missey, Laclede, which was adopted.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, Senator Gibbons submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **CCS for HCS No. 2 for SS for SCS for SB 3; SCS for SB 16; CCS for HCS for SS for SCS for SB 22; CCS for HCS for SB 25; CCS for HCS for SB 30; SCS for SB 46; HCS for SCS for SB 47; HCS for SCS for SB 54; CCS for HCS for SCS for SBs 62 and 41; CCS No. 3 for HCS for SCS for SB 64; SCS for SB 66; CCS for HCS for SB 81; CCS for HCS for SCS for SB 82; CCS for HCS for SB 84; CCS No. 2 for HCS for SCS for SB 86; SCS for SB 91; HCS for SS for SB 112; HCS for SB 127; SB 162; HCS No. 2 for SCS for SB 163; SB 166; SB 172; SS for SB 195; HCS for SCS for SB 198; SS for SCS for SB 215; SS for SCS for SB 225; CCS for SB 233; HCS for SB 270; HCS for SCS for SB 272; SB 298; CCS**

for HCS for SCS for SB 299 and SS for SCS for SB 616; SCS for SB 302; CCS No. 2 for HCS for SCS for SB 308; HCS for SS for SCS for SB 320; HCS for SB 322; SB 352; HCS for SCS for SB 384; SCS for SB 397; CCS No. 2 for HCS No. 2 for SB 406; SB 407; CCS for HCS for SB 416; SCS for SB 418; SCS for SB 420; SB 433; SCS for SB 456; HCS for SCS for SB 497; SB 513; CCS for HCS for SS for SCS for SB 577; SS for SCS for SB 591; and HCS for SRB 613, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS for HCS No. 2 for SS for SCS for SB 3; SCS for SB 16; CCS for HCS for SS for SCS for SB 22; CCS for HCS for SB 25; CCS for HCS for SB 30; SCS for SB 46; HCS for SCS for SB 47; HCS for SCS for SB 54; CCS for HCS for SCS for SBs 62 and 41; CCS No. 3 for HCS for SCS for SB 64; SCS for SB 66; CCS for HCS for SB 81; CCS for HCS for SCS for SB 82; CCS for HCS for SB 84; CCS No. 2 for HCS for SCS for SB 86; SCS for SB 91; HCS for SS for SB 112; HCS for SB 127; SB 162; HCS No. 2 for SCS for SB 163; SB 166; SB 172; SS for SB 195; HCS for SCS for SB 198; SS for SCS for SB 215; SS for SCS for SB 225; CCS for SB 233; HCS for SB 270; HCS for SCS for SB 272; SB 298; CCS for HCS for SCS for SB 299 and SS for SCS for SB 616; SCS for SB 302; CCS No. 2 for HCS for SCS for SB 308; HCS for SS for SCS for SB 320; HCS for SB 322; SB 352; HCS for SCS for SB 384; SCS for SB 397; CCS No. 2 for HCS No. 2 for SB 406; SB 407; CCS for HCS for SB 416; SCS for SB 418; SCS for SB 420; SB 433; SCS for SB 456; HCS for SCS for SB 497; SB 513; CCS for HCS for SS for SCS for SB 577; SS for SCS for SB 591; and HCS for SRB 613, having passed both branches of the General Assembly, would be**

read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

Also,

The President Pro Tem announced that all other business would be suspended and **HCS No. 2** for **HB 28; HB 56; HB 62; HB 75; HCS for HB 98; SS for HB 134; HCS for HB 181; HCS for HB 182; HCS for HB 184; SS for HB 205; HB 220; HCS for HB 221; HB 264; HB 268; HCS for HB 272; SCS for HCS for HB 298; SS for SCS for HCS for HB 327; SCS for HCS for HB 329; HB 344; HB 351; HB 352; SCS for HCS for HB 426; HB 428; SCS for HCS for HB 431; HCS for HB 459; HB 467; HCS for HB 497; HB 554; HCS for HB 555; CCS for HB 574; HB 576; SS for HB 579; SS for SCS for HCS for HB 583; HCS for HB 616; SCS for HCS for HBs 619 and 118; HCS for HBs 654 and 938; HCS for HB 678; HB 680; SCS for HB 684; HB 686; HB 732; SS for SCS for HB 740; HB 754; SCS for HB 791; SCS for HCS for HB 795; HB 801; SS for HCS for HB 820; HCS for HB 948; and SS for SCS for HCS for HBs 952 and 674, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law.**

No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

May 23, 2007

TO THE SECRETARY OF THE SENATE

94th GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Substitute No. 6 for Senate Committee Substitute for Senate Bill No. 389 entitled:

AN ACT

To repeal sections 160.254, 173.005, 173.200, 173.203, 173.205, 173.210, 173.215, 173.220, 173.225, 173.230, 173.250, 173.355, 173.360, 173.385, 173.425, 173.616, 173.810, 173.813, 173.816, 173.820, 173.825, 173.827, 173.830, and 313.835, RSMo, and to enact in lieu thereof thirty-one new sections relating to higher education, with penalty provisions.

On May 23, 2007, I approved said Senate Substitute No. 6 for Senate Committee Substitute for Senate Bill No. 389.

Respectfully submitted,

MATT BLUNT

Governor

On motion of Senator Gibbons, the Senate adjourned until 1:00 p.m., Wednesday, May 30, 2007.

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Journal of the Senate

FIRST REGULAR SESSION

SEVENTY-SIXTH DAY—WEDNESDAY, MAY 30, 2007

The Senate met pursuant to adjournment.

President Pro Tem Gibbons in the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SCS for HJR 7; SS No. 2 for SCS for HCS for HBs 444, 217, 225, 239, 243, 297, 402 and 172; SS for HCS for HB 741; and CCS for SS for SCS for HCS for HB 780**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the joint resolution and bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills and joint resolution were so read by the Secretary and signed by the President Pro Tem.

OBJECTIONS

Senator Coleman submitted the following:

May 30, 2007

Terry Spieler – Secretary of the Senate
Missouri State Capitol, Room 325
Jefferson City, Missouri 65101

HCS/HB 1055

Dear Ms. Spieler:

Pursuant to Senate Rule 68 and Article III, Section 30 of the Missouri Constitution, please let this correspondence serve as my objection to the signing of the above-referenced bill. I request that

my objection be attached to the bill and be sent with the bill for the remainder of the process. In addition, I ask that my objection be printed in the journal of today's date.

Among other things, HCS/HB 1055 requires every facility in the state of Missouri that performs more than five first trimester abortions to be licensed as an ambulatory surgical center. To make matters worse, the bill broadens the definition of "abortion facility" to include any facility that induces an abortion. The practical – and intended – effect of this legislation is to make any medical provider that prescribes the medication known as RU486 become licensed as an ambulatory surgical center. To be clear, this means that the state of Missouri has now defined prescribing a pill to a patient to be surgery. It is my understanding that the practical consequences of this legislation will be that all medical providers in this state that provide abortions except one will be required to close.

In *Planned Parenthood of Southeastern Pennsylvania vs. Casey*, the United State Supreme Court held that where a state regulation imposes an undue burden on a woman's ability to make the decision to terminate a pregnancy, the state reaches into the heart of a liberty protected by the Due Process Clause of the United States Constitution. 505 U.S. 833, 874, 112 S.Ct. 2791, 2819 (1992). The Court went on to state,

A statute which, while furthering the interest in potential life or some other valid state interest, has the effect of placing a substantial obstacle in the path of a woman's choice cannot be considered a permissible means of serving its legitimate ends...An undue burden exists, and therefore a provision is invalid, if its purpose or effect is to place a substantial obstacle in the path of a woman seeking an abortion before the fetus attains viability.

Id. 505 U.S. at 877-878, 112 S.Ct. 2820-2821.

The House Committee Substitute for House Bill 1055 does exactly and precisely what the U.S. Supreme Court has forbidden under the Due Process Clause of the United States Constitution. Both its

effect and its purpose has been to force the closure of all but one of the medical providers in the state of Missouri that provide abortions. This is obviously a substantial obstacle to Missouri women who wish to exercise reproductive choice over their own bodies.

In addition, this legislation also violates Article III, Section 23 of the Missouri Constitution. This provision requires that no bill contain more than a single subject which is to be clearly expressed in the title.

Throughout every stage of the bill's passage, its title has continued to be "relating to abortions." In the originally introduced version of the bill, it contained only provisions relating to abortions. However, the House Committee Substitute of the bill added section 170.015 which dealt with sex education in Missouri schools. The addition of section 170.015 caused this legislation to contain more than a single subject and also caused the legislation to contain a subject that was not clearly expressed in the title of the bill.

I regret that the insistence of this General Assembly to continue to suppress the reproductive rights of Missouri women has yet again lead it to pass unconstitutional legislation. This not only hurts Missouri women, but hurts all tax payers of Missouri when precious state resources are exhausted to defend unconstitutional legislation. It is my hope that in the very near future these actions will come to an end.

Sincerely,

Maida J. Coleman
Minority Floor Leader

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HCS for HB 1055**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. The bill was so read by the Secretary and signed by the President Pro Tem.

BILLS DELIVERED TO THE GOVERNOR

CCS for HCS No. 2 for SS for SCS for SB 3; SCS for SB 16; CCS for HCS for SS for SCS for SB 22; CCS for HCS for SB 25; CCS for HCS for SB 30; SCS for SB 46; HCS for SCS for SB 47; HCS for SCS for SB 54; CCS for HCS for SCS for SBs 62 and 41; CCS No. 3 for HCS for SCS for SB 64; SCS for SB 66; CCS for HCS for SB 81; CCS for HCS for SCS for SB 82; CCS for

HCS for SB 84; CCS No. 2 for HCS for SCS for SB 86; SCS for SB 91; HCS for SS for SB 112; HCS for SB 127; SB 162; HCS No. 2 for SCS for SB 163; SB 166; SB 172; SS for SB 195; HCS for SCS for SB 198; SS for SCS for SB 215; SS for SCS for SB 225; CCS for SB 233; HCS for SB 270; HCS for SCS for SB 272; SB 298; CCS for HCS for SCS for SB 299 and SS for SCS for SB 616; SCS for SB 302; CCS No. 2 for HCS for SCS for SB 308; HCS for SS for SCS for SB 320; HCS for SB 322; SB 352; HCS for SCS for SB 384; SCS for SB 397; CCS No. 2 for HCS No. 2 for SB 406; SB 407; CCS for HCS for SB 416; SCS for SB 418; SCS for SB 420; SB 433; SCS for SB 456; HCS for SCS for SB 497; SB 513; CCS for HCS for SS for SCS for SB 577; SS for SCS for SB 591; and HCS for SRB 613, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

RESOLUTIONS

On behalf of Senator Lager, Senator Gibbons offered Senate Resolution No. 1449, regarding the One Hundredth Birthday of Sister Irmina Blatt, Clyde, which was adopted.

On behalf of Senator Goodman, Senator Gibbons offered Senate Resolution No. 1450, regarding Alana Pharis, which was adopted.

On behalf of Senator Goodman, Senator Gibbons offered Senate Resolution No. 1451, regarding Thomas Cochran, Halltown, which was adopted.

On behalf of Senator Goodman, Senator Gibbons offered Senate Resolution No. 1452, regarding Charolette Kay Phillips, Mt. Vernon, which was adopted.

On behalf of Senator Ridgeway, Senator Gibbons offered Senate Resolution No. 1453, regarding Jake Johnson, Kansas City, which was adopted.

On behalf of Senator Graham, Senator Gibbons offered Senate Resolution No. 1454, regarding Police Chief Michael Garbulski, Moberly, which was adopted.

On behalf of Senator Crowell, Senator Gibbons offered Senate Resolution No. 1455, regarding Amber Lee Hollingsworth, Marble Hill, which was adopted.

On behalf of Senator Crowell, Senator Gibbons offered Senate Resolution No. 1456, regarding Bradley James Proctor, Marquand, which was adopted.

On behalf of Senator Crowell, Senator Gibbons offered Senate Resolution No. 1457, regarding the Sikeston Family Clinic, which was adopted.

On behalf of Senator Purgason, Senator Gibbons offered Senate Resolution No. 1458, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Carl Phipps, Willow Springs, which was adopted.

On behalf of Senator Purgason, Senator Gibbons offered Senate Resolution No. 1459, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Joe Whitten, Alton, which was adopted.

On behalf of Senator Bartle, Senator Gibbons offered Senate Resolution No. 1460, regarding Vincent Walrath, Oak Grove, which was adopted.

On behalf of Senator Bartle, Senator Gibbons offered Senate Resolution No. 1461, regarding Colton Ambrose, Buckner, which was adopted.

On behalf of Senator Bartle, Senator Gibbons offered Senate Resolution No. 1462, regarding Paul W. Felsch, which was adopted.

On behalf of Senator Shoemyer, Senator Gibbons offered Senate Resolution No. 1463, regarding Mary L. Hussmann, Columbia, which was adopted.

On behalf of Senator Coleman, Senator Gibbons offered Senate Resolution No. 1464, regarding Norris Johnson, which was adopted.

On behalf of Senator Coleman, Senator Gibbons offered Senate Resolution No. 1465, regarding Leroy Hayes, which was adopted.

On behalf of Senator Coleman, Senator Gibbons offered Senate Resolution No. 1466, regarding Kali Strother, which was adopted.

On behalf of Senator Coleman, Senator Gibbons offered Senate Resolution No. 1467, regarding Tamika L. Newton, which was adopted.

On behalf of Senator Coleman, Senator Gibbons offered Senate Resolution No. 1468, regarding Tiffany Gilyard, which was adopted.

On behalf of Senator Crowell, Senator Gibbons offered Senate Resolution No. 1469, regarding the Fiftieth Anniversary of Overhead Door Company, Jackson, which was adopted.

On motion of Senator Gibbons, the Senate adjourned pursuant to the Constitution.

PETER KINDER
Lieutenant Governor

TERRY L. SPIELER
Secretary of the Senate

JOURNAL OF THE SENATE
NINETY-FOURTH GENERAL ASSEMBLY
OF THE
STATE OF MISSOURI
FIRST EXTRA SESSION
OF THE
FIRST REGULAR SESSION

FIRST DAY—MONDAY, AUGUST 20, 2007

The Senate was called to order in Extra Session by Senator Rupp.

Reverend Carl Gauck offered the following prayer:

“Feed on goodness, and your soul will delight in its richness.”
(St. Bernard of Clarivaux)

Gracious God, we are called back to work that must be done. Help us to provide the means and ways to protect our citizens and to ensure that all is done according to the goodness You would have us do. Let us be filled with wisdom to do our best and may we delight in what we accomplish. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

Senator Shields announced that photographers from KMIZ-TV and KRCG-TV were given permission to take pictures in the Senate Chamber today.

**COMMUNICATIONS FROM THE
GOVERNOR**

The President laid before the Senate the following proclamation from the Governor, reading of which was waived:

PROCLAMATION

WHEREAS, Missouri has bridges with a poor or serious condition

rating, and it is vital to the safety of Missourians, of visitors to the state, and to the state economy’s reliance on a modern and safe transportation infrastructure that the bridges most in need of repair are brought up to good condition as quickly as possible; and

WHEREAS, legislative action is necessary to allow for bonding that will allow the Safe and Sound Bridge Program to begin as soon as possible, which will allow the state to address problems at 800 of Missouri’s bridges most in need of repair through a single, efficient contract with construction to be completed within five years; and

WHEREAS, during the First Regular Session of the Ninety-Fourth General Assembly, the General Assembly considered House Bill No. 327, with the objective to provide various economic development opportunities in Missouri; and

WHEREAS, the proposed legislation sought to address several concerns, including promoting economic development, quality jobs, and tax credits. The legislation resulted in excessive and unquantifiable expense to Missouri taxpayers; and

WHEREAS, the Governor has promised to promote the wise and prudent use of taxpayer resources to promote economic development in Missouri; and

WHEREAS, the failure to enact a measured and prudent bill for economic development constitutes an immediate economic threat to the well-being of the economy of the state of Missouri; and

WHEREAS, Article IV, Section 9 of the Missouri Constitution authorizes the Governor on extraordinary occasions to convene the General Assembly by proclamation, wherein he shall state specifically each matter on which action is deemed necessary; and

WHEREAS, an extraordinary occasion as envisioned by Article IV, Section 9 of the Missouri Constitution is appropriate given that the action of the General Assembly is deemed necessary concerning

Missouri's economic development.

NOW THEREFORE, on the extraordinary occasion that exists in the state of Missouri:

I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, pursuant to the authority vested in me as Governor by the Missouri Constitution, do, by this Proclamation, convene the Ninety-Fourth General Assembly of the state of Missouri in the First Extra Session of the First Regular Session; and

I HEREBY call upon the Senators and Representatives of said General Assembly to meet in their respective chambers in the State Capitol in the City of Jefferson at the hour of 1:00 p.m., Central Daylight Time, August 20, 2007; and

I HEREBY state that the action of said General Assembly is deemed necessary concerning each matter specifically designated and limited hereinafter as follows:

1. To amend section 227.107, RSMo, to authorize the Missouri Highway and Transportation Commission to use "design-build-finance-maintain" for the Safe and Sound Bridge Program and to permit the commission to change and enforce a bid or proposed bond in accordance with the financial and contractual requirements of the design-build-finance-maintain project.
2. To amend or enact sections of the Revised Statutes of Missouri as follows:
 - (1) 32.105: Neighborhood Assistance Program – Add charitable organizations to the definition of business firm allowed to receive the credit.
 - (2) Enact section(s) on: Ticket Scalping – Prohibit a city or county from prohibiting the sale or resale of tickets for admission to any legal event at any price; fees associated with the sale or resale should be permitted.
 - (3) 99.805: Tax Increment Financing – Define the term "Greenfield" as it relates to TIF.
 - (4) 99.820: Tax Increment Financing – Create countywide TIF commissions for Jefferson County, St. Charles County, St. Louis County, and Franklin County.
 - (5) Enact section(s) on: Tax Increment Financing – Prohibit new TIF projects from being authorized within any greenfield located within St. Louis City and any county subject to the authority of the East-West Gateway Council of Governments.
 - (6) Enact section(s) on: Distressed Areas Land Assemblage Tax Credit – Create a distressed areas land assemblage tax credit with an annual cap of \$10 million and a cumulative cap on tax credits issued of \$95 million. Eligible project areas should be at least 75 acres in size, and 80 percent of the project area should be located in a Missouri HUD-qualified

census tract or a Missouri distressed community. The applicant should acquire at least 50 acres of eligible parcels in the eligible project area, which may be contiguous or non-contiguous. The area of the redevelopment developed by the tax credit applicant should be limited to 75 percent; the remainder of the redevelopment area should be required to be redeveloped by redevelopers to whom the applicant has assigned all redevelopment rights and obligations.

- (7) 100.286 and 100.255: Missouri Development Finance Board – Add charitable organizations to definition of taxpayer or person or persons allowed to receive the credit.
- (8) 135.460: Youth Opportunity Program – Add charitable organizations to definition of taxpayers allowed to receive the credit.
- (9) 135.478: Neighborhood Preservation Act – Add charitable organizations to definition of taxpayer allowed to receive the credit.
- (10) 135.500: MO Certified Capital Company Law -- Add charitable organizations to definition of person allowed to receive the credit.
- (11) 135.545: Transportation Development in Distressed Area Tax Credit – Add charitable organizations to definition of taxpayer allowed to receive the credit.
- (12) 135.550: Domestic Violence Shelters Tax Credit – Add charitable organizations to definition of taxpayer allowed to receive the credit.
- (13) 135.600: Maternity Home Tax Credit – Add charitable organizations to definition of taxpayer allowed to receive the credit.
- (14) 135.630: Pregnancy Resource Center Tax Credit – Add charitable organizations to definition of taxpayer allowed to receive the credit. Allow credits to be sold and transferred.
- (15) Enact section(s) on: Qualified Beef Cattle Tax Credit – Establish a tax credit for adding additional weight to qualified beef animals. Define the credit as being based on the qualifying beef animal's weight above the taxpayer's established baseline weight at the time of the first qualifying sale and worth 10 cents per pound for each pound added above the taxpayer's established baseline, provided the total pounds added above the taxpayer's baseline sale weight is equal or greater to 200 pounds. Establish an annual cap for this tax credit not to exceed \$3 million. Provide the Missouri Agricultural Small Business Development Authority the authority to waive up to 25 percent of the 200-pound added weight requirement in the event of a federally

- declared disaster. Add a sunset clause of no later than December 31, 2016.
- (16) Enact section(s) on: New Markets – Create the Qualified Equity Investment Tax Credit of not more than \$15 million to serve as a state match for the federal New Markets tax credit.
- (17) 135.750: Film Production Tax Credit – Increase the annual tax credit cap from \$1.5 million to \$4.5 million and modify eligibility requirements, provisions related to issuance and redemption of credits, and add a sunset clause.
- (18) 135.950: Enhanced Enterprise Zones – Modify the definition of employee to mean a person scheduled to work an average of at least 1,000 hours per year who at all times has the offer of health insurance partially paid by the employer. Modify the definition of “enhanced business enterprise” to exclude educational services (NAICS sector 61), religious organizations (NAICS industry group 8131) or public administration (NAICS sector 92) and to allow the headquarters or administrative office of an otherwise excluded entity to qualify if the offices serve a multi-state territory. Define the terms “facility base employment”; “facility base payroll”; “new job”; “notice of intent”; “related facility” and “related facility base employment.”
- (19) 135.963: Enhanced Enterprise Zone – Allow exemption for a speculative industrial or warehouse building constructed by a public entity or a private entity on land leased from a public entity.
- (20) 135.967: Enhanced Enterprise Zone – Increase the annual cap on credits from \$7 million to \$14 million. Modify provisions related to tax credit claims and issuance.
- (21) 135.1150: Residential Treatment Agency Tax Credit – Add charitable organizations to definition of taxpayer allowed to receive the credit.
- (22) 144.030: Raw materials Used in Auto Manufacturing – Add language allowing a rebuttable presumption that the raw materials used in auto manufacturing contain at least 25 percent recovered materials.
- (23) 173.196: MO Higher Education Scholarship Donation Fund – Allow credits to be sold and transferred.
- (24) 173.796: MO Higher Education Scholarship Donation Fund – Add charitable organizations to definition of taxpayer allowed to receive the credit.
- (25) Enact section(s) on: Vocational School District – Allow for a vocational school district in 11 Southeast Missouri counties.
- (26) 178.895: Community College New Job Training Program – Extend the sunset for the Community College New Job Training Program from 2008 to 2018.
- (27) 178.896: Community College New Job Training Program – Extend the sunset for the Community College New Job Training Fund from 2018 to 2028.
- (28) 348.300: Seed Capital Tax Credit – Add charitable organizations to definition of person allowed to receive the credit.
- (29) 578.395: Ticket scalping – Repealed. Repeal section 578.395 related to the crime of ticket scalping.
- (30) 620.495: Small Business Incubator Tax Credit – Add charitable organizations to definition of taxpayer allowed to receive the credit.
- (31) Enact section(s) on: MO workforce Investment Board – Recreate the MO Training and Employment Council as the MO Workforce Investment Board.
- (32) 620.638: New Enterprise Creation Tax Credit – Add charitable organizations to definition of person allowed to receive the credit.
- (33) 620.1030: Qualified Research Expenses Tax Credit – Add charitable organizations to definition of taxpayer allowed to receive the credit.
- (34) 620.1878: Quality Jobs Program – Define the terms, “approval”; “project facility base payroll”; and “related facility base payroll.” Modify the definition of the terms, “commencement of operations”; “county average wage”; “employee”; “full-time year-round employee”; “new job”; “new payroll”; “new direct local revenue”; “project facility employment”; “related facility base employment”; “small and expanding business project”; “tax credits” and “withholding tax.” Delete definition of “proposal” and “full-time equivalent employees.” Modify the definition of the term “qualified company” to require the offering of health insurance to all full-time employees at all facilities located in this state with at least fifty percent of the premiums paid; to exclude public utilities (NAICS 221 including water and sewer services), educational services (NAICS sector 61), religious organizations (NAICS industry group 8131) or public administration (NAICS sector 92) and to allow the headquarters or administrative office of an otherwise excluded entity to qualify if the offices serve a multi-state territory. Modify the definition of “technology business project” to remove the 75 percent requirement on direct employee involvement and to expand the definition to include companies that research, develop or manufacture power system

technology for aerospace, space, defense, hybrid vehicles or implantable or wearable medical devices. Replace the term “proposal” with “approval.”

- (35) 620.1881: Quality Jobs Program – Increase the annual tax credit cap from \$12 million to \$40 million. Create a preference for qualified companies and projects targeted at an area that has been recently classified as a disaster area by the federal government. Replace the word “proposal” with “approval.” Modify provisions related to qualified companies receiving incentives in addition to Quality Jobs. Modify provisions related to small and expanding business projects, technology business projects, high impact projects and job retention projects. Create a category for Small Business job retention and flood survivor relief. Modify provision related to the retention of withholding tax and annual reporting. Modify provisions related to tax credit claims and issuance.
3. To allow the Senate to consider appointments to boards, commissions, departments, divisions, and other government bodies that require advice and consent of the Senate.
4. Such additional matters as may be recommended by the Governor through special message to the General Assembly once it has convened.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 16th day of August, 2007.

(Seal)

/s/ Matt Blunt
Governor

ATTEST:

/s/ Robin Carnahan
Secretary of State

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

Absent—Senators—None

Absent with leave—Senator Crowell—1

Vacancies—1

RESOLUTIONS

Senator Shields offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1

BE IT RESOLVED by the Senate of the Ninety-fourth General Assembly, First Regular Session, that the Secretary of Senate inform the House of Representatives that the Senate is duly convened in the First Extra Session of the First Regular Session and is ready for consideration of its business.

The Senate observed a moment of silent prayer in memory of the victims and family members of the Neosho First Congregational Church shootings.

Senator Shields offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 2

BE IT RESOLVED by the Senate of the Ninety-fourth General Assembly, that the rules of the Senate, as adopted by the Ninety-fourth General Assembly, First Regular Session, be declared the rules of the First Extra Session of the First Regular Session.

Senator Purgason offered Senate Resolution No. 3, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Herman Oostendorp, Camdenton, which was adopted.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

SB 1—By Stouffer.

An Act to repeal section 227.107, RSMo, and to enact in lieu thereof one new section relating to state highways and transportation commission design-build state highway project bond requirements, with an emergency clause.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 13, 2007, while the Senate was not in session.

Marcia L. Bennett-Hazelrigg, Democrat, 2817 Lovers Lane, Saint Joseph, Buchanan County, Missouri 64506, as a member of the Tourism Commission, for a term ending January 15, 2011, and until her successor is duly appointed and qualified; vice, Randall Wright, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 22, 2007, while the Senate was not in session.

Mary M. Berry, 1840 North East Berlin Road, Maysville, DeKalb County, Missouri 64469, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2011, and until her successor is duly appointed and qualified; vice, Roger Young, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and

consent the following appointment made and commissioned by me on June 7, 2007, while the Senate was not in session.

Mary I. Beveridge, 6164 Charlotte Street, Kansas City, Jackson County, Missouri 64110, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2009, and until her successor is duly appointed and qualified; vice, James Giles, resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 7, 2007, while the Senate was not in session.

Barbara A. Bilek, 5013 Briarwood Lane, Saint Joseph, Buchanan County, Missouri 64506, as a member of the State Board of Pharmacy, for a term ending June 1, 2012, and until her successor is duly appointed and qualified; vice, Douglas Lang, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 3, 2007, while the Senate was not in session.

James E. Bureman, 1422 North Cooper Boulevard, Springfield, Greene County, Missouri 65802, as a member of the State Board of Optometry, for a term ending June 30, 2011, and until his successor is duly appointed and qualified; vice, Donald Vanderfeltz, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
 State of Missouri
 Jefferson City
 65101
 August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
 THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 12, 2007, while the Senate was not in session.

James E. Burlingame, Republican, 3834 West 7th, Joplin, Jasper County, Missouri 64801, as a member of the Amusement Ride Safety Board, for a term ending April 17, 2012, and until his successor is duly appointed and qualified; vice, James Burlingame, withdrawn.

Respectfully submitted,
 MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
 State of Missouri
 Jefferson City
 65101
 August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
 THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 13, 2007, while the Senate was not in session.

Daniel K. Carr, Republican, 1932 High Drive, Liberty, Clay County, Missouri 64068, as a member of the Missouri State Penitentiary Redevelopment Commission, for a term ending March 3, 2008, and until his successor is duly appointed and qualified; vice, Daniel K. Carr, withdrawn.

Respectfully submitted,
 MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
 State of Missouri
 Jefferson City
 65101
 August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
 THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 22, 2007, while the Senate was not in session.

Kathleen A. Carter, 160 Lakeview Court, Four Seasons, Camden County, Missouri 65049, as a member of the Mental Health Commission, for a term ending June 28, 2009, and until her

successor is duly appointed and qualified; vice, George Gladis, term expired.

Respectfully submitted,
 MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
 State of Missouri
 Jefferson City
 65101
 August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
 THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 22, 2007, while the Senate was not in session.

Patricia I. Carter, 804 West Whippoorwill Circle, Columbia, Boone County, Missouri 65203, as a member of the Coordinating Board for Early Childhood, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, Linda Roebuck, resigned.

Respectfully submitted,
 MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
 State of Missouri
 Jefferson City
 65101
 August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
 THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 25, 2007, while the Senate was not in session.

Michael R. Covington, 6305 South Old Village Road, Columbia, Boone County, Missouri 65203, as a member of the Amber Alert System Oversight Committee, for a term ending October 20, 2007, and until his successor is duly appointed and qualified; vice, Michael Baker, resigned.

Respectfully submitted,
 MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
 State of Missouri
 Jefferson City
 65101
 August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
 THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and

consent the following appointment made and commissioned by me on June 22, 2007, while the Senate was not in session.

Dorothy M. Creager, 1712 North East Craigievar Court, Blue Springs, Jackson County, Missouri 64014, as a member of the Board of Boiler and Pressure Vessel Rules, for a term ending September 28, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 25, 2007, while the Senate was not in session.

Andres M. Dominguez, Democrat, 5815 Manor Lane, Parkville, Platte County, Missouri 64152, as a member of the Missouri Community Service Commission, for a term ending December 15, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 12, 2007, while the Senate was not in session.

Brian D. Dunlop, 314 West Jackson, Webster Groves, Saint Louis County, Missouri 63119, as a member of the Child Abuse and Neglect Review Board for a term ending April 7, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 7, 2007, while the Senate was not in session.

David L. Edwards, Republican, 702 Maxine Avenue, Crane, Stone County, Missouri 65633, as a member of the Amusement Ride Safety Board for a term ending April 17, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 2, 2007, while the Senate was not in session.

Gordon A. Elliott, Republican, 900 East Portland Street, Springfield, Greene County, Missouri 65807, as a member of the Missouri State University Board of Governors for a term ending January 1, 2013, and until his successor is duly appointed and qualified; vice, Michael Franks, resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 7, 2007, while the Senate was not in session.

Linda A. Engelmann, 805 Melrose Lane, Liberty, Clay County, Missouri 64068, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists, for a term ending January 11,

2011, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 7, 2007, while the Senate was not in session.

John L. Evans, Republican, 3789 South East Highway 33, Lathrop, Clinton County, Missouri 64465, as a member of the Amusement Ride Safety Board, for a term ending April 17, 2009, and until his successor is duly appointed and qualified; vice, John L. Evans, withdrawn.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 29, 2007, while the Senate was not in session.

Leni R. Fluegge, 385 State Highway F, Jackson, Cape Girardeau County, Missouri 63755, as the student representative of Southeast Missouri State University Board of Regents, for a term ending January 1, 2008 and until her successor is duly appointed and qualified; vice, Christopher Davis, resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and

consent the following appointment made and commissioned by me on June 7, 2007, while the Senate was not in session.

Stephen L. Foster, Democrat, 12295 Highway E, Camden Point, Platte County, Missouri 64018, as a member of the Platte County Election Board, for a term ending January 11, 2011, and until his successor is duly appointed and qualified; vice, Joseph Collison, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 8, 2007, while the Senate was not in session.

Derio L. Gambaro, Democrat, 5320 Wilson Avenue, Saint Louis City, Missouri 63110, as a member of the State Board of Education, for a term ending July 1, 2012, and until his successor is duly appointed and qualified; vice, Donayle Whitmore-Smith, withdrawn.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 12, 2007, while the Senate was not in session.

Christopher A. Gordon, 1024 Forest Avenue, Kirkwood, Saint Louis County, Missouri 63122, as a member of the State Historical Records Advisory Board, for a term ending November 9, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 22, 2007, while the Senate was not in session.

Kenneth L. Gregory, 6800 Foxshire Drive, Florissant, Saint Louis County, Missouri 63033, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2009, and until his successor is duly appointed and qualified; vice, Mary Edwards-Fears, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 7, 2007, while the Senate was not in session.

Dana M. Hardy, Democrat, 5518 Janet Avenue, Saint Louis, Saint Louis County, Missouri 63136, as a member of the Missouri Community Service Commission, for a term ending December 15, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 7, 2007, while the Senate was not in session.

Charlene M. Heyde, 1565 Pond Road, Glencoe, Saint Louis County, Missouri 63038, as a member of the Drug Utilization Review Board, for a term ending October 15, 2010, and until her successor is duly appointed and qualified; vice, Stephen Calloway,

term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 13, 2007, while the Senate was not in session.

Walter R. Hicklin, Democrat, 33283 Greenwood Road, Gravois Mills, Morgan County, Missouri 65037, as a member of the University of Central Missouri Board of Governors, for a term ending January 1, 2013, and until his successor is duly appointed and qualified; vice, Delores Hudson, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 3, 2007, while the Senate was not in session.

Frances A. Hogue, 2916 Westover Place, Saint Charles, Saint Charles County, Missouri 63301, as a member of the Missouri Board for Respiratory Care, for a term ending April 3, 2010, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 22, 2007, while the Senate was not in session.

Naomi R. Hunter, 2402 Montana Place, Joplin, Jasper County,

Missouri 64804, as a member of the State Committee for Professional Counselors, for a term ending August 28, 2008, and until her successor is duly appointed and qualified; vice, Susan Lile, withdrawn.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 22, 2007, while the Senate was not in session.

Harold E. James, Republican, 2700 Limerick Lane, Columbia, Boone County, Missouri 65203, as a member of the Credit Union Commission, for a term ending January 1, 2013, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 18, 2007, while the Senate was not in session.

Don R. Johnson, Democrat, 110 Jackson Trace, Festus, Jefferson County, Missouri 63028, as a member of the Conservation Commission, for a term ending June 30, 2013, and until his successor is duly appointed and qualified; vice, Cynthia Metcalfe, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and

consent the following appointment made and commissioned by me on June 22, 2007, while the Senate was not in session.

Ronald S. Johnson, 4154 Sheridan Meadows, Saint Louis, Saint Louis County, Missouri 63034, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2009, and until his successor is duly appointed and qualified; vice, Londell Jamerson, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 25, 2007, while the Senate was not in session.

Janice M. Jones, Republican, 2443 Northwest Valley View Drive, Lee's Summit, Jackson County, Missouri 64081, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2009, and until her successor is duly appointed and qualified; vice, Glennon Polete, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 3, 2007, while the Senate was not in session.

Carl A. Kinnison, 1733 Rampart Street, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Peace Officer Standards and Training Commission, for a term ending October 03, 2010, and until his successor is duly appointed and qualified; vice, David Pikka, resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and
consent the following appointment made and commissioned by me
on June 7, 2007, while the Senate was not in session.

Robert C. Kramer, Democrat, 9545 Dana Avenue, Saint Louis,
Saint Louis County, Missouri 63123, as a member of the
Environmental Improvement and Energy Resources Authority, for
a term ending January 22, 2010, and until his successor is duly
appointed and qualified; vice, Robert C. Kramer, withdrawn.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and
consent the following appointment made and commissioned by me
on June 13, 2007, while the Senate was not in session.

Kenneth D. Legan, Republican, 1901 East 487th Road, Half
Way, Polk County, Missouri 65663, as a member of the Missouri
Ethics Commission, for a term ending March 15, 2010, and until his
successor is duly appointed and qualified; vice, John King, resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and
consent the following appointment made and commissioned by me
on June 7, 2007, while the Senate was not in session.

Sheldon L. Lineback, 337 Hutton Lane, Jefferson City, Cole
County, Missouri 65101, as a member of the Amber Alert System
Oversight Committee, for a term ending October 20, 2010, and until
his successor is duly appointed and qualified; vice, reappointed to

a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and
consent the following appointment made and commissioned by me
on July 10, 2007, while the Senate was not in session.

Steven D. Long, Republican, 12414 Route B, Saint Thomas,
Cole County, Missouri 65076, as a member of the Board of
Probation and Parole, for term ending August 28, 2012, and until his
successor is duly appointed and qualified; vice, William K. Seibert,
Jr., resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and
consent the following appointment made and commissioned by me
on August 16, 2007, while the Senate was not in session.

Jose H. Lopez, Democrat, 5724 NE Quartz Drive, Lee's
Summit, Jackson County, Missouri 64064, as a member of the
Jackson County Sports Complex Authority, for a term ending July
15, 2012, and until his successor is duly appointed and qualified;
vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and
consent the following appointment made and commissioned by me
on July 16, 2007, while the Senate was not in session.

Anton H. Luetkemeyer, 156 East Old Plank Road, Columbia,

Boone County, Missouri 65203, as student representative of the University of Missouri Board of Curators, for a term ending January 1, 2008, and until his successor is duly appointed and qualified; vice, Maria Curtis, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 7, 2007, while the Senate was not in session.

Bernard R. Malone, Democrat, 1212 West 70th Street, Kansas City, Jackson County, Missouri 64113, as a member of the State Milk Board, for a term ending September 28, 2010, and until his successor is duly appointed and qualified; vice, Barry Drucker, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 22, 2007, while the Senate was not in session.

Schuyler J. Mariea, 1826 Chelle Court, Jefferson City, Cole County, Missouri 65101, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees, for a term ending February 6, 2010, and until his successor is duly appointed and qualified; vice, Schuyler J. Mariea, withdrawn.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and

consent the following appointment made and commissioned by me on June 22, 2007, while the Senate was not in session.

Stephen L. McBee, 409 North Wooden Avenue, Braymer, Caldwell County, Missouri 64624, as a member of the Citizens' Advisory Commission for Marketing Missouri Agricultural Products, for a term ending April 10, 2010, and until his successor is duly appointed and qualified; vice, Christine Chinn, withdrawn.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 22, 2007, while the Senate was not in session.

Kenneth L. Miller, Republican, 25675 O'Hara Lane, Lebanon, Laclede County, Missouri 65536, as a member of the Linn State Technical College Board of Regents, for a term ending December 29, 2011, and until his successor is duly appointed and qualified; vice, Donald Johnson, resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 7, 2007, while the Senate was not in session.

John F. Morrison, 3501 Southern Hills Drive, Nixa, Christian County, Missouri 65714, as a member of the Citizens' Advisory Commission for Marketing Missouri Agricultural Products, for a term ending April 10, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 7, 2007, while the Senate was not in session.

Thomas F. Myers, Republican, 87 S Street, Lake Lotawana, Jackson County, Missouri 64086, as a member of the Dam and Reservoir Safety Council, for a term ending April 3, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 12, 2007, while the Senate was not in session.

Carl D. Nelson, 2616 Mitchell Avenue, Saint Joseph, Buchanan County, Missouri 64507, as a member of the Board of Therapeutic Massage, for a term ending June 17, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 13, 2007, while the Senate was not in session.

Pamela S. Neugebauer, Republican, 119 South Larand Drive, Holts Summit, Callaway County, Missouri 65043, as a member of the Missouri State Penitentiary Redevelopment Commission, for a term ending March 3, 2009, and until her successor is duly

appointed and qualified; vice, Sarah Riddick, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 22, 2007, while the Senate was not in session.

Robert P. Neumann, 5917 South State Highway ZZ, Republic, Greene County, Missouri 65738, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 22, 2007, while the Senate was not in session.

John P. Orr, Democrat, 55 Moorgate Court, Saint Peters, Saint Charles County, Missouri 63376, as a member of the Elevator Safety Board, for a term ending June 6, 2010, and until his successor is duly appointed and qualified; vice, George Lodes, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 23, 2007, while the Senate was not in session.

Ben A. "Todd" Parnell, Democrat, 3545 Cinnamon Place,

Springfield, Greene County, Missouri 65809, as a member of the Clean Water Commission, for a term ending April 12, 2008, and until his successor is duly appointed and qualified; vice, Thomas Hermmann, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 7, 2007, while the Senate was not in session.

Peggy S. Pearl, 847 South Pickwick Avenue, Springfield, Greene County, Missouri 65804, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2009, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 7, 2007, while the Senate was not in session.

Nancy D. Perry, Republican, 16643 Fairview, Carthage, Jasper County, Missouri 64836, as a member of the Missouri Southern State University Board of Governors, for a term ending August 30, 2012, and until her successor is duly appointed and qualified; vice, Elizabeth Deffenbaugh, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and

consent the following appointment made and commissioned by me on July 23, 2007, while the Senate was not in session.

Anne E. Petersen, Republican, 1903 Grand Point Court, Jefferson City, Cole County, Missouri 65109, as a member of the State Board of Health, for a term ending October 13, 2009, and until her successor is duly appointed and qualified; vice, Deborah Jantsch, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 7, 2007, while the Senate was not in session.

Becky L. Plattner, Democrat, 203 South Baskin, Grand Pass, Saline County, Missouri 65339, as a member of the Conservation Commission, for a term ending June 30, 2013, and until her successor is duly appointed and qualified; vice, Stephen Bradford, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 7, 2007, while the Senate was not in session.

David Poggemeier, Republican, 4 Huntington Forest, Saint Charles, Saint Charles County, Missouri 63301, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 25, 2007, while the Senate was not in session.

Roger D. Porter, 3904 Barrington Drive, Columbia, Boone County, Missouri 65203, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 7, 2007, while the Senate was not in session.

Terry L. Ramsey, Rural Route 6 Box 28, Nevada, Vernon County, Missouri 64772, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2007, and until her successor is duly appointed and qualified; vice, Gracia Backer, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 13, 2007, while the Senate was not in session.

Kenneth L. Read, Republican, 18544 Concord Road, Kirksville, Adair County, Missouri 63501, as a member of the Truman State University Board of Governors, for a term ending January 1, 2013, and until his successor is duly appointed and qualified; vice, Sarah Burkemper, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 22, 2007, while the Senate was not in session.

Brian J. Robb, 1735 Woodbury Drive, Liberty, Clay County, Missouri 64068, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2011, and until his successor is duly appointed and qualified; vice, Randall Jotte, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 13, 2007, while the Senate was not in session.

Darrell B. Roegner, Democrat, 13 Saint Malo Court, Lake Saint Louis, Saint Charles County, Missouri 63367, as a member of the Missouri State Penitentiary Redevelopment Commission, for a term ending March 3, 2008, and until his successor is duly appointed and qualified; vice, Kas Mahfood, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 12, 2007, while the Senate was not in session.

Anne G. Rottmann, 1409 Green Berry Road, Jefferson City, Cole County, Missouri 65101, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2007, and until her successor is duly appointed and qualified; vice,

reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 24, 2007, while the Senate was not in session.

Vincent C. Schoemehl, Jr., 6168 Westminster, Saint Louis City, Missouri 63112, as a member of the Bi-State Development Agency for the Missouri-Illinois Metropolitan District, for a term ending November 10, 2011, and until his successor is duly appointed and qualified; vice, Harvey Harris, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 7, 2007, while the Senate was not in session.

Claudette M. Scott, Democrat, 7327 Harrison Street, Kansas City, Jackson County, Missouri 64131, as a member of the Missouri Community Service Commission, for a term ending December 15, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 13, 2007, while the Senate was not in session.

Wayman F. Smith, Democrat, 6159 Lindell Boulevard, Saint

Louis City, Missouri 63112, as a member of the Harris-Stowe State University Board of Regents, for a term ending July 28, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 12, 2007, while the Senate was not in session.

Dawn M. Standley, 5776 Bluebird Circle, Osage Beach, Camden County, Missouri 65065, as a member of the Board of Therapeutic Massage, for a term ending June 17, 2011, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 7, 2007, while the Senate was not in session.

Christopher S. Stigall, 11101 North Hunter Avenue, Kansas City, Clay County, Missouri 64157, as a member of the Amber Alert System Oversight Committee, for a term ending October 20, 2009, and until his successor is duly appointed and qualified; vice, RSMo 210.1014.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and

consent the following appointment made and commissioned by me on June 7, 2007, while the Senate was not in session.

Cathy E. Stroud, Republican, 5957 South Brightwater Trail, Springfield, Greene County, Missouri 65810, as a member of the Credit Union Commission, for a term ending January 1, 2013, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 15, 2007, while the Senate was not in session.

Richard "Rick" Sullivan, Jr., 10600 Ballantrae Drive, Saint Louis, Saint Louis County, Missouri 63131, as Chief Executive Officer of the Transitional School District of Saint Louis City, for a term ending June 15, 2010, and until his successor is duly appointed and qualified, or the transitional district is dissolved or terminated; vice, RSMo 162.1100.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 7, 2007, while the Senate was not in session.

Joshua T. Travis, Democrat, 1140 Villaview Drive, Manchester, Saint Louis County, Missouri 63021, as a member of the Missouri Community Service Commission, for a term ending December 15, 2008, and until his successor is duly appointed and qualified; vice, Ryan Horsman, resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 23, 2007, while the Senate was not in session.

Nathalie L. Tunesvik, Republican, 3555 Antietam Court, Jefferson City, Cole County, Missouri 65109, as a member of the State Board of Health, for a term ending October 13, 2010, and until her successor is duly appointed and qualified; vice, Ollie Fisher, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 22, 2007, while the Senate was not in session.

Jan C. Tupper, Republican, 2827 South Michigan, Joplin, Jasper County, Missouri 64804, as a member of the Clean Water Commission, for a term ending April 12, 2011, and until his successor is duly appointed and qualified; vice, Jan C. Tupper, withdrawn.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 22, 2007, while the Senate was not in session.

Charles H. Waalkes, Republican, 14323 Aitken Hill Court, Chesterfield, Saint Louis County, Missouri 63017, as a member of the Credit Union Commission, for a term ending January 1, 2011, and until his successor is duly appointed and qualified; vice, William Humpfer, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 23, 2007, while the Senate was not in session.

Michael L. Weaver, Democrat, 4505 Headwood Drive #1, Kansas City, Jackson County, Missouri 64111, as a member of the State Board of Health, for a term ending October 13, 2009, and until his successor is duly appointed and qualified; vice, John W. Buckner III, resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 16, 2007, while the Senate was not in session.

James G. Wesselschmidt, Republican, 4566 Schoeneberg Road, New Haven, Franklin County, Missouri 63068, as a member of the State Milk Board, for a term ending September 28, 2010, and until his successor is duly appointed and qualified; vice, Katherine Geppert, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
August 20, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 11, 2007, while the Senate was not in session.

Bruce V. Work, 2280 Highway DD, Cuba, Crawford County, Missouri 65453, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees, for a term ending February 6, 2011, and until his successor is duly appointed and qualified; vice reappointed to a full term.

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

August 20, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I write to inform you that I have appointed the following to the Senate Standing Economic Development, Tourism and Local Government Committee:

- Michael R. Gibbons

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS

On motion of Senator Shields, the Senate adjourned until 1:00 p.m., Thursday, August 23, 2007.

SENATE CALENDAR

SECOND DAY— THURSDAY, AUGUST 23, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Stouffer

✓
Unofficial

Journal

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Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

SECOND DAY—THURSDAY, AUGUST 23, 2007

The Senate met pursuant to adjournment.

Senator Vogel in the Chair.

RESOLUTIONS

On behalf of Senator Stouffer, Senator Vogel offered Senate Resolution No. 4, regarding Jean E. Black, Slater, which was adopted.

On behalf of Senator Stouffer, Senator Vogel offered Senate Resolution No. 5, regarding Esther Kruse, Norborne, which was adopted.

On behalf of Senator Stouffer, Senator Vogel offered Senate Resolution No. 6, regarding Judy Elling, Higginsville, which was adopted.

On behalf of Senator Stouffer, Senator Vogel offered Senate Resolution No. 7, regarding Connie Eymann, which was adopted.

On behalf of Senator Stouffer, Senator Vogel offered Senate Resolution No. 8, regarding Janet Aldrich, which was adopted.

On behalf of Senator Stouffer, Senator Vogel offered Senate Resolution No. 9, regarding Irene Wolz, Glasgow, which was adopted.

On behalf of Senator Stouffer, Senator Vogel offered Senate Resolution No. 10, regarding the Twenty-fifth Anniversary of Hoflander Ford,

Higginsville, which was adopted.

On behalf of Senator Stouffer, Senator Vogel offered Senate Resolution No. 11, regarding Steve Eckhoff, Stover, which was adopted.

On behalf of Senator Stouffer, Senator Vogel offered Senate Resolution No. 12, regarding Steve Fields, Independence, which was adopted.

On behalf of Senator Stouffer, Senator Vogel offered Senate Resolution No. 13, regarding Kent Durant, Cheney, Kansas, which was adopted.

On behalf of Senator Stouffer, Senator Vogel offered Senate Resolution No. 14, regarding Wayne Crowder, Lanesville, Indiana, which was adopted.

On behalf of Senator Champion, Senator Vogel offered Senate Resolution No. 15, regarding Lezah Stenger, Springfield, which was adopted.

On behalf of Senator Champion, Senator Vogel offered Senate Resolution No. 16, regarding Ronald K. Stenger, Springfield, which was adopted.

On behalf of Senator Champion, Senator Vogel offered Senate Resolution No. 17, regarding Joe Jenkins, Springfield, which was adopted.

On behalf of Senator Green, Senator Vogel

offered Senate Resolution No. 18, regarding Michael J. O'Connell, Jr., St. Louis, which was adopted.

On behalf of Senator Green, Senator Vogel offered Senate Resolution No. 19, regarding James A. Mossinghoff, Saint Charles, which was adopted.

Senator Vogel offered Senate Resolution No. 20, regarding David S. Durbin, which was adopted.

On behalf of Senator Lager, Senator Vogel offered Senate Resolution No. 21, regarding Dannen Carter Patee Merrill, Maryville, which was adopted.

On behalf of Senator Lager, Senator Vogel offered Senate Resolution No. 22, regarding Dakota Ian Patee Merrill, Maryville, which was adopted.

On behalf of Senator Lager, Senator Vogel offered Senate Resolution No. 23, regarding Tyson Miller, Fairfax, which was adopted.

On behalf of Senator Engler, Senator Vogel offered Senate Resolution No. 24, regarding Brandon Michael Wehner, Ste. Genevieve, which was adopted.

On behalf of Senator Engler, Senator Vogel offered Senate Resolution No. 25, regarding the Missouri State Society Daughters of the American Revolution, Sarah Barton Murphy Chapter, Farmington, which was adopted.

On behalf of Senator Engler, Senator Vogel offered Senate Resolution No. 26, regarding Hugh Cerutti, Farmington, which was adopted.

On behalf of Senator Goodman, Senator Vogel offered Senate Resolution No. 27, regarding Truman Persinger, which was adopted.

On behalf of Senator Nodler, Senator Vogel offered Senate Resolution No. 28, regarding Neosho public safety personnel, which was adopted.

On behalf of Senator Nodler, Senator Vogel

offered Senate Resolution No. 29, regarding the One Hundred Twenty-fifth Anniversary of Immanuel Lutheran Church, Lockwood, which was adopted.

On behalf of Senator Barnitz, Senator Vogel offered Senate Resolution No. 30, regarding the One Hundred Fiftieth Anniversary of Montgomery City, which was adopted.

On behalf of Senator McKenna, Senator Vogel offered Senate Resolution No. 31, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James Raymond Bone, Sr., Imperial, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 32, regarding Maretta Jerene Dickens, Florissant, which was adopted.

On behalf of Senator Loudon, Senator Vogel offered Senate Resolution No. 33, regarding Joel Daniel Lender, Chesterfield, which was adopted.

On behalf of Senator Barnitz, Senator Vogel offered Senate Resolution No. 34, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Gary Cooper, Salem, which was adopted.

On behalf of Senator Crowell, Senator Vogel offered Senate Resolution No. 35, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Herman Beussink, Gordonville, which was adopted.

On behalf of Senator Crowell, Senator Vogel offered Senate Resolution No. 36, regarding the Thirtieth Wedding Anniversary of Mr. and Mrs. Stan Baughn, Jackson, which was adopted.

On behalf of Senator Crowell, Senator Vogel offered Senate Resolution No. 37, regarding the Seventy-first Wedding Anniversary of Mr. and Mrs. Joe Lynn Meyer, Jackson, which was adopted.

On behalf of Senator Crowell, Senator Vogel offered Senate Resolution No. 38, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs.

Vernon Phillips, Morley, which was adopted.

On behalf of Senator Crowell, Senator Vogel offered Senate Resolution No. 39, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. John Popp, Jackson, which was adopted.

On behalf of Senator Crowell, Senator Vogel offered Senate Resolution No. 40, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bill Sullivan, Jackson, which was adopted.

On behalf of Senator Crowell, Senator Vogel offered Senate Resolution No. 41, regarding the new Career and Technology Center Annex, Cape Girardeau, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1**, entitled:

An Act to repeal sections 32.105, 99.805, 100.286, 135.460, 135.478, 135.500, 135.545, 135.550, 135.600, 135.630, 135.750, 135.950, 135.963, 135.967, 135.1150, 144.030, 173.196, 173.796, 178.895, 178.896, 348.300, 578.395,

620.495, 620.521, 620.523, 620.527, 620.529, 620.530, 620.537, 620.638, 620.1039, 620.1878, and 620.1881, RSMo, and to enact in lieu thereof thirty-five new sections relating to fostering business growth through incentives, with an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2**, entitled:

An Act to repeal section 227.107, RSMo, and to enact in lieu thereof one new section relating to state highways and transportation commission design-build state highway project bond requirements, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Vogel, the Senate adjourned until 8:30 a.m., Friday, August 24, 2007.

SENATE CALENDAR

THIRD DAY—FRIDAY, AUGUST 24, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Stouffer

HOUSE BILLS ON SECOND READING

HCS for HB 1

HB 2-St. Onge

Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

THIRD DAY—FRIDAY, AUGUST 24, 2007

The Senate met pursuant to adjournment.

President Pro Tem Gibbons in the Chair.

RESOLUTIONS

On behalf of Senator Purgason, Senator Gibbons offered Senate Resolution No. 42, regarding the Lebanon Tour of Missouri, which was adopted.

SECOND READING OF SENATE BILLS

The following Bill was read the 2nd time and referred to the Committee indicated:

SB 1—Transportation.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 1**—Economic Development, Tourism and Local Government.

HB 2—Transportation.

On motion of Senator Gibbons, the Senate adjourned until 2:00 p.m., Monday, August 27, 2007.

Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

FOURTH DAY—MONDAY, AUGUST 27, 2007

The Senate met pursuant to adjournment.

President Pro Tem Gibbons in the Chair.

RESOLUTIONS

On behalf of Senator Bartle, Senator Gibbons offered Senate Resolution No. 43, regarding Nicholas Phillip St. Clair, Blue Springs, which was adopted.

On behalf of Senator Shoemyer, Senator Gibbons offered Senate Resolution No. 44, regarding Charles “Charlie” Rosenkrans, Monroe County, which was adopted.

On behalf of Senator Shoemyer, Senator Gibbons offered Senate Resolution No. 45, regarding Carole Noel, Putnam County, which was adopted.

On behalf of Senator Shoemyer, Senator Gibbons offered Senate Resolution No. 46, regarding Bill and Carolyn Andresen, Marion County, which was adopted.

On behalf of Senator Shoemyer, Senator Gibbons offered Senate Resolution No. 47, regarding Barb Fitzgerald, Adair County, which was adopted.

On behalf of Senator Shoemyer, Senator Gibbons offered Senate Resolution No. 48,

regarding the Bank of Monticello, Lewis County, which was adopted.

On behalf of Senator Shoemyer, Senator Gibbons offered Senate Resolution No. 49, regarding Mary Jo and the late C.J. Dean, Clark County, which was adopted.

On behalf of Senator Shoemyer, Senator Gibbons offered Senate Resolution No. 50, regarding the late Edythe Wise, Shelby County, which was adopted.

On behalf of Senator Shoemyer and himself, Senator Gibbons offered Senate Resolution No. 51, regarding the One Hundredth Anniversary of the Missouri Land Title Association, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following report:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS** for **HB 1**, begs leave to report that it has considered the same and

recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **HB 2**, begs leave to report that it has considered the same and recommends that the bill do pass.

REFERRALS

President Pro Tem Gibbons referred **HCS** for **HB 1**, with **SCS**, and **HB 2** to the Committee on Governmental Accountability and Fiscal Oversight.

On motion of Senator Griesheimer, the Senate adjourned until 1:00 p.m., Wednesday, August 29, 2007.

SENATE CALENDAR

FIFTH DAY—WEDNESDAY, AUGUST 29, 2007

FORMAL CALENDAR

HOUSE BILLS ON THIRD READING

HCS for HB 1, with SCS (Griesheimer)
(In Fiscal Oversight)

HB 2-St. Onge (Stouffer)
(In Fiscal Oversight)

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Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

FIFTH DAY—WEDNESDAY, AUGUST 29, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

Gracious God, may we be a people of prayer, asking not only for our daily needs and especially for Your guidance through this day, but also praying for others. We are particularly mindful of those raised in concern by Senator Nodler for we don't always understand the changes and chances of life that allows someone to injure and kill others, but we understand the grief and hurt that is left in their wake. So we pray for those who mourn and ask that You will comfort and care for all those who have experienced death about them; especially for the families where violence has ripped their lives apart. And we ask that You teach us Lord to become comforters as well. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journals for Monday, August 20, 2007; Thursday, August 23, 2007; Friday, August 24, 2007; and Monday, August 27, 2007 were read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Graham offered Senate Resolution No. 52, regarding Victoria “Tori” Boyles, Columbia, which was adopted.

Senator Graham offered Senate Resolution No. 53, regarding the One Hundredth Birthday of the late Jane Froman, which was adopted.

Senator Stouffer offered Senate Resolution No. 54, regarding Kendall Wassman, which was

adopted.

Senator Stouffer offered Senate Resolution No. 55, regarding Wilma Runyan, Higginsville, which was adopted.

Senator Stouffer offered Senate Resolution No. 56, regarding Janet Graf, Alma, which was adopted.

Senator Stouffer offered Senate Resolution No. 57, regarding the Sesquicentennial Anniversary of the Bethel African Methodist Episcopal Church, Macon, which was adopted.

Senator Champion offered Senate Resolution No. 58, regarding the Seventieth Birthday and the Fiftieth Anniversary as a minister of Pastor Billy H. Burris, Springfield, which was adopted.

Senator Lager offered Senate Resolution No. 59, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. John Busby, Parnell, which was adopted.

Senator Mayer offered Senate Resolution No. 60, regarding Kelsey Ryan Brown, which was adopted.

Senator Coleman offered Senate Resolution No. 61, regarding the One Hundredth Birthday of Major David Montique, St. Louis, which was adopted.

Senator Griesheimer offered Senate Resolution No. 62, regarding Gary Steven Markenson, Jefferson City, which was adopted.

Senator Lager offered Senate Resolution No. 63, regarding Carol Williams, Sullivan County, which was adopted.

Senator Lager offered Senate Resolution No. 64, regarding Patricia Wood, Linn County, which was adopted.

Senator Lager offered Senate Resolution No. 65, regarding Velda Daniel, Gentry County, which was adopted.

Senator Lager offered Senate Resolution No. 66, regarding James Robert "Bob" Teegarden, Daviess County, which was adopted.

Senator Lager offered Senate Resolution No. 67, regarding Laura Mae Norton, Clinton County, which was adopted.

Senator Lager offered Senate Resolution No. 68, regarding the late Annabel Hunt, Caldwell County, which was adopted.

Senator Barnitz offered Senate Resolution No. 69, regarding the Ninety-fifth Birthday of Albert Carroll McCutchen, Rolla, which was adopted.

Senator Barnitz offered Senate Resolution No. 70, regarding the Fiftieth Wedding Anniversary of Dwane Hamilton Whitaker and Donna Carol Willis Whitaker, which was adopted.

Senator Barnitz offered Senate Resolution No. 71, regarding the Seventieth Wedding Anniversary of Reverend Donald and Aileen Lunsford, Boss, which was adopted.

Senator Purgason offered Senate Resolution No. 72, regarding the Fiftieth Wedding Anniversary of Thomas and Lois Rogers, Camdenton, which was adopted.

Senator Justus offered Senate Resolution No. 73, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ralph Andrade, which was adopted.

Senator Justus offered Senate Resolution No. 74, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Cecilio Torres, which was adopted.

Senator Champion offered Senate Resolution No. 75, regarding the Fiftieth Reunion of the Greenwood School Graduating Class of 1957, which was adopted.

Senator Barnitz offered Senate Resolution No. 76, regarding the Fiftieth Wedding Anniversary of Kenneth and Melba Joy, Cuba, which was adopted.

Senator Barnitz offered Senate Resolution No. 77, regarding the Fiftieth Wedding Anniversary of Robert and Wanda Davis, Rolla, which was

adopted.

Senator Griesheimer offered Senate Resolution No. 78, regarding Nancy Kossmann, Union, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HCS** for **HB 1**, with **SCS**; and **HB 2**, begs leave to report that it has considered the same and recommends that the bills do pass.

The Senate observed a moment of silence in memory of Spc. Rickey L. Bell.

HOUSE BILLS ON THIRD READING

HCS for **HB 1**, with **SCS**, entitled:

An Act to repeal sections 32.105, 99.805, 100.286, 135.460, 135.478, 135.500, 135.545, 135.550, 135.600, 135.630, 135.750, 135.950, 135.963, 135.967, 135.1150, 144.030, 173.196, 173.796, 178.895, 178.896, 348.300, 578.395, 620.495, 620.521, 620.523, 620.527, 620.529, 620.530, 620.537, 620.638, 620.1039, 620.1878, and 620.1881, RSMo, and to enact in lieu thereof thirty-five new sections relating to fostering business growth through incentives, with an emergency clause.

Was taken up by Senator Griesheimer.

SCS for **HCS** for **HB 1**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1

An Act to repeal sections 32.105, 99.805, 100.286, 135.460, 135.478, 135.500, 135.545, 135.550, 135.600, 135.630, 135.750, 135.950, 135.963, 135.967, 135.1150, 144.030, 173.196, 173.796, 178.895, 178.896, 348.300, 578.395,

620.495, 620.521, 620.523, 620.527, 620.529, 620.530, 620.537, 620.638, 620.1039, 620.1878, and 620.1881, RSMo, and section 99.820, as truly agreed to and finally passed in senate substitute for house committee substitute for house bill no. 741, ninety-fourth general assembly, first regular session, and to enact in lieu thereof thirty-six new sections relating to fostering business growth through incentives.

Was taken up.

Senator Griesheimer moved that **SCS** for **HCS** for **HB 1** be adopted.

Senator Griesheimer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 110, Section 620.537, Line 22, by inserting immediately after said line the following:

“Section B. Because immediate action is necessary for the creation of family-supporting jobs for the citizens of Missouri and creating incentives for investment in the state, the repeal and reenactment of sections 620.1878 and 620.1881 and the enactment of section 135.680 of this act are deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 620.1878 and 620.1881 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1,

Page 5, Section 67.306, Line 7, by adding after the period (.) on said line the following:

“The provisions of this section shall not apply to tickets marked ‘Not for Resale’. Any person who sells or buys a ticket so marked may be charged with an infraction.”

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Shields announced that photographers from KMIZ-TV, Columbia Tribune and KOMU-TV were given permission to take pictures in the Senate Chamber today.

Senator Bray offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 2, Section 32.105, Line 1, by striking said section in its entirety;

And further amend page 21, section 100.286, line 1 by striking said section in its entirety;

And further amend page 23, section 135.460, line 1 by striking said section in its entirety;

And further amend page 28, section 135.500, line 1 by striking said section in its entirety;

And further amend page 30, section 135.545, line 1 by striking said section in its entirety;

And further amend page 31, section 135.550, line 1 by striking said section in its entirety;

And further amend page 33, section 135.600, line 1 by striking said section in its entirety;

And further amend page 35, section 135.630, line 1 by striking said section in its entirety;

And further amend page 60, section 135.1150, line 1 by striking said section in its entirety;

And further amend page 72, section 173.196, line 1 by striking said section in its entirety;

And further amend page 72, section 173.796, line 1 by striking said section in its entirety;

And further amend page 78, section 348.300, line 1 by striking said section in its entirety;

And further amend page 79, section 620.495, line 1 by striking said section in its entirety;

And further amend page 86, section 620.638, line 1 by striking said section in its entirety;

And further amend page 88, section 620.1039, line 1 by striking said section in its entirety;

And further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Barnitz, Days, Graham and Smith.

Senator Rupp assumed the Chair.

SA 3 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Coleman	Days	Graham	Green
Justus	Kennedy	Koster	Lager
McKenna	Purgason	Shoemyer	Smith—16

NAYS—Senators

Champion	Clemens	Crowell	Engler
Gibbons	Goodman	Griesheimer	Loudon
Mayer	Nodler	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wilson—17			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

Senator Bray offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 60, Section 135.967, Line 114, by inserting immediately after “revenue” the following:

“, or any other state department,”; and

Further amend said section and page, line 116, by inserting immediately after “taxes,” the following:

“or any fees or assessments levied by any state department”; and

Further amend said section and page, line 121, by inserting immediately after “insurance”, the following:

“, or any other state department,”; and

Further amend page 103, section 620.1881, line 289, by inserting immediately after “revenue” the following:

“, or any other state department,”; and

Further amend said section and page, line 291, by inserting immediately after “taxes,” the following:

“or any fees or assessments levied by any state department”; and

Further amend said page and section, line 297, by inserting immediately after “insurance”, the following:

“, or any other state department,”.

Senator Bray moved that the above amendment be adopted.

Senator Griesheimer offered **SA 1** to **SA 4**, which was read:

**SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 4**

Amend Senate Amendment No. 4 to Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 1, Line 6, by inserting immediately after the first use of the word “any” the following: **“delinquent”**; and further amend line 15 by inserting immediately after the first use of the word “any” the following: **“delinquent”**.

Senator Griesheimer moved that the above

amendment be adopted, which motion prevailed.

SA 4, as amended, was again taken up.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 17, Section 99.1205, Lines 78 to 80, by striking said lines and re-lettering subsequent subdivisions accordingly.

Senator Callahan moved that the above amendment be adopted.

Senator Crowell assumed the Chair.

Senator Barnitz offered **SSA 1** for **SA 5**, which was read:

**SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 5**

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Pages 15-21, Section 99.1205, by striking said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Barnitz moved that the above substitute amendment be adopted.

Senator Kennedy requested a roll call vote be taken on the adoption of **SSA 1** for **SA 5**. He was joined in his request by Senators Barnitz, Callahan, Graham and Justus.

Senator Rupp assumed the Chair.

SSA 1 for **SA 5** failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Coleman
Lager	Purgason	Shoemyer	Wilson—8

NAYS—Senators

Callahan	Champion	Clemens	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Justus
Kennedy	Koster	Loudon	Mayer
McKenna	Nodler	Ridgeway	Rupp
Scott	Shields	Smith	Stouffer

Vogel—25

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

SA 5 was again taken up.

Senator Callahan moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Coleman, Griesheimer, Justus and Kennedy.

SA 5 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Graham
Justus	Shoemyer	Wilson—7	

NAYS—Senators

Bartle	Champion	Clemens	Coleman
Crowell	Days	Engler	Gibbons
Goodman	Green	Griesheimer	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Smith

Stouffer Vogel—26

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

Senator Shoemyer offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1,

Page 20, Section 99.1205, Line 212, by inserting immediately after all of said line the following **“Tax credits under this section shall be subject to all provisions of sections 135.800 to 135.830 – the Tax Credit Accountability Act of 2004.”**.

Senator Shoemyer moved that the above amendment be adopted, which motion prevailed.

Senator Scott assumed the Chair.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Griesheimer moved that the vote by which **SA 1** was adopted be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Bray—1

Absent with leave—Senators—None

Vacancies—1

At the request of Senator Griesheimer, **SA 1** was withdrawn.

Senator Griesheimer offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 110, Section 620.537, Line 22, by inserting immediately after said line the following:

“Section B. Because immediate action is necessary for the creation of family-supporting

jobs for the citizens of Missouri and creating incentives for investment in the state, the repeal and reenactment of sections 620.1878 and 620.1881 and the enactment of section 135.680 of this act are deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 620.1878 and 620.1881 and the enactment of section 135.680 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Rupp offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 78, Section 178.896, Line 40, by inserting after all of said line the following:

“285.023. As used in section 285.025, the following terms shall have the following meanings:

(1) “Employee”, any person performing or applying for work or service of any kind or character for hire;

(2) “Employer”, a person who pays for the services of an individual employee or independent contractor. This term shall include a person who pays for the services of a general or subcontractor. Where there are two or more putative employers, any person or entity taking a business tax deduction for the employee in question shall be considered an employer of that person;

(3) “Employment”, the act of employing or state of being employed, engaged, or hired;

(4) “Status verification system”, an electronic system operated by the federal

government, through which an authorized official of an agency of this state or of a political subdivision of this state may make an inquiry, by exercise of authority delegated under 8 U.S.C. 1373, to verify the work authorization status of any individual. The status verification system shall be deemed to include the electronic verification of work authorization program of the Illegal Immigration Reform and Immigration Responsibility Act of 1996, P.L. 104-208, Division C, Section 403(a); 8 U.S.C. 1324a, and operated by the United States Department of Homeland Security, known as the Basic Pilot Program, or any equivalent federal work authorization program designated by the United States Department of Homeland Security or any other federal agency authorized to verify the work authorization status of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA), D.L. 99-603;

(5) “Unauthorized alien”, an alien who does not have the legal right or authorization under federal law to work in the United States, as defined by 8 U.S.C. 1324a(h)(3);

(6) “Work”, any job, task, employment, labor, personal services, or any other activity for which compensation is provided, expected, or due, including but not limited to all activities conducted by business entities.

285.025. 1. The state of Missouri hereby proclaims that no employer who employs [illegal] **unauthorized** aliens shall be eligible for any state-administered or subsidized tax credit, tax abatement or loan from this state. The director of each agency administering or subsidizing a tax credit, tax abatement or loan pursuant to chapter 32, 100, 135, 253, 447 or 620, RSMo, shall place in such agency's criteria for eligibility for such credit, abatement, exemption or loan a signed statement of affirmation by the applicant that such applicant employs no [illegal] **unauthorized** aliens. Any individual, individual proprietorship,

corporation, partnership, firm or association that is found by the director of the agency administering the program to have negligently employed an [illegal] **unauthorized** alien in this state shall be ineligible for any state-administered or subsidized tax credit, tax abatement or loan pursuant to chapter 32, 100, 135, 253, 447 or 620, RSMo, for five years following such determination; provided, however, that the director of the agency administering such credit, abatement, exemption or loan may, in the director's discretion, elect not to apply such administrative action for a first-time occurrence. Any person, corporation, partnership or other legal entity that is found to be ineligible for a state-administered or subsidized tax credit, tax abatement, or loan pursuant to this subsection may make an appeal with the administrative hearing commission pursuant to the provisions of chapter 621, RSMo. "Negligent", for the purposes of this subsection means that a person has failed to take the steps necessary to comply with the requirements of 8 U.S.C. 1324a with respect to the examination of an appropriate document or documents to verify whether the individual is an unauthorized alien.

2. Beginning August 28, 1999, any individual, individual proprietorship, corporation, partnership, firm or association that knowingly accepts any state-administered or subsidized tax credit, tax abatement or loan in violation of subsection 1 of this section shall upon conviction be guilty of a class A misdemeanor, and such action may be brought by the attorney general in Cole County circuit court.

3. Any employer, contractor, or subcontractor who knows or should have known that individuals in their employ are unauthorized aliens and are employed on a project in which the employer, contractor, or subcontractor has participated, involving state administered or subsidized tax credits, tax abatements, or loans referenced under subsection 1 of this section, shall be subject to a fine of up to twenty-five thousand dollars per

unauthorized alien for the first such offense, and up to fifty thousand dollars per unauthorized alien for any subsequent offense. Jurisdiction over such fines shall reside with the agency administering the program. In the event such employer, contractor, or subcontractor intentionally engages in such activity, that employer, contractor, or subcontractor shall be banned from any further projects administered by such agency. Any employer, contractor, or subcontractor fined or banned from further projects under this subsection may make an appeal with the administrative hearing commission.

4. When an employer contracts with a general or subcontractor and that general or subcontractor is found to have hired an unauthorized alien, the employer shall remain eligible for all tax credits, tax abatements, and loans referenced under subsection 1 of this section and shall be exempt from any action and penalty referenced under subsections 1, 2, or 3 of this section if the employer, in all contracts with the general or subcontractor, requires the general or subcontractor to actively participate in a status verification system program. The general or subcontractor must show that the general or subcontractor has verified the employment eligibility of every employee, including every independent contractor, in their hire who is employed during the duration of the project. The general or subcontractor shall retain all documentation received in connection with the participation in the status verification system that verifies the employment eligibility of every employee and independent contractor for at least three years after the termination of the employment of the employee or the independent contractor. This documentation shall be provided to the director of the agency administering the program upon request.

5. All state entities shall comply with the provisions of section 610.035, RSMo, relating to the public disclosure of Social Security numbers

while administering this section.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted.

Senator Champion raised the point of order that **SA 8** is out of order as it goes beyond the Governor’s special session call.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Green offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 18, Section 99.1205, Line 126, by inserting at the end of said line the following: **The redevelopment agreement shall state that the named developer shall be subject to the provisions of chapter 290, RSMo.”.**

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Coleman offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 16, Section 99.1205, Line 66, by inserting immediately after the word “construction” the following **“or destruction”**.

Senator Coleman moved that the above amendment be adopted, which motion failed.

Senator Coleman offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 63, Section 135.1150, Line 91, by inserting after all of said line the following:

“142.815. 1. Motor fuel used for the following nonhighway purposes is exempt from the fuel tax

imposed by this chapter, and a refund may be claimed by the consumer, except as provided for in subsection (1) of this section, if the tax has been paid and no refund has been previously issued:

(1) Motor fuel used for nonhighway purposes including fuel for farm tractors or stationary engines owned or leased and operated by any person and used exclusively for agricultural purposes and including, beginning January 1, 2006, bulk sales of one hundred gallons or more of gasoline made to farmers and delivered by the ultimate vender to a farm location for agricultural purposes only. As used in this section, the term “farmer” shall mean any person engaged in farming in an authorized farm corporation, family farm, or family farm corporation as defined in section 350.010, RSMo. At the discretion of the ultimate vender, the refund may be claimed by the ultimate vender on behalf of the consumer for sales made to farmers and to persons engaged in construction for agricultural purposes as defined in section 142.800. After December 31, 2000, the refund may be claimed only by the consumer and may not be claimed by the ultimate vender unless bulk sales of gasoline are made to a farmer after January 1, 2006, as provided in this subdivision and the farmer provides an exemption certificate to the ultimate vender, in which case the ultimate vender may make a claim for refund under section 142.824 but shall be liable for any erroneous refund;

(2) Kerosene sold for use as fuel to generate power in aircraft engines, whether in aircraft or for training, testing or research purposes of aircraft engines;

(3) Diesel fuel used as heating oil, or in railroad locomotives or any other motorized flanged-wheel rail equipment, or used for other nonhighway purposes other than as expressly exempted pursuant to another provision.

2. Subject to the procedural requirements and conditions set out in this chapter, the following uses are exempt from the tax imposed by section

142.803 on motor fuel, and a deduction or a refund may be claimed:

(1) Motor fuel for which proof of export is available in the form of a terminal-issued destination state shipping paper and which is either:

(a) Exported by a supplier who is licensed in the destination state or through the bulk transfer system;

(b) Removed by a licensed distributor for immediate export to a state for which all the applicable taxes and fees (however nominated in that state) of the destination state have been paid to the supplier, as a trustee, who is licensed to remit tax to the destination state; or which is destined for use within the destination state by the federal government for which an exemption has been made available by the destination state subject to procedural rules and regulations promulgated by the director; or

(c) Acquired by a licensed distributor and which the tax imposed by this chapter has previously been paid or accrued either as a result of being stored outside of the bulk transfer system immediately prior to loading or as a diversion across state boundaries properly reported in conformity with this chapter and was subsequently exported from this state on behalf of the distributor;

The exemption pursuant to paragraph (a) of this subdivision shall be claimed by a deduction on the report of the supplier which is otherwise responsible for remitting the tax upon removal of the product from a terminal or refinery in this state. The exemption pursuant to paragraphs (b) and (c) of this subdivision shall be claimed by the distributor, upon a refund application made to the director within three years. A refund claim may be made monthly or whenever the claim exceeds one thousand dollars;

(2) Undyed K-1 kerosene sold at retail through dispensers which have been designed and

constructed to prevent delivery directly from the dispenser into a vehicle fuel supply tank, and undyed K-1 kerosene sold at retail through nonbarricaded dispensers in quantities of not more than twenty-one gallons for use other than for highway purposes. Exempt use of undyed kerosene shall be governed by rules and regulations of the director. If no rules or regulations are promulgated by the director, then the exempt use of undyed kerosene shall be governed by rules and regulations of the Internal Revenue Service. A distributor or supplier delivering to a retail facility shall obtain an exemption certificate from the owner or operator of such facility stating that its sales conform to the dispenser requirements of this subdivision. A licensed distributor, having obtained such certificate, may provide a copy to his or her supplier and obtain undyed kerosene without the tax levied by section 142.803. Having obtained such certificate in good faith, such supplier shall be relieved of any responsibility if the fuel is later used in a taxable manner. An ultimate vendor who obtained undyed kerosene upon which the tax levied by section 142.803 had been paid and makes sales qualifying pursuant to this subsection may apply for a refund of the tax pursuant to application, as provided in section 142.818, to the director provided the ultimate vendor did not charge such tax to the consumer;

(3) Motor fuel sold to the United States or any agency or instrumentality thereof. This exemption shall be claimed as provided in section 142.818;

(4) Motor fuel used solely and exclusively as fuel to propel school buses, as such term is defined under subdivision (19) of section 302.010, RSMo, on the public roads and highways of this state when leased or owned and when being operated by a public school district of this state, or leased or owned by a person under contract with such district for the provision of bus services for educational purposes. The exemption for use under this subdivision shall be made available to the school district for whose educational purposes the fuel

is consumed, whether the fuel was purchased by such school district or by another under a contract to provide bus service for such school district, upon a refund application stating that the motor fuel was purchased for the exclusive use of the school districts.

(5) Motor fuel used solely and exclusively as fuel to propel motor vehicles on the public roads and highways of this state when leased or owned and when being operated by a federally recognized Indian tribe in the performance of essential governmental functions, such as providing police, fire, health or water services. The exemption for use pursuant to this subdivision shall be made available to the tribal government upon a refund application stating that the motor fuel was purchased for the exclusive use of the tribe in performing named essential governmental services;

[(5)] (6) Motor fuel sold within an Indian reservation or within Indian country by a federally recognized Indian tribe to a member of that tribe and used in motor vehicles owned by a member of the tribe within Indian country. This exemption does not apply to sales within an Indian reservation or within Indian country by a federally recognized Indian tribe to non-Indian consumers or to Indian consumers who are not members of the tribe selling the motor fuel. This exemption shall be administered as provided in section 142.821;

[(6)] (7) That portion of motor fuel used to operate equipment attached to a motor vehicle, if the motor fuel was placed into the fuel supply tank of a motor vehicle that has a common fuel reservoir for travel on a highway and for the operation of equipment, or if the motor fuel was placed in a separate fuel tank and used only for the operation of auxiliary equipment. The exemption for use pursuant to this subdivision shall be claimed by a refund claim filed by the consumer who shall provide evidence of an allocation of use satisfactory to the director;

[(7)] (8) Motor fuel acquired by a consumer

out-of-state and carried into this state, retained within and consumed from the same vehicle fuel supply tank within which it was imported, except interstate motor fuel users;

[(8)] (9) Motor fuel which was purchased tax-paid and which was lost or destroyed as a direct result of a sudden and unexpected casualty or which had been accidentally contaminated so as to be unsalable as highway fuel as shown by proper documentation as required by the director. The exemption pursuant to this subdivision shall be refunded to the person or entity owning the motor fuel at the time of the contamination or loss. Such person shall notify the director in writing of such event and the amount of motor fuel lost or contaminated within ten days from the date of discovery of such loss or contamination, and within thirty days after such notice, shall file an affidavit sworn to by the person having immediate custody of such motor fuel at the time of the loss or contamination, setting forth in full the circumstances and the amount of the loss or contamination and such other information with respect thereto as the director may require;

[(9)] (10) Dyed diesel fuel or dyed kerosene used for an exempt purpose. This exemption shall be claimed as follows:

(a) A supplier or importer shall take a deduction against motor fuel tax owed on their monthly report for those gallons of dyed diesel fuel or dyed kerosene imported or removed from a terminal or refinery destined for delivery to a point in this state as shown on the shipping papers;

(b) This exemption shall be claimed by a deduction on the report of the supplier which is otherwise responsible for remitting the tax on removal of the product from a terminal or refinery in this state;

(c) This exemption shall be claimed by the distributor, upon a refund application made to the director within three years. A refund claim may be made monthly or whenever the claim exceeds one

thousand dollars.”; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted.

Senator Griesheimer raised the point of order that **SA 11** is out of order as it goes beyond the Governor’s special session call.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Justus offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 104, Section 620.1881, Line 319, by inserting after all of said line the following:

“14. (1) Any increase in general revenue directly attributable to the tax credit program under this section shall be used to fund the child care subsidies under this subsection;

(2) The children's division within the department of social services shall promulgate rules to become effective no later than July 1, 2008, to modify the income eligibility criteria for any person receiving state-funded child care assistance under chapter 208, RSMo, either through vouchers or direct reimbursement to child care providers, as follows:

(a) For incomes of less than one hundred thirty percent of the federal poverty level for the applicable family size, such persons receiving state-funded child care assistance under chapter 208, RSMo, shall be eligible, subject to appropriations, to receive child care subsidy benefits, less a sliding fee established by the children's division based on family size and income;

(b) A person receiving state-funded child care assistance under chapter 208, RSMo, and whose income surpasses one hundred thirty

percent of the federal poverty level for the applicable family size may continue to receive reduced subsidy benefits on a scale established by the children's division until such person's income reaches one hundred sixty percent of the federal poverty level for the applicable family size, at which time such person will have assumed the full cost of the maximum base child care subsidy rate established by the children's division and shall be no longer eligible for child care subsidy benefits;

(c) If appropriations in a given fiscal year are insufficient to provide the subsidy established under chapter 208, RSMo, for all eligible recipients, the children's division shall establish a waiting list and promulgate rules for the prioritization of eligible recipients on the waiting list.

(3) The sliding scale fee established in this subsection for child care subsidy recipients may be waived for children with special needs as established by the children's division;

(4) Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.”.

Senator Justus moved that the above amendment be adopted.

Senator Griesheimer raised the point of order that **SA 12** is out of order as it goes beyond the

Governor's special session call.

The point of order was referred to the President Pro Tem who ruled it well taken.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Griesheimer moved that the vote by which **SA 6** was adopted be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Griesheimer	Justus	Kennedy	Koster
Lager	Loudon	Mayer	McKenna
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators

Clemens Green—2

Absent with leave—Senators—None

Vacancies—1

At the request of Senator Shoemyer, **SA 6** was withdrawn.

Senator Shoemyer offered **SA 13**, which was read:

SENATE AMENDMENT NO. 13

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 20, Section 99.1205, Line 212, by inserting at the end of said line, the following:

“Tax credits authorized under this section shall constitute redevelopment tax credits, as such term is defined under section 135.800 RSMo, and shall be subject to all provisions applicable to redevelopment tax credits provided under sections 135.800 to 135.830 RSMo.”.

Senator Shoemyer moved that the above amendment be adopted, which motion prevailed.

Senator Shoemyer offered **SA 14**, which was read:

SENATE AMENDMENT NO. 14

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 15, Section 99.1205, Line 6, by inserting immediately after “fees,” the following: **“reasonable”**; and further amend said line by inserting immediately after “and” the following: **“reasonable”**.

Senator Shoemyer moved that the above amendment be adopted, which motion prevailed.

Senator Graham offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 20, Section 99.1205, Line 213, by inserting after “9.” the following: **“Any developer, contractor, or subcontractor of a developer who knows or should have known that individuals who are not authorized to work in the United States are employed on a project involving state tax credits issued under the section shall be subject to a fine of up to twenty-five thousand dollars for the first such offense, and up to fifty thousand dollars for any subsequent offense. Jurisdiction over such fines shall reside with the agency administering the tax credit.**

10.”; and

Further amend said bill, page 41, section 135.679, line 111, by inserting immediately after “7.”, the following: **“Any taxpayer who receives tax credits authorized under this section and knows or should have known that individuals who are not authorized to work in the United States are employed by such taxpayer shall be subject to a fine of up to twenty-five thousand dollars for the first such offense, and up to fifty thousand dollars for any subsequent offense.**

Jurisdiction over such fines shall reside with the agency administering the tax credit.

8.”; and further amend said section by renumber the remaining subsection accordingly; and

Further amend said bill, page 49, section 135.750, line 95, by inserting immediately after the “6.” the following: **“Any taxpayer who receives tax credits authorized under this section and knows or should have known that individuals who are not authorized to work in the United States are employed by such taxpayer shall be subject to a fine of up to twenty-five thousand dollars for the first such offense, and up to fifty thousand dollars for any subsequent offense. Jurisdiction over such fines shall reside with the agency administering the tax credit.**

7.”; and

Further amend said bill, page 57, section 135.967, line 10, by inserting at the end of said line, the following: **“Any developer, contractor, or subcontractor of a developer who knows or should have known that individuals who are not authorized to work in the United States are employed on a project involving state tax credits issued under the section shall be subject to a fine of up to twenty-five thousand dollars for the first such offense, and up to fifty thousand dollars for any subsequent offense. Jurisdiction over such fines shall reside with the agency administering the tax credit.”; and**

Further amend said bill, page 89, section 620.1039, line 48, by inserting immediately after all of said line the following:

“5. Any taxpayer who receives tax credits authorized under this section and knows or should have known that individuals who are not authorized to work in the United States are employed by such taxpayer shall be subject to a fine of up to twenty-five thousand dollars for the first such offense, and up to fifty thousand dollars for any subsequent offense. Jurisdiction

over such fines shall reside with the agency administering the tax credit.”; and further renumber the remaining subsections accordingly; and

Further amend said bill, page 97, section 620.1881, line 58, by inserting at the end of said line the following: **“Any qualified company which receives tax credits authorized under this section and knows or should have known that individuals who are not authorized to work in the United States are employed by such qualified company shall be subject to a fine of up to twenty-five thousand dollars for the first such offense, and up to fifty thousand dollars for any subsequent offense. Jurisdiction over such fines shall reside with the department.”.**

Senator Graham moved that the above amendment be adopted.

Senator Griesheimer raised the point of order that **SA 15** is out of order as it goes beyond the Governor’s special session call.

The point of order was referred to the President Pro Tem who ruled it well taken.

Under the provisions of Senate Rule 10, Senator Graham appealed the ruling made by the President Pro Tem on the point of order on **SA 15**. He requested a roll call vote be taken and was joined in his request by Senators Callahan, Coleman, Justus and Green.

Senator Graham’s appeal failed by the following vote:

YEAS—Senators

Barnitz	Callahan	Coleman	Days
Graham	Green	Justus	Koster
McKenna	Shoemyer	Smith	Wilson—12

NAYS—Senators

Bartle	Champion	Crowell	Engler
Gibbons	Goodman	Griesheimer	Kennedy
Lager	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel—19	

Absent—Senator Clemens—1

Absent with leave—Senator Bray—1

Vacancies—1

Senator Smith offered **SA 16**, which was read:

SENATE AMENDMENT NO. 16

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 102, Section 620.1881, Line 253, by striking “forty” and inserting in lieu thereof the following: “**fifty**”.

Senator Smith moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Callahan, Justus, Kennedy and Koster.

SA 16 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Callahan	Coleman	Days
Graham	Green	Justus	Kennedy
Koster	McKenna	Shoemyer	Smith
Wilson—13			

NAYS—Senators

Bartle	Champion	Crowell	Engler
Gibbons	Goodman	Griesheimer	Lager
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel—18		

Absent—Senator Clemens—1

Absent with leave—Senator Bray—1

Vacancies—1

Senator Justus offered **SA 17**, which was read:

SENATE AMENDMENT NO. 17

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 110, Section 620.537, Line 22, by inserting immediately after said line the following:

“Section B. The repeal and reenactment of section A of this act shall be in full force and effect when the eligibility requirements in the Mo HealthNet program are no more restrictive than those eligibility requirements in the state Medicaid program in effect on January 1, 2005.”; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Kennedy, Koster, Callahan and Smith.

Senator Griesheimer raised the point of order that **SA 17** is out of order as it goes beyond the Governor’s special session call.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Callahan offered **SA 18**, which was read:

SENATE AMENDMENT NO. 18

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 19, Section 92.1205, Line 179, by inserting after the word “dollars.” the following: “**The department shall not issue more than fifty percent of the tax credits available in any given year to projects located in municipalities subject to the authority of the East-West Gateway Council of Governments.**”.

Senator Callahan moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Coleman, Graham, Smith and Wilson.

SA 18 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Callahan	Graham	Justus
Shoemyer	Wilson—6		

NAYS—Senators

Bartle	Champion	Clemens	Coleman
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Crowell	Days	Engler	Gibbons
Goodman	Green	Griesheimer	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Smith
Stouffer	Vogel—26		

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—1

Senator Griesheimer offered **SA 19**:

SENATE AMENDMENT NO. 19

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 1, Section Title, Line 6, by inserting after “RSMo,” the following: “section 99.820 as truly agreed to and finally passed in conference committee substitute no. 2 for house substitute for house committee substitute for senate committee substitute for senate bill no. 11, ninety-second general assembly, first regular session,”; and

Further amend said bill and page, Section A, Line 5, by inserting after “RSMo,” the following: “section 99.820 as truly agreed to and finally passed in conference committee substitute no. 2 for house substitute for house committee substitute for senate committee substitute for senate bill no. 11, ninety-second general assembly, first regular session,”; and

Further amend said bill, Pages 9 to 14, Section 99.820, by striking all of said section and inserting in lieu thereof the following:

“99.820. 1. A municipality may:

(1) By ordinance introduced in the governing body of the municipality within fourteen to ninety days from the completion of the hearing required in section 99.825, approve redevelopment plans and redevelopment projects, and designate redevelopment project areas pursuant to the notice

and hearing requirements of sections 99.800 to 99.865. No redevelopment project shall be approved unless a redevelopment plan has been approved and a redevelopment area has been designated prior to or concurrently with the approval of such redevelopment project and the area selected for the redevelopment project shall include only those parcels of real property and improvements thereon directly and substantially benefited by the proposed redevelopment project improvements;

(2) Make and enter into all contracts necessary or incidental to the implementation and furtherance of its redevelopment plan or project;

(3) Pursuant to a redevelopment plan, subject to any constitutional limitations, acquire by purchase, donation, lease or, as part of a redevelopment project, eminent domain, own, convey, lease, mortgage, or dispose of, land and other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the municipality or the commission determines is reasonably necessary to achieve the objectives of the redevelopment plan. No conveyance, lease, mortgage, disposition of land or other property, acquired by the municipality, or agreement relating to the development of the property shall be made except upon the adoption of an ordinance by the governing body of the municipality. Each municipality or its commission shall establish written procedures relating to bids and proposals for implementation of the redevelopment projects. Furthermore, no conveyance, lease, mortgage, or other disposition of land or agreement relating to the development of property shall be made without making public disclosure of the terms of the disposition and all bids and proposals made in response to the municipality's request. Such procedures for obtaining such bids and proposals shall provide reasonable opportunity for any person to submit alternative proposals or bids;

(4) Within a redevelopment area, clear any area by demolition or removal of existing buildings and structures;

(5) Within a redevelopment area, renovate, rehabilitate, or construct any structure or building;

(6) Install, repair, construct, reconstruct, or relocate streets, utilities, and site improvements essential to the preparation of the redevelopment area for use in accordance with a redevelopment plan;

(7) Within a redevelopment area, fix, charge, and collect fees, rents, and other charges for the use of any building or property owned or leased by it or any part thereof, or facility therein;

(8) Accept grants, guarantees, and donations of property, labor, or other things of value from a public or private source for use within a redevelopment area;

(9) Acquire and construct public facilities within a redevelopment area;

(10) Incur redevelopment costs and issue obligations;

(11) Make payment in lieu of taxes, or a portion thereof, to taxing districts;

(12) Disburse surplus funds from the special allocation fund to taxing districts as follows:

(a) Such surplus payments in lieu of taxes shall be distributed to taxing districts within the redevelopment area which impose ad valorem taxes on a basis that is proportional to the current collections of revenue which each taxing district receives from real property in the redevelopment area;

(b) Surplus economic activity taxes shall be distributed to taxing districts in the redevelopment area which impose economic activity taxes, on a basis that is proportional to the amount of such economic activity taxes the taxing district would have received from the redevelopment area had tax increment financing not been adopted;

(c) Surplus revenues, other than payments in lieu of taxes and economic activity taxes, deposited in the special allocation fund, shall be distributed on a basis that is proportional to the total receipt of such other revenues in such account in the year prior to disbursement;

(13) If any member of the governing body of the municipality, a member of a commission established pursuant to subsection 2 of this section, or an employee or consultant of the municipality, involved in the planning and preparation of a redevelopment plan, or redevelopment project for a redevelopment area or proposed redevelopment area, owns or controls an interest, direct or indirect, in any property included in any redevelopment area, or proposed redevelopment area, which property is designated to be acquired or improved pursuant to a redevelopment project, he or she shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates, terms, and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the governing body of the municipality and entered upon the minutes books of the governing body of the municipality. If an individual holds such an interest, then that individual shall refrain from any further official involvement in regard to such redevelopment plan, redevelopment project or redevelopment area, from voting on any matter pertaining to such redevelopment plan, redevelopment project or redevelopment area, or communicating with other members concerning any matter pertaining to that redevelopment plan, redevelopment project or redevelopment area. Furthermore, no such member or employee shall acquire any interest, direct or indirect, in any property in a redevelopment area or proposed redevelopment area after either (a) such individual obtains knowledge of such plan or project, or (b) first public notice of such plan, project or area pursuant to section 99.830, whichever first occurs;

(14) Charge as a redevelopment cost the reasonable costs incurred by its clerk or other

official in administering the redevelopment project. The charge for the clerk's or other official's costs shall be determined by the municipality based on a recommendation from the commission, created pursuant to this section.

2. Prior to adoption of an ordinance approving the designation of a redevelopment area or approving a redevelopment plan or redevelopment project, the municipality shall create a commission of nine persons if the municipality is a county or a city not within a county and not a first class county with a charter form of government with a population in excess of nine hundred thousand, and eleven persons if the municipality is not a county and not in a first class county with a charter form of government having a population of more than nine hundred thousand, and twelve persons if the municipality is located in or is a first class county with a charter form of government having a population of more than nine hundred thousand, to be appointed as follows:

(1) In all municipalities two members shall be appointed by the school boards whose districts are included within the redevelopment plan or redevelopment area. Such members shall be appointed in any manner agreed upon by the affected districts;

(2) In all municipalities one member shall be appointed, in any manner agreed upon by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for a redevelopment project or the redevelopment area, excluding representatives of the governing body of the municipality;

(3) In all municipalities six members shall be appointed by the chief elected officer of the municipality, with the consent of the majority of the governing body of the municipality;

(4) In all municipalities which are not counties and not in a first class county with a charter form of government having a population in excess of nine hundred thousand, two members shall be

appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(5) In a municipality which is a county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the cities in the county which have tax increment financing districts in a manner in which the cities shall agree;

(6) In a municipality which is located in the first class county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(7) Effective January 1, 2008, in a municipality which is in a county under the authority of the East-West Gateway Council of Governments, except any municipality in any county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, the municipality shall create a commission in the same manner as the commission for any county with a charter form of government and with more than one million inhabitants, such commission shall have twelve members with two such members appointed by the school boards whose districts are included in the county in a manner in which such school boards agree, with one such member to represent all other districts levying ad valorem taxes in a manner in which all such districts agree, six such members appointed either by the county executive or county commissioner, and three such members appointed by the cities in the county which have tax increment financing districts in a manner in which the cities shall agree;

(8) Effective January 1, 2008, when any city, town, or village under the authority of the East-West Gateway Council of Governments,

except any municipality in any county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, desires to implement a tax increment financing project, such city, town, or village shall first obtain the permission of the county tax increment financing commission created in this subsection within which the city, town, or village is located. In the event such commission votes in opposition to the redevelopment project, such redevelopment project shall not be approved unless at least two-thirds of the governing body of the city, town, or village votes to approve such project;

(9) At the option of the members appointed by the municipality, the members who are appointed by the school boards and other taxing districts may serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan or designation of a redevelopment area is considered for approval by the commission, or for a definite term pursuant to this subdivision. If the members representing school districts and other taxing districts are appointed for a term coinciding with the length of time a redevelopment project, plan or area is approved, such term shall terminate upon final approval of the project, plan or designation of the area by the governing body of the municipality. Thereafter the commission shall consist of the six members appointed by the municipality, except that members representing school boards and other taxing districts shall be appointed as provided in this section prior to any amendments to any redevelopment plans, redevelopment projects or designation of a redevelopment area. If any school district or other taxing jurisdiction fails to appoint members of the commission within thirty days of receipt of written notice of a proposed redevelopment plan, redevelopment project or designation of a redevelopment area, the remaining members may proceed to exercise the power of the commission. Of the members first appointed by the

municipality, two shall be designated to serve for terms of two years, two shall be designated to serve for a term of three years and two shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the municipality shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments.

3. The commission, subject to approval of the governing body of the municipality, may exercise the powers enumerated in sections 99.800 to 99.865, except final approval of plans, projects and designation of redevelopment areas. The commission shall hold public hearings and provide notice pursuant to sections 99.825 and 99.830. The commission shall vote on all proposed redevelopment plans, redevelopment projects and designations of redevelopment areas, and amendments thereto, within thirty days following completion of the hearing on any such plan, project or designation and shall make recommendations to the governing body within ninety days of the hearing referred to in section 99.825 concerning the adoption of or amendment to redevelopment plans and redevelopment projects and the designation of redevelopment areas. The requirements of subsection 2 of this section and this subsection shall not apply to redevelopment projects upon which the required hearings have been duly held prior to August 31, 1991.”; and

Further amend said bill, Page 104, Section 620.1881, Line 319, by inserting after all of said line the following:

“[99.820. 1. A municipality may:

(1) By ordinance introduced in the governing body of the municipality within fourteen to ninety days from the completion of the hearing required in section 99.825, approve redevelopment plans and redevelopment projects, and designate redevelopment project areas pursuant to the notice and hearing

requirements of sections 99.800 to 99.865. No redevelopment project shall be approved unless a redevelopment plan has been approved and a redevelopment area has been designated prior to or concurrently with the approval of such redevelopment project and the area selected for the redevelopment project shall include only those parcels of real property and improvements thereon directly and substantially benefited by the proposed redevelopment project improvements;

(2) Make and enter into all contracts necessary or incidental to the implementation and furtherance of its redevelopment plan or project;

(3) Pursuant to a redevelopment plan, subject to any constitutional limitations, acquire by purchase, donation, lease or, as part of a redevelopment project, eminent domain, own, convey, lease, mortgage, or dispose of, land and other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the municipality or the commission determines is reasonably necessary to achieve the objectives of the redevelopment plan. No conveyance, lease, mortgage, disposition of land or other property, acquired by the municipality, or agreement relating to the development of the property shall be made except upon the adoption of an ordinance by the governing body of the municipality. Each municipality or its commission shall establish written procedures relating to bids and proposals for implementation of the redevelopment projects. Furthermore, no conveyance, lease, mortgage, or other disposition of land or agreement relating to the development of property shall be made without making public disclosure of the

terms of the disposition and all bids and proposals made in response to the municipality's request. Such procedures for obtaining such bids and proposals shall provide reasonable opportunity for any person to submit alternative proposals or bids;

(4) Within a redevelopment area, clear any area by demolition or removal of existing buildings and structures;

(5) Within a redevelopment area, renovate, rehabilitate, or construct any structure or building;

(6) Install, repair, construct, reconstruct, or relocate streets, utilities, and site improvements essential to the preparation of the redevelopment area for use in accordance with a redevelopment plan;

(7) Within a redevelopment area, fix, charge, and collect fees, rents, and other charges for the use of any building or property owned or leased by it or any part thereof, or facility therein;

(8) Accept grants, guarantees, and donations of property, labor, or other things of value from a public or private source for use within a redevelopment area;

(9) Acquire and construct public facilities within a redevelopment area;

(10) Incur redevelopment costs and issue obligations;

(11) Make payment in lieu of taxes, or a portion thereof, to taxing districts;

(12) Disburse surplus funds from the special allocation fund to taxing districts as follows:

(a) Such surplus payments in lieu of taxes shall be distributed to taxing

districts within the redevelopment area which impose ad valorem taxes on a basis that is proportional to the current collections of revenue which each taxing district receives from real property in the redevelopment area;

(b) Surplus economic activity taxes shall be distributed to taxing districts in the redevelopment area which impose economic activity taxes, on a basis that is proportional to the amount of such economic activity taxes the taxing district would have received from the redevelopment area had tax increment financing not been adopted;

(c) Surplus revenues, other than payments in lieu of taxes and economic activity taxes, deposited in the special allocation fund, shall be distributed on a basis that is proportional to the total receipt of such other revenues in such account in the year prior to disbursement;

(13) If any member of the governing body of the municipality, a member of a commission established pursuant to subsection 2 of this section, or an employee or consultant of the municipality, involved in the planning and preparation of a redevelopment plan, or redevelopment project for a redevelopment area or proposed redevelopment area, owns or controls an interest, direct or indirect, in any property included in any redevelopment area, or proposed redevelopment area, which property is designated to be acquired or improved pursuant to a redevelopment project, he or she shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates, terms, and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the governing body of the municipality

and entered upon the minutes books of the governing body of the municipality. If an individual holds such an interest, then that individual shall refrain from any further official involvement in regard to such redevelopment plan, redevelopment project or redevelopment area, from voting on any matter pertaining to such redevelopment plan, redevelopment project or redevelopment area, or communicating with other members concerning any matter pertaining to that redevelopment plan, redevelopment project or redevelopment area. Furthermore, no such member or employee shall acquire any interest, direct or indirect, in any property in a redevelopment area or proposed redevelopment area after either (a) such individual obtains knowledge of such plan or project, or (b) first public notice of such plan, project or area pursuant to section 99.830, whichever first occurs;

(14) Charge as a redevelopment cost the reasonable costs incurred by its clerk or other official in administering the redevelopment project. The charge for the clerk's or other official's costs shall be determined by the municipality based on a recommendation from the commission, created pursuant to this section.

2. Prior to adoption of an ordinance approving the designation of a redevelopment area or approving a redevelopment plan or redevelopment project, the municipality shall create a commission of nine persons if the municipality is a county or a city not within a county and not a first class county with a charter form of government with a population in excess of nine hundred thousand, and eleven persons if the municipality is not a

county and not in a first class county with a charter form of government having a population of more than nine hundred thousand, and twelve persons if the municipality is located in or is a first class county with a charter form of government having a population of more than nine hundred thousand, to be appointed as follows:

(1) In all municipalities two members shall be appointed by the school boards whose districts are included within the redevelopment plan or redevelopment area. Such members shall be appointed in any manner agreed upon by the affected districts;

(2) In all municipalities one member shall be appointed, in any manner agreed upon by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for a redevelopment project or the redevelopment area, excluding representatives of the governing body of the municipality;

(3) In all municipalities six members shall be appointed by the chief elected officer of the municipality, with the consent of the majority of the governing body of the municipality;

(4) In all municipalities which are not counties and not in a first class county with a charter form of government having a population in excess of nine hundred thousand, two members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(5) In a municipality which is a county with a charter form of government having a population in excess of nine hundred thousand, three members shall be

appointed by the cities in the county which have tax increment financing districts in a manner in which the cities shall agree;

(6) In a municipality which is located in the first class county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(7) Effective January 1, 2008, in a municipality which is in a county under the authority of the East-West Gateway Council of Governments, except any municipality in any county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, the municipality shall create a commission in the same manner as the commission for any county with a charter form of government and with more than one million inhabitants, such commission shall have twelve members with two such members appointed by the school boards whose districts are included in the county in a manner in which such school boards agree, with one such member to represent all other districts levying ad valorem taxes in a manner in which all such districts agree, six such members appointed either by the county executive or county commissioner, and three such members appointed by the cities in the county which have tax increment financing districts in a manner in which the cities shall agree;

(8) Effective January 1, 2008, when any city, town, or village under the authority of the East-West Gateway

Council of Governments desires to implement a tax increment financing project, such city, town, or village shall first obtain the permission of the county tax increment financing commission created in this subsection within which the city, town, or village is located. In the event such commission votes in opposition to the redevelopment project, such redevelopment project shall not be approved unless at least two-thirds of the governing body of the city, town, or village votes to approve such project;

(9) At the option of the members appointed by the municipality, the members who are appointed by the school boards and other taxing districts may serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan or designation of a redevelopment area is considered for approval by the commission, or for a definite term pursuant to this subdivision. If the members representing school districts and other taxing districts are appointed for a term coinciding with the length of time a redevelopment project, plan or area is approved, such term shall terminate upon final approval of the project, plan or designation of the area by the governing body of the municipality. Thereafter the commission shall consist of the six members appointed by the municipality, except that members representing school boards and other taxing districts shall be appointed as provided in this section prior to any amendments to any redevelopment plans, redevelopment projects or designation of a redevelopment area. If any school district or other taxing jurisdiction fails to appoint members of the commission within thirty days of receipt of written notice of a proposed redevelopment plan,

redevelopment project or designation of a redevelopment area, the remaining members may proceed to exercise the power of the commission. Of the members first appointed by the municipality, two shall be designated to serve for terms of two years, two shall be designated to serve for a term of three years and two shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the municipality shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments.

3. The commission, subject to approval of the governing body of the municipality, may exercise the powers enumerated in sections 99.800 to 99.865, except final approval of plans, projects and designation of redevelopment areas. The commission shall hold public hearings and provide notice pursuant to sections 99.825 and 99.830. The commission shall vote on all proposed redevelopment plans, redevelopment projects and designations of redevelopment areas, and amendments thereto, within thirty days following completion of the hearing on any such plan, project or designation and shall make recommendations to the governing body within ninety days of the hearing referred to in section 99.825 concerning the adoption of or amendment to redevelopment plans and redevelopment projects and the designation of redevelopment areas. The requirements of subsection 2 of this section and this subsection shall not apply to redevelopment projects upon which the required hearings have been duly held prior to August 31, 1991.]”;

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer moved that **SCS** for **HCS** for **HB 1**, as amended, be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SCS** for **HCS** for **HB 1**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Callahan	Champion	Clemens	Coleman
Crowell	Days	Engler	Gibbons
Goodman	Green	Griesheimer	Kennedy
Koster	Loudon	Mayer	McKenna
Nodler	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer

Vogel—25

NAYS—Senators

Barnitz	Bartle	Graham	Justus
Lager	Purgason	Wilson—7	

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Champion	Clemens	Crowell
Engler	Gibbons	Goodman	Green
Griesheimer	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer

Vogel—25

NAYS—Senators

Bartle	Callahan	Coleman	Days
Graham	Justus	Wilson—7	

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—1

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 2, introduced by Representatives St. Onge, et al, entitled:

An Act to repeal section 227.107, RSMo, and to enact in lieu thereof one new section relating to state highways and transportation commission design-build state highway project bond requirements, with an emergency clause.

Was taken up by Senator Stouffer.

On motion of Senator Stouffer, **HB 2** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—1

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Charlene M. Heyde, as a member of the Drug Utilization Review Board;

Also,

James G. Wesselschmidt, Republican, and Bernard R. Malone, Democrat, as members of the State Milk Board;

Also,

Michael L. Weaver, Democrat, Nathalie L. Tungesvik and Anne E. Peterson, Republicans, as members of the State Board of Health;

Also,

Schuyler J. Mariea and Bruce V. Work, as members of the Petroleum Storage Tank Insurance Fund Board of Trustees;

Also,

Walter R. Hicklin, Democrat, as a member of the University of Central Missouri Board of Governors;

Also,

Steven D. Long, Republican, as a member of the Board of Probation and Parole;

Also,

Pamela S. Neugebauer, Republican, and Darrell B. Roegner, Democrat, as members of the Missouri State Penitentiary Redevelopment Commission;

Also,

Gordon A. Elliott, Republican, as a member of the Missouri State University Board of Governors;

Also,

James E. Bureman, as a member of the State Board of Optometry;

Also,

Nancy D. Perry, Republican, as a member of the Missouri Southern State University Board of Governors;

Also,

James E. Burlingame and David L. Edwards, Republicans, as members of the Amusement Ride

Safety Board;

Also,

Naomi R. Hunter, as a member of the State Committee for Professional Counselors;

Also,

Jan C. Tupper, Republican, as a member of the Clean Water Commission;

Also,

Brian J. Robb, Mary M. Berry and Roger D. Porter, as members of the Advisory Committee for 911 Service Oversight;

Also,

Stephen L. McBee and John F. Morrison, as members of the Citizens' Advisory Commission for Marketing Missouri Agricultural Products;

Also,

Leni R. Fluegge, as student representative of Southeast Missouri State University Board of Regents;

Also,

Carl A. Kinnison, Kenneth L. Gregory and Ronald S. Johnson, as members of the Peace Officer Standards and Training Commission;

Also,

Janice M. Jones, Republican, as a member of the Missouri Real Estate Appraisers Commission;

Also,

Kenneth L. Miller, Republican, as a member of the Linn State Technical College Board of Regents;

Also,

Kathleen A. Carter, as a member of the Mental Health Commission;

Also,

Charles H. Waalkes, Harold E. James and Cathy E. Stroud, Republicans, as members of the

Credit Union Commission;

Also,

Barbara A. Bilek, as a member of the State Board of Pharmacy;

Also,

Stephen L. Foster, Democrat, as a member of the Platte County Election Board;

Also,

Marcia L. Bennett-Hazelrigg, Democrat, as a member of the Tourism Commission;

Also,

Becky L. Plattner and Don R. Johnson, Democrats, as members of the Conservation Commission;

Also,

Terry L. Ramsey, Robert P. Neumann, Anne G. Rottman and Christopher A. Gordon, as members of the State Historical Records Advisory Board;

Also,

Patricia I. Carter, as a member of the Coordinating Board for Early Childhood;

Also,

Michael R. Covington and Sheldon L. Lineback, as members of the Amber Alert System Oversight Committee;

Also,

Kenneth L. Read, Republican, as a member of the Truman State University Board of Governors;

Also,

Vincent C. Schoemehl, Jr., as a member of the Bi-State Development Agency for the Missouri-Illinois Metropolitan District;

Also,

Kenneth D. Legan, Republican, as a member

of the Missouri Ethics Commission;

Also,

Joshua T. Travis, Andres M. Dominguez, Claudette M. Scott and Dana M. Hardy, Democrats, as members of the Missouri Community Service Commission;

Also,

Robert C. Kramer, Democrat, as a member of the Environmental Improvement and Energy Resources Authority;

Also,

Dorothy M. Creager, as a member of the Board of Boiler and Pressure Vessel Rules;

Also,

Jose H. Lopez, Democrat, as a member of the Jackson County Sports Complex Authority;

Also,

Thomas F. Myers, Republican, as a member of the Dam and Reservoir Safety Council;

Also,

David Poggemeier, Republican, as a member of the State Board of Registration for the Healing Arts;

Also,

Frances A. Hogue, as a member of the Missouri Board for Respiratory Care;

Also,

Brian D. Dunlop and Peggy S. Pearl, as members of the Child Abuse and Neglect Review Board;

Also,

Carl D. Nelson and Dawn M. Standley, as members of the Board of Therapeutic Massage;

Also,

Linda A. Englemann, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

August 29, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointments to office submitted to you on August 20, 2007 for your advice and consent:

Mary I. Beveridge, 6164 Charlotte Street, Kansas City, Jackson County, Missouri 64110, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2009, and until her successor is duly appointed and qualified; vice, James Giles, resigned.

Daniel K. Carr, Republican, 1932 High Drive, Liberty, Clay County, Missouri 64068, as a member of the Missouri State Penitentiary Redevelopment Commission, for a term ending March 3, 2008, and until his successor is duly appointed and qualified; vice, Daniel K. Carr, withdrawn.

John L. Evans, Republican, 3789 South East Highway 33, Lathrop, Clinton County, Missouri 64465, as a member of the Amusement Ride Safety Board, for a term ending April 17, 2009, and until his successor is duly appointed and qualified; vice, John L. Evans, withdrawn.

Derio L. Gambaro, Democrat, 5320 Wilson Avenue, Saint Louis City, Missouri 63110, as a member of the State Board of Education, for a term ending July 1, 2012, and until his

successor is duly appointed and qualified; vice, Donayle Whitmore-Smith, withdrawn.

Anton H. Luetkemeyer, 156 East Old Plank Road, Columbia, Boone County, Missouri 65203, as student representative of the University of Missouri Board of Curators, for a term ending January 1, 2008, and until his successor is duly appointed and qualified; vice, Maria Curtis, term expired.

John P. Orr, Democrat, 55 Moorgate Court, Saint Peters, Saint Charles County, Missouri 63376, as a member of the Elevator Safety Board, for a term ending June 6, 2010, and until his successor is duly appointed and qualified; vice, George Lodes, term expired.

Ben A. "Todd" Parnell, Democrat, 3545 Cinnamon Place, Springfield, Greene County, Missouri 65809, as a member of the Clean Water Commission, for a term ending April 12, 2008, and until his successor is duly appointed and qualified; vice, Thomas Hermmann, term expired.

Wayman F. Smith, Democrat, 6159 Lindell Boulevard, Saint Louis City, Missouri 63112, as a member of the Harris-Stowe State University Board of Regents, for a term ending July 28, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Christopher S. Stigall, 11101 North Hunter Avenue, Kansas City, Clay County, Missouri 64157, as a member of the Amber Alert System Oversight Committee, for a term ending October 20, 2009, and until his successor is duly appointed and qualified; vice, RSMo 210.1014.

Richard "Rick" Sullivan, Jr., 10600 Ballantrae Drive, Saint Louis, Saint Louis County, Missouri 63131, as Chief Executive Officer of the Transitional School District of Saint Louis City, for a term ending June 15, 2010, and until his successor is duly appointed and qualified, or the transitional district is dissolved or terminated; vice, RSMo 162.1100.

Respectfully submitted,

MATT BLUNT

Senator Gibbons moved that the above

appointments be returned to Governor per his request, which motion prevailed.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

August 29, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I write to inform you that I have appointed Senator Brad Lager to serve on the Senate Standing Committee on Rules, Jt. Rules, Resolutions and Ethics.

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Coleman introduced to the Senate, Dr. Diana Bourisaw, Superintendent, St. Louis Public Schools.

Senator McKenna introduced to the Senate, Don Johnson, Festus.

Senator Smith introduced to the Senate, Benjamin Singer, Chesterfield.

On motion of Senator Shields, the Senate adjourned until 10:30 a.m., Thursday, August 30, 2007.

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Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

SIXTH DAY—THURSDAY, AUGUST 30, 2007

The Senate met pursuant to adjournment.

Emergency clause adopted.

President Pro Tem Gibbons in the Chair.

SIGNING OF BILLS

RESOLUTIONS

On behalf of Senator Kennedy, Senator Gibbons offered Senate Resolution No. 79, regarding the Sixtieth Anniversary of the founding of the city of Bella Villa, which was adopted.

On behalf of Senator Shoemyer, Senator Gibbons offered Senate Resolution No. 80, regarding the One Hundred Fiftieth Anniversary of Calumet Presbyterian Church, Clarksville, which was adopted.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended, to **HCS** for **HB 1** and has taken up and passed **SCS** for **HCS** for **HB 1**, as amended.

The President Pro Tem announced that all other business would be suspended and **SCS** for **HCS** for **HB 1** and **HB 2**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

On motion of Senator Gibbons, the Senate of the First Extraordinary Session of the First Regular Session of the 94th General Assembly adjourned sine die, pursuant to the Constitution.

PETER KINDER
Lieutenant Governor

TERRY L. SPIELER
Secretary of Senate

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Journal of the Senate
NINETY-FOURTH GENERAL ASSEMBLY
OF THE
STATE OF MISSOURI
FIRST REGULAR SESSION
VETO SESSION

FIRST DAY—WEDNESDAY, SEPTEMBER 12, 2007

The Senate was called to order in Veto Session by Senator Scott.

The Reverend Carl Gauck offered the following prayer:

“The Lord will give strength unto his people; the Lord will bless his people with peace.” (Psalm 29:11)

Gracious God, we gather as required to complete our obligation; we do so mindful of all that has transpired and remain faithful to You, thankful for the opportunities we have had this year. As we do gather we are also mindful of the anniversary of grief we have shared due to 9/11 and rest comfortable in Your loving care. We raise before You our special grief at the death of Senator Graham’s father, Andy, who died on the 2nd of this month. We ask for Your comfort and presence for the family and those who mourn his death and commit Andy to Your bosom where true love is known. We thank You Lord for all You provide us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

The following Senators were present during the day's proceedings:

Present—Senators			
Barnitz	Bartle	Bray	Callahan

Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

Senator Shields announced that photographers from Fox News Channel were given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Shields offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate is duly convened and is now in session as provided by Article III, Section

32 of the Constitution and is ready for the consideration of its business.

Senator Shields offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 2

BE IT RESOLVED by the Senate that the rules of the Senate, as adopted by the Ninety-fourth General Assembly, First Regular Session, be declared to be the rules of the Veto Session of the Ninety-fourth General Assembly.

Senator Crowell offered Senate Resolution No. 3, regarding Helen Frick, which was adopted.

Senator Crowell offered Senate Resolution No. 4, regarding Regina Zoellner, which was adopted.

Senator Crowell offered Senate Resolution No. 5, regarding F.D. "Bud" Shoulders, which was adopted.

Senator Crowell offered Senate Resolution No. 6, regarding Judy Pruett, which was adopted.

Senator Crowell offered Senate Resolution No. 7, regarding Eugene McCaig, which was adopted.

Senator Crowell offered Senate Resolution No. 8, regarding Dallas Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 9, regarding Mary Hutson, which was adopted.

Senator Crowell offered Senate Resolution No. 10, regarding Herbert Hodges, which was adopted.

Senator Crowell offered Senate Resolution No. 11, regarding Keith Hampton, which was adopted.

Senator Crowell offered Senate Resolution No. 12, regarding Jacelyn Doiron, which was adopted.

Senator Crowell offered Senate Resolution No. 13, regarding Dennis Blunkall, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 1**.

HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-fourth General Assembly, First Regular Session, inform the Governor and the Senate that the House is duly convened and is now in session in the 2007 Constitutional Veto Session and ready for consideration of business.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 2**.

HOUSE RESOLUTION NO. 2

BE IT RESOLVED by the House of Representatives, that the Chief Clerk of the House of Representatives inform the Senate that the House, having been duly convened as provided by Section 32, Article III of the Constitution, made no motions to override the Governor's vetoes on **CCS** for **SCS** for **HCS** for **HB 9**, **CCS** for **SCS** for **HCS** for **HB 12**, and **SS** for **SCS** for **HCS** for **HB 327** when the bills were called by the Speaker.

INTRODUCTIONS OF GUESTS

Senator Kennedy introduced to the Senate, Dr. Christa Warner, Oakville.

Senator Ridgeway introduced to the Senate, Jerlynn Haile and Linda Scott, Clay County; and Ellie Cierpiot, Kansas City; and Ellie was made an honorary page.

Senator Graham introduced to the Senate, Coach Mike Keeney and Roscoe Robinson, Westran High School Class 2 State Long Jump Champion; and his parents, Mrs. Dimple Robinson and Willie B. Robinson, Huntsville.

Senator Graham introduced to the Senate, Coaches Craig Brumfield, Jeff Echelmeier and Travis Floyd; and Connor Brumfield, Matt Echelmeier, Jake Floyd, Matt Widhalm, Chandler

Ardini, Jared Myers, Carter Gerling, Nick Vandegriffe, Payton White, Joe Barbee, Jack Knoesel and Drake Short, members of the State Champion Daniel Boone Little League National All Star Team, Columbia.

Senator Mayer introduced to the Senate, Rob Callahan, Poplar Bluff.

On behalf Senator Scott, the President introduced to the Senate, Joe Bell, Tunis.

Senator Champion introduced to the Senate, Kaitlyn Lundberg, Jason Inman, Kara Sakelarakis

and Jaymes Wapp, Springfield.

On motion of Senator Shields, the Senate of the Veto Session of the First Regular Session of the 94th General Assembly adjourned sine die, pursuant to the Constitution.

PETER KINDER
Lieutenant Governor

TERRY L. SPIELER
Secretary of Senate

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